SENATE—*Tuesday, September 17, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious, loving Father, who has taught us to give thanks for all things, to dread nothing but the loss of closeness with You, and to cast all our cares on You, who cares for us, set us free from timerous timidity when it comes to living the absolutes of Your Commandments and speaking with the authority of Your truth. We are living in a time of moral confusion. We talk a great deal about values, but have lost our grip on Your standards. Bring us back to the basics of honesty, integrity, and trustworthiness. We want to be authentic people rather than professional caricatures of character. May people know that they will get what they see. Free us from capricious dissimulations, from covered duality, from covert duplicity. Instead of manipulating with power games, help us motivate with patriotism, grant us the passion we knew when we first heard Your call to political leadership, the idealism we had when we were driven by a cause greater than ourselves, and the inspiration we knew when Your Spirit was our only source of strength. May this be a day to recapture our first love for You and our first priority of glorifying You by serving our Nation. In the name of our Lord and Savior. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately begin consideration of the conference report to accompany the energy and water appropriations bill. Following the debate, at 11 o'clock the Senate will then resume consideration of the Interior appropriations bill, with the Bumpers amendment regarding grazing fees pending. The Senate will recess for the party conference lunches between the hour of 12:30 and 2:15 p.m. At 2:15, there will be an additional 20 minutes for debate on the Bumpers amendment and, following that debate, the Senate will proceed to two consecutive votes, first on or in relation to the Bumpers amendment to be followed immediately by a vote on adoption of the energy and water appropriations conference report.

Following those votes, the Senate will resume consideration of the Interior appropriations bill and additional votes can be expected on amendments to that bill this afternoon. It is hoped, with the cooperation of our colleagues, the Senate can complete action on the Interior appropriations bill this evening, hopefully.

Again, Senators can expect busy sessions this week and should plan accordingly. It will be almost impossible to complete our Senate business in the time we have allocated if Members expect no rollcall votes in the evenings because of prior commitments. Last week I had requests: That we not have votes during the day on Monday or on Monday night; please do not have one on Tuesday morning; could we not have one on Wednesday night; how about on Thursday? I was thinking maybe we could just stack all the votes at 10 o'clock on Wednesday.

I would like to accommodate all Senators, and many of these requests are very legitimate. Sometimes they are based on very important commitments or illness or all kinds of things. But I think, during the next few days, as we try to come to the conclusion of this session, Senators need to be very hesitant to request such delays in votes.

I remind all Senators that, if they insist on offering nongermane amendments to these appropriations measures, it will only delay disposition of the important spending bills as we approach the end of the fiscal year.

Also, we are going to work very hard this afternoon and tomorrow and Thursday to see if we cannot take up some other issues. Always we try to work on conference reports when they are available, particularly if they are appropriations conference reports. We are working to see if we can get some clear understanding on time and very tight limit on amendments, if any, on the Federal Aviation Administration authorization. We need to get that done before we leave. I would like to see if we cannot get that done tonight, with the debate occurring after we complete debate or action on the Interior appropriations. We might take up the FAA authorization, say at 6 or 7, and let all the debate time go on tonight with vote or votes on that occurring first thing in the morning.

Tomorrow I would like to see if maybe we can do the Magnuson fisheries bill. We have a lot of work done on that. We need to get it done before we leave. Again, maybe we could work on the debate during tomorrow night, with votes occurring on Thursday morning.

We are also going to see what sort of time would be desired if we took up the maritime bill.

So, my thinking is during the day, for the most part we will stay on the appropriations bills, either Interior appropriations or the energy and water conference report, as we are doing this morning, and then at night we will try to take up some of these authorizations that have been agreed to or we are trying to get agreement on. That way we can make good progress during the week.

I want to emphasize something I said about nongermane amendments. We have good managers of this bill. This is an important bill. Yes, it has some controversial features in many and various areas, but you have the chairman of the committee, Senator SLADE GORTON, who has been doing very good work, and the ranking member from West Virginia, Senator BYRD, who are certainly two of the best managers we have. I urge my colleagues do not come in with a lot of nongermane amendments. Last week we saw over 10 amendments offered, most of them nongermane.

I have been playing it straight. I am trying to see that we get our work done. But, if we wind up seeing this is just a political game, then we will not be able to get this legislation done. And we will not tolerate it. Then we will get into a total political mode. We should do the business of the people and then we can go out and campaign for reelection based on political issues that we think need to be debated. We should not do it here on the floor of the Senate with nongermane amendments. I hope that will not happen this week as it did last week, which caused us to have to take down the Treasury-Post Office appropriations bill. Apparently we will not be able to get it back up. So we will just have to put that bill in the continuing resolution, which I hope we can get an agreement on sometime by the end of the week and vote on in some form next week.

Mr. President, I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the report on H.R. 3816 will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

amendment of the Senate to the bill (H.R. 3816) making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of September 12, 1996.)

The PRESIDING OFFICER. The time until 11 a.m. will be divided: 15 minutes to the distinguished Senator from New Mexico [Mr. DOMENICI]; 15 minutes under the control of the Senator from Louisiana [Mr. JOHNSTON]; 15 minutes under the control of the Senator from Michigan [Mr. LEVIN]; the remaining 15 minutes under control of the Senator from Illinois [Mr. SIMON].

The distinguished Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I am pleased to bring to the floor the conference report to accompany H.R. 3816, the Energy and Water Development Appropriations Act for fiscal year 1997.

This conference report passed the House last Thursday by a vote of 383 to 29. I thank again the former chairman of the subcommittee, and now ranking member, for his assistance in developing this bill.

I also thank the chairman of the full Appropriations Committee, former chairman and ranking member of the Energy and Water Development Subcommittee, Senator HATFIELD, for his help in bringing this bill before the Senate. His guidance and assistance with regard to allocations has been of tremendous importance, and the subcommittee is indebted to his leadership.

This conference report is consistent with the allocations set forth in the Senate Report 104–320. Specifically, the conference provides $11.352 billion in budget authority and $11.39 million in outlays for defense activities.

For nondefense activities, the conference report provides $8,620,000,837 in budget authority and $8.884 billion in outlays.

These levels are significantly above the levels of the House-passed bill but below the levels provided by the Senate and passed as its energy and water development bill.

Of the $700 million difference between the House and Senate on the proposed level of defense spending in this act, the conferees retain $500 million—a long way toward the Senate position but still $200 million less than the Senate-passed bill.

In other words, we funded $200 million more of defense programs in this bill when it passed the Senate than this bill has in it as it returns from conference.

For nondefense spending, the conferees were provided an allocation of $100 million above the original House allocation—better than a split of the $187 million difference between the two bills. Nonetheless, it is $87 million less for the nondefense portion than it was when it passed the Senate.

Why do I make these points on the $200 million and the $87 million? Because some projects and activities that were in the bill as it passed the Senate are not in the bill as it returns from the House. That is because there was less money allocated and arrived at as an agreement between the two bodies on what could be spent from the overall budget. But, clearly, we are within the caps established for defense. We have not used any more than the allocation. In fact, we returned some of the defense allocation to the full committee for them to use either in defense or otherwise. That will, obviously, be reallocated if it is not very soon so that we can get on with trying to solve some of the problems in other bills and other needs.

To the best of our abilities, the conferees have sought to protect science and technology programs from significant reductions while providing for the water projects of importance to so many Members.

In essence, this is a very interesting bill. Clearly, a majority of the funding goes to the Department of Defense activities within the DOE. Nonetheless, there is a large portion that is not defense activities, and that is domestic activities which essentially are made up predominantly of water projects, reclamation projects, and the like, of both the Corps of Engineers and the Bureau of Reclamation. Everyone knows with reference to both of those entities and the projects that as they run, operate, start, and complete, the funding is going down, not up.

Again, we were not able to give every State the projects in flood control and the like that Senators had requested, but we think we have done as good a job as the money would permit.

Mr. President, on page 37 of the report before us there is a typographical error. I would like to just read the paragraph at the bottom of page 37.

The conferees have, however, included language in the bill which directs the Secretary of the Army to begin implementing a plan to reduce the number of division offices to no more than eight and no less than six on April 1, 1997, which provides authority for the Corps of Engineers to transfer up to $1.5 million into this account from other accounts in this title to—

"Mitigate" should be the word, and not "investigate."

Mitigate impacts in the delay in the implementation of the division closure plan.

Mr. President, I would like to take a few minutes and talk about the ranking member, Senator J. BENNETT JOHNSTON, from the State of Louisiana, who has for many years been chairman of this subcommittee and has served in various capacities, including chairman of the Energy and Natural Resources Committee of the Senate. He has decided that he is not going to seek reelection, and thus will leave the Senate.

In 1972, when I came to the U.S. Senate, I was met by a lot of new faces, people I had never known, or people I had perhaps read a little bit about. One of those new Senators was J. BENNETT JOHNSTON.

I would like to state the relationship for the last 24 years. While we have to some extent gone our own ways in work around here, Senator JOHNSTON and the Senator from New Mexico have had a rare opportunity to work together in many, many areas that I believe have been very important to our country. He has become an expert in the area of nuclear energy. He is courageous in that area second to none. He understands it. He is not frightened by it. He gets good science and good engineering. He takes the initiative to try to get the facts where many would seek not to have facts, but rather to predicate their arguments on sentiments and on ideologies. He seeks to get the facts in the field of energy.

So I conclude that he is also one of the best experts on the research capabilities of our Nation in that he has worked diligently to understand the national laboratories, a number of which are under the jurisdiction of the Department of Energy. In fact, I believe there is no better friend of basic science research than J. BENNETT JOHNSTON in the U.S. Congress. He has not only spoken to it and has become expert at it, he has acted accordingly. He has become an ally of the United States maintaining the highest level of science in the Department of Energy through its nuclear defense laboratories.

Today, I want to thank him for his efforts, congratulate him for his wisdom, his vision and, most of all, his courage. And I believe I would be remiss if I did not say that J. BENNETT JOHNSTON is without peer in the U.S. Senate when it comes to legislators. When it comes to sitting around working with Senators, trying to get a bill passed, he is a master. He is going to be missed. This committee is going to miss him. The Energy and Water Committee is going to miss him. The U.S. Senate will miss him, and the Congress will miss him.

Mr. President, I see Senator COATS, from Indiana, on the floor. I inquire, would he like to speak on the bill now?

Mr. COATS. I have a hearing this morning at 10. If I could do that now, I will not take a lot of time. I will be happy to do that.

Mr. DOMENICI. I am going to yield the floor so he can use some of his time. The other Senator who desired to speak, for whom time is reserved, is Senator SIMON from Illinois. I would

like to put him on notice, at this point we do not intend to use our 45 minutes, just a small portion of it. Senator JOHNSTON is not going to use any of his time. So, it would seem that the Senator from Illinois should be prepared to make his 15-minute remarks very soon. I hope he will be prepared to do that.

I do not mean to make things unaccommodating but, frankly, we do not need 45 minutes. I do not have any objections of any significant nature to this bill.

I yield at this point to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I thank the Senator from New Mexico for yielding this time. I asked for the time in order to explain the situation to our colleagues over the whole issue of out-of-State trash.

As my colleagues know, this has been an issue that I have been relentlessly pursuing now for 7 years or so, with great success in the U.S. Senate but lousy success in the House of Representatives, in terms of getting a bill to conference that we can then work out our differences on and put on the President's desk for signature.

Five times in the last 6 years the U.S. Senate has voted for legislation I have presented regarding this question of out-of-State trash, and voted so in a fairly overwhelming, bipartisan fashion. The bills that we have presented have been the work of some very diligent and painstaking work with our colleagues and their staffs to attempt to find a resolution to a very difficult problem that exists in almost every one of our States.

Many of our States, because of their population or their geographic location, environmental concerns or others, find themselves in a position where they are not able to adequately dispose of the volumes of trash that are generated on a day-to-day basis. Other States have less density and capacity to receive some of that trash.

We are not attempting to impede the negotiated transfer of that trash from exporting States to importing States. What we are attempting to do, and what I have attempted to do now over the last 6 or 7 years, is to fashion a way in which the importing States, of which I represent one, have a say in the process.

Right now, because the Supreme Court has decreed over a number of decisions that garbage, interstate trash, is considered interstate commerce, the States have virtually no authority to regulate or to monitor or to place any limitations on the amount of out-of-State trash that comes into their particular States.

My effort has been to put them at the table so that they can sit down with the exporting States and find a way to negotiate, if it is in their best interest—and it is in the interest of many States to receive this because it is commerce and it does generate revenue—but also to say that either we cannot do this now or our own needs have placed us in a situation where we are at capacity and we cannot receive your trash, and you will have to work something else out. In other words, we want to give the recipient communities and States the right to dictate their own environmental future as it relates to the generation of everyday trash, which is literally millions of tons across this country.

Recognizing the problems of the exporting States, recognizing the problems of the importing States, we have been able to work with Senators, Governors, legislators, experts, waste haulers and others to fashion a compromise piece of legislation which gives importing States the right to say no or to limit reasonably, but which also preserves the right of exporting States to enter into agreements with the recipient States and/or counties and/or municipalities if they so desire.

As I said, these measures have passed the Senate in an overwhelmingly bipartisan fashion, only to hit a roadblock, particularly in the last Congress, in the House of Representatives. The relevant subcommittee in the House passed out a measure, I believe, by unanimous vote but was never able to secure a full Commerce Committee hearing or full Commerce Committee disposition of that issue. And so, because that has been stalled in the other body now for more than a year, because our previous efforts have been frustrated, sometimes in the House, sometimes in the Senate, but frustrated in terms of completing the process, I took the opportunity, along with Senator LEVIN, to search out a vehicle which we thought was as close to relevant as we could get, and attach what the Senate had passed, on an overwhelming basis—94–6, a pretty solid vote—attach that to the energy and water appropriations bill.

That is not my preferred option. My preferred option is to make it a stand-alone bill, as we did in the Senate, and have the House take it up in a stand-alone bill, but we were thwarted in that effort on the House side. So we thought, is there a way we can jump-start this process in the House? So we attached it to the energy and water appropriations bill, which then passed the Senate and went over to the House.

After some diligent efforts to encourage the conference committee to pass back to the House and the Senate their conference bill with the Senate trash amendment attached, we were disappointed to learn that the House, despite some diligent efforts on the part of some Indiana colleagues and others, friends in the House who supported this effort, Congressman SOUDER, Congressman BUYER, Congressman VISCLOSKY, Republicans and Democrats, we were not able to secure approval from the House conferees on this matter. So the energy and water bill conference report comes back to us without the interstate trash measure attached.

I am bitterly disappointed that once again we are unable to deal successfully with a problem that everybody knows needs to be dealt with. It is not just my State of Indiana, which has seen a fairly dramatic decrease in the amount of trash come into the State. Since I have taken such a vocal and active role, I think maybe the exporters and trash haulers are trying to tone down my rhetoric or dampen my enthusiasm for moving forward on this legislation. But what has happened is that trash has simply moved to another State—Pennsylvania, Ohio, Kentucky, Michigan, Virginia. A number of other States have now become unwanted recipients and virtually have no power to do anything about it.

By the same token, we have seen a fairly dramatic increase in the export of trash to Indiana. The first two quarters of 1996 now total almost the entire amount we received in 1995. So our line has gone back up, and the problem is becoming serious again in Indiana.

But I am really here speaking for a broad coalition of States, of members of both parties, of Governors who represent both the Democrat and Republican parties, of States that feel that they have no control over their environmental future, over their environmental destiny. And they are basically saying, "Look, we're taking care of our problem intrastate, and we are simply asking that we have an opportunity to address successfully our environmental goals in disposing of our own waste without being overwhelmed by someone else's environmental problems that are loaded onto trucks and loaded onto trains, on a daily basis, shipped overnight, and dumped in our landfills."

We have landfills in Indiana that, by referendum and painstaking efforts on the part of municipalities, have been created, with the promise to the taxpayers, the promise to the citizens of the community, that it will take care of disposal needs for that municipality or that county for 15, 20, 30 years in the future. And so bond referendums are passed, the taxpayers commit to it, only to find out those landfills are filled up in 2 years by a massive influx of out-of-State waste over which we have no ability to say no or to let us reason together here. "We can't take yours, but there's one down the road that might be able to accept it, or you can enter into an agreement, and maybe if we can work out some negotiated payments, and so forth, we can create a bigger capacity, and we will take it to generate revenue for our communities and our schools and our roads," et cetera.

So here we are now with the energy and water conference report back without the trash. Trash, once again, has been allowed to flow without any reasonable restraints. I regret that.

But I wanted to let my colleagues know the diligent efforts that we have been making in the Senate, the representation of our Senate conferees, Senator DOMENICI, Senator JOHNSTON, representing the Senate position, but we simply were not able to prevail over the House position and those in charge who wanted to keep the energy and water appropriations report free of this particular legislation. I realize it is not directly relevant, but I am frustrated that I do not have any opportunity to move the process forward except to offer these kinds of amendments.

I will conclude simply by putting the majority leader on notice that Senator LEVIN and I, Senator SPECTER and others, are seriously considering adding an amendment to a continuing resolution if, in fact, we have to have a continuing resolution—not because we want to make the majority leader's life any more difficult than it already is, not because we want to delay the Senate adjournment, not because we think it even necessarily belongs on a continuing resolution, but because we have literally run out of options.

It will do no good in the Senate to pass the bill a third time. The House has made every possible effort—maybe there are some other means they could use between now and the end of the session to try to force the key people in the House to accept some type of legislation that deals with this so we can at least get to conference and resolve our differences. Every effort that has been attempted over there has come up with an inability to finalize the process. So we will be looking at that.

I just want to put the majority leader and my colleagues on notice that this issue is not going to go away. It is not getting any better. It is getting much worse for many, many States. As long as I have breath and am privileged to represent the people of Indiana in the U.S. Senate, I am going to look for every way possible to pass this legislation to give our States and other States the right that I believe they should constitutionally have to make decisions that affect their own environmental destiny, their own futures, and deal with their problems.

It is reasonable legislation. We have every reason to believe it is constitutional legislation. The Court has clearly said that this Congress has the authority to regulate interstate commerce. We are not attempting to stop interstate commerce. We are simply attempting to put the receiver and the Senator at the table so they can reasonably negotiate this flow of trash from one State to another without imposing one State's burden on another State, when that State has no ability to negotiate terms.

I want to thank the Senator from New Mexico for his efforts in helping us to try to move the Senate position. I want to thank the Senator from Louisiana, Senator JOHNSTON, for his efforts. I know I have loaded their bill with something that they were not happy to see, but yet they attempted to advance the Senate position. They have been supporters of my efforts. I appreciate their efforts. I know they feel it is also unfortunate that we have not been able to move this. With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico has 31 minutes remaining.

Mr. DOMENICI. Mr. President, I am going to speak for 2 minutes because I see Senator SIMON is here and would like to speak.

Senator MCCAIN asked that we seek a rollcall vote. Therefore, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I say to Senator COATS, I think oftentimes in the Congress it takes a lot longer for good things to get done than anybody around would ever imagine. I believe the cause that the Senator is talking about here today is one of those.

The reason I helped on the floor is because it is inconceivable to me that we will not make the Coats legislation the law of the land, it has such overwhelming support in this body. If you really have a vote in the House of Representatives, it has overwhelming support there.

I am very sorry we are going to conference with a major piece of authorizing legislation that was not in the House bill—that I could not succeed in keeping it there. Obviously, the House has different factions in regard to this bill. We were caught by those factions and something procedural that is not part of the Senate's business. We did the right thing here in the Senate to give it a try.

I thank you for your kind remarks this morning. I think we did everything we could and still get a bill on appropriations. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I thank my colleague from New Mexico for yielding.

I rise to express concern as to what is not in this bill. Thanks to the cooperation of Senator DOMENICI—on a piece of legislation that is cosponsored by Senator BROWN, the Presiding Officer—we did pass legislation authorizing research in the area of converting salt water to fresh water.

Now, that may seem not very important, but long term, 20 years from now—if I am around 20 years from now; the Presiding Officer will be around—the headlines in the newspapers are not likely to be about oil. They are likely to be about water.

Let me give a capsule of where we are in the world and what we need to do to start moving ahead in the same way that Senator DOMENICI has been moving ahead on mental health. Sometimes you have to lose a few battles before you win the battles. We are in a situation where, depending on whose estimate you believe, in the next 45 to 60 years we will double the world's population. Our water supply, however, is constant. Now, you do not need to be an Einstein to understand we are headed for major problems. Yet 97 percent of the world's water we cannot use. It is salt water. We live on less than 3 percent of the water. I say less than 3 percent because a lot of the fresh water is tied up in snow and icebergs and other things. We are headed toward major problems.

The World Bank says in 20 years 35 nations will have severe water problems. You can find substitutes for oil. There is no substitute for water. That is why people like President Sadat, the late Prime Minister Rabin and others have said if there is another war in the Middle East, it will not be over land, it will be over water.

There have been people in the past who have recognized this need. It is interesting, Mr. President, that Dwight Eisenhower, President of the United States, did on several occasions mention that this is an area we have to move ahead on. In his final message to Congress, his final State of the Union Message, Dwight Eisenhower said one of the things we have to work on is finding less expensive ways of converting salt water to fresh water. The reality is the cost of fresh water is gradually going up, the cost of desalinating water is gradually coming down, but there is a great gap there. That great gap is going to hurt us unless we move in the area of research. What I was trying to do and what we had on the floor here is we put $5 million out of the $14 million that are authorized.

Dwight Eisenhower was not alone. In 1962, John F. Kennedy was asked at a press conference, What is the most important scientific breakthrough you would like to see during your term as President? He said, "You heard me talking about getting a man to the Moon, but let me tell you if you really want to do something for humanity, we should find a less expensive way of converting salt water to fresh water."

Almost 70 percent of the world's population lives within 50 miles of the ocean. If we could get a breakthrough on converting salt water to fresh water, California would not have the problems it is heading toward and California could share water with New Mexico and other States. I was looking through reports on rural water districts and was looking at New Mexico

the other day, and in New Mexico, unlike Illinois and many other States, there is an inadequate water supply for a lot of rural communities. Desalination, in some cases converting brackish water to fresh water—primarily we have to be looking toward converting seawater to fresh water. And it is interesting—I was in Israel about 3 weeks ago. I met with the new Prime Minister and with former Prime Minister Shimon Peres. Let me tell you, every Israeli public official can speak very knowledgeably about water because it is so crucial to their future. We have not had a significant breakthrough since 1978 in this research. At one point, in current dollars, we were up to about $121 million a year that we were spending in research. It has gone down. Incidentally, sometimes you accidentally get breakthroughs. Through the breakthrough in reverse osmosis, we developed a breakthrough in renal dialysis for people who have kidney disease. It used to be, if you had kidney disease and you wanted to have renal assistance, you had to go to a hospital. It was a very complicated process. It is still not good, but there was a significant breakthrough. But we need to get additional breakthroughs at this time. It is just vital to the future of humanity.

In areas that do not grow any crops, like much of New Mexico, if you get enough water there, all of a sudden, it is going to be very productive land. There is nothing that could do as much to lift the standard of living of humanity, as a whole, than to find less expensive ways of converting salt water to fresh water. When you double the world's population—and I stress that every estimate is that we are going to double the world's population either in 45 years or 60 years. I have seen, in my lifetime—and I was born in 1928—a tripling of the world population. Fortunately, we have been able to produce enough food so that the quality of life for most people on the face of the Earth has gone up. That will not continue, unless we find another supply of water.

Converting salt water to fresh water is inexpensive enough for drinking purposes. But the difficulty is that almost 90 percent of the water we use is for industrial and agricultural purposes. That, today, is far too expensive.

One of our problems in Government—and I say this to the Presiding Officer, who is retiring along with me and, I think, maybe looks at these things from a little perspective—one of our problems in Government, as is the problem in American business today, is that we are much too short term in our outlooks. In politics, we are looking at the next election and what is going to happen. In business, it is the next quarterly report or the next stockholders meeting. One of the things, long term, that is vital to humanity, is seeing to it that we have water—water to grow crops, water for industry, water to drink. This water that we take for granted is not something that can be taken for granted in the future.

I mention this now not to raise opposition to this bill, but I will be trying to put this small—and it is small, relative to where we should be—my colleague, Senator HARRY REID said to me, "It is almost embarrassing that we are just asking for $5 million when you have such a pressing need." I am going to do my best to see that on the continuing resolution we have some money for this purpose. It really is vital to the future of our country. It is vital to the future of civilization. I hope we can move in a constructive direction.

I yield the floor, Mr. President.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. How much time remains now, and who has time?

The PRESIDING OFFICER. The Senator from New Mexico has 29 minutes 22 seconds. The Senator from Illinois has 4 minutes 54 seconds.

In addition, other time is reserved for Senator LEVIN from Michigan, who has 15 minutes, and Senator JOHNSTON from Louisiana, who has 15 minutes.

Mr. DOMENICI. Let me repeat, using my time, for Senator LEVIN, I understand that, according to the consent order, we could be here until 11, and, technically, he could come here 15 minutes before and use his time. I hope he tries to get here sooner than that because we are going to be finished soon, and I will yield back whatever time I have and leave the floor for Senator LEVIN. Let me take a couple of minutes to engage in dialog.

Mr. SIMON. Mr. President, I yield the balance of my time.

Mr. DOMENICI. On my time, let me compliment the Senator from Illinois. As on much legislation around here, he has, again, taken a farsighted view. I hope when you speak of living near oceans, you will add to your thoughts and comments that there are millions who live near brackish pools that look like seas, they are so big. We have a giant one around the community of Alamogordo, NM, a huge brackish underground reservoir. It varies in its degree of salinization. On one end, it is almost fresh. On the other end, it is contaminated mostly by salt.

It would transform many situations in our Nation, much less the world, to water-supply long instead of water-supply short. I am not sure that $5 million would do the job. I think it is appropriate—and the Senator alluded to it—other countries are spending significant money. I know that in the Middle East substantial money is being spent by Israel, and others, in attempting to make the scientific breakthroughs. Obviously, we have many ways that we have proven up scientifically to produce potable water for drinking. It is economic in that sense. People are going to have drinking water, because of a number of breakthroughs of the last decade, at rather reasonable rates. It is the larger context of need that desalinization looks like a very exciting and much-needed technology that we ought to work on.

The Senator alluded to the last time we funded desalinization projects. The last desalinization plant attempting to make breakthroughs was actually Roswell, NM. It existed for 3 or 4 years after everything else was shut down in the program. Frankly, the costs were extremely high at that point, in terms of whether we were anywhere close to a breakthrough. I assume much technology has gone through the pipeline since then, and we are probably getting closer.

I am sorry that the House would not accept your $5 million proposal. Obviously, we had a lot of requests and a shortage of money. On the domestic side, which this would be, it is not part of the defense programs in this bill. We actually had to remove many projects, or reduce them dramatically, that both Houses considered as being good. That is because we did not have enough money. This one fell to the House's action on the basis that they did not consider it and they did not have appropriate hearings in the House. I regret that is the case.

I thank the Senator for his efforts.

Mr. SIMON. If my colleague will yield, let me say that the conversion of brackish water is less expensive than the conversion of sea water. It is one of these areas where the two work together. If we can find the answer for one, we are going to find the answer for the other.

The Senator is correct that other nations are doing more. It is very interesting that the metropolitan water district of Los Angeles, which is the biggest water district in the United States—maybe in the world, I don't know—is doing some research on desalinization. They are getting $3 million in aid from Israel for their experiment, for their research. You know, we really should not have to depend on foreign aid to get this research done.

We ought to be working with other countries. I am not going to be here next year. I hope we can get a small start for the $5 million yet this year in the continuing resolution. And then I hope in the future, when Senator DOMENICI, Senator SPECTER, and others are here, that Senator DOMENICI can push this area that is so important.

Let me just add one final word. Shimon Peres wrote a book in which he says that the real key to stabilizing the Middle East is finding less expensive ways of converting saltwater to freshwater. That was one of the points that Dwight Eisenhower made a long time ago.

I thank my colleague for yielding.

BUDGET IMPACT OF H.R. 3816

Mr. DOMENICI. Mr. President, H.R. 3816, the Energy and Water Development Appropriations Act, 1997, is well within its budget allocation of budget authority and outlays.

The conference report provides $20 billion in budget authority and $13.1 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain dependent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $19.9 billion in outlays.

For defense discretionary programs, the conference report is below its allocation by $248 million in budget authority and $194 million in outlays. The conference report also is below its nondefense discretionary allocation by $87 million in budget authority and $85 million in outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this conference report be inserted in the RECORD at this point.

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

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1997, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	2,863
H.R. 3816, conference report	11,352	8,176
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	11,352	11,039
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	3,970
H.R. 3816, conference report	8,621	4,914
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	8,621	8,884
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 3816, conference report	.....	.....
Adjustment to conform mandatory programs with Budget Resolution assumptions	.....	.....
Subtotal mandatory	.....	.....
Adjusted bill total	19,973	19,923
Senate Subcommittee 602(b) allocation:		
Defense discretionary	11,600	11,233
Nondefense discretionary	8,708	8,969
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	20,308	20,202
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−248	−194
Nondefense discretionary	−87	−85
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−335	−279

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. D'AMATO. Mr. President, will the distinguished chairman of the subcommittee yield for a question?

Mr. DOMENICI. I am happy to yield to my friend from New York.

Mr. D'AMATO. I thank my friend. While there has been an overall reduction from the budget request for the environmental restoration and waste management nondefense account, I would like to get an understanding from the chairman as to the priority the committee places on meeting the vitrification and closure schedule at the West Valley demonstration project in western New York. The project has been able to maintain schedule and progress while accommodating budget reductions over the past 6 years.

The project began pouring glass this summer and is currently poised to complete this phase on or ahead of schedule. The project is also at a crucial juncture regarding the completion of the work necessary to ultimately close the site. Would the chairman agree that the Department of Energy should spend the funds from this account necessary to keep this project on schedule?

Mr. DOMENICI. In order to stay within the nondefense allocation provided to the conferees it was necessary to reduce funding for a number of programs including the nondefense Environmental Restoration and Waste Management Program. To the extent possible, the Department should apply those reductions in a manner that minimizes delay and impact on ongoing, high priority activities such as the West Valley demonstration project.

Mr. D'AMATO. I thank the chairman.

ANIMAS-LAPLATA PARTICIPATING PROJECT

Mr. CAMPBELL. Mr. President, I would like to make just a few brief comments on one important provision adopted into the conference report to accompany H.R. 3816, the fiscal year 1997 energy and water appropriation measure. However, I would first like to recognize and commend the work of the conference committee for their efforts to develop a conference agreement that is acceptable to many Members of this Chamber, recognizing and settling several controversial issues that had to be dealt with in conference.

Mr. President, one provision the conference committee had to address during its deliberations was the issue of continuing funding for the Animas-LaPlata participating project in southwestern Colorado. I appreciate the efforts of the conference committee for appropriating $9 million in fiscal year 1997 to permit the Bureau of Reclamation to continue their efforts with construction costs associated with the A-LP project.

As was discussed in great length and voted upon previously in both Chambers of the Congress, the completion of the A-LP participating project has both tremendous Federal Indian policy implications as well as an incalculable tangible impact for many water users in southwest Colorado and northern New Mexico. When the Congress passed, and President Reagan signed into law, the Colorado Ute Indian Water Rights Settlement Act of 1988, the Federal Government guaranteed to the two Colorado Ute Indian tribes a final settlement of their outstanding water rights claims in a solution that would also allow them to put to use their entitled share of settlement water.

In addition, the 1988 Settlement Act reconfirmed the commitment of the Federal Government to assist water users in the San Juan River basin in the development of an adequate water storage system. Cities such as Durango, CO, to Farmington, NM, stand to benefit from completion of the A-LP project, and equally important, traditional agricultural users will also benefit.

While I am glad the conference committee provided funding based on the practical merits of the A-LP project, I am dismayed that actions of the administration, particularly the Environmental Protection Agency [EPA], continue to cause undue and very costly delays to full implementation of the 1988 settlement. One very clear example of the egregious behavior on the part of the EPA is their inability to work actively and constructively with the Bureau of Reclamation and other Department of Interior agencies to resolve outstanding environmental compliance issues on the project.

As recently as a few weeks ago, the EPA again requested of the Commissioner of the Bureau of Reclamation an additional 90 days to review the Final Supplemental Environmental Impact Statement [FSEIS]. Mr. President, this action comes after the EPA had already requested one other 90-day extension for review.

Further, in testimony before the Senate Appropriations Subcommittee on VA, HUD, and independent agencies in May of this year, EPA Administrator Carol Browner testified that by August 26, 1996, the EPA would make a determination to, either, sign off on the project or refer the matter to the President's Council on Environmental Quality [CEQ]. Well, here we are, September 17, and no decisions have been made.

I make this point, because as a Member of this Chamber, each of us is responsible and accountable for every taxpayer dollar we spend. When the actions of an agency, such as the EPA, continue to stall the full implementation of a statute signed into law in 1988, merely for political purposes, who loses? The taxpayer loses due to added costs associated with further delay.

Mr. President, I appreciate the work of the energy and water conference committee for their continued support for the A-LP project, and I look forward to working with my colleagues on

the respective committees of jurisdiction to ensure that adequate congressional oversight is put in place to permit the timely progression of the project.

CORECT PROGRAM

Mr. HATFIELD. Mr. President, in 1988, Congress passed and President Reagan signed in law the CORECT program. This program established a federal interagency board to coordinate renewable energy exports and has been a very successful example of how a very small program, funded at $2 million per year, can drive the tools of the U.S. Government to assist small businesses in gaining international market share. For example, the U.S. solar industry exports over 85 percent of its product and has now ribbon-cut four new automated manufacturing plants in the United States to meet the growing global markets.

I am concerned that the energy and water development appropriations conference report, now before the Senate, could be interpreted as closing down the CORECT program. Let me clarify with my friend from New Mexico, Mr. DOMENICI, that the pending legislation is not to be interpreted as terminating the CORECT program and that the Department of Energy may utilize other available funds to continue this program, even though Congress has provided no funding for the coming fiscal year.

Mr. DOMENICI. Mr. President, I am well aware of the CORECT program. I want to assure the Senator from Oregon that the Department of Energy is free to propose reprogramming up to $2 million from other programs to support the CORECT program. I assure my colleague from Oregon that the subcommittee will expeditiously review any such request.

Mr. HATFIELD. I want to thank my friend for his clarification of this important matter.

FUSION

Mr. JOHNSTON. As my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee and many other Members are aware, the subcommittee continues to support a strong Fusion Energy Sciences Program. As noted in the report language accompanying the Senate bill, the committee is pleased by the efforts of the fusion community over the past year to restructure the fusion program. However, despite our best attempts to keep the budget essentially level this year, we were forced to accept a cut in this important program because of the constraints imposed by the overall low level of funding for the nondefense programs in this bill.

Mr. President, I want to get some additional clarification from my good friend from New Mexico, the chairman of the Energy and Water Development Subcommittee, about the statement of managers language accompanying the Fusion Energy Sciences Program. The language calls for the operation and safe shutdown of the Tokamak Fusion Test Reactor in fiscal year 1997. Is it the chairman's understanding that this language can in any way be interpreted to imply a particular funding level or length or operation for the TFTR in fiscal year 1997?

Mr. DOMENICI. I thank my good friend from Louisiana for pointing out the importance of the Fusion Energy Sciences Program and for his question. The conferees did not specify the level of funding to be provided to the TFTR in fiscal year 1997. We recognized that, because the Congress has not provided the full amount of the request for the Fusion Program, reductions within the program will be necessary. Those reductions will include a reduction in the funds provided to the TFTR. It is the Department's responsibility to determine the proper allocation of funds from within the amount provided in the conference report.

Mr. JOHNSTON. I thank the chairman and note for the record that his understanding and expectation on this issue match mine.

Mr. GORTON. Mr. President, I strongly support the conference report to accompany the fiscal year 1997 energy and water appropriations bill. Included in the fiscal year 1997 energy and water conference report is an amendment that I authored to amend the Northwest Power Act. My amendment, which has received bipartisan support, would amend the Northwest Power Act to establish an independent scientific review panel and peer review groups, to review annual projects to be funded with BPA ratepayer moneys.

Each year, roughly $100 million in BPA ratepayer dollars are spent to fund fish and wildlife projects that support the Northwest Power Planning Council's fish and wildlife plan. The Northwest Power Planning Council is the regional body, created by the Northwest Power Act, that provides advice and input to BPA in spending the annual $100 million in fish and wildlife funds. The purpose of the council program is to protect, mitigate, and enhance fish and wildlife populations along the Columbia and Snake River system.

Currently, the single body that provides advice to the council on the expenditure of these funds, is the Columbia Basin Fish and Wildlife Authority [CBFWA]. CBFWA is made up of affected tribal officials, State fish and wildlife managers, and representatives from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Prior to my amendment, CBFWA members had recommended that roughly 75 percent of the $100 million annual expenditure go to fund projects that would be carried out by CBFWA members. This is a most serious conflict of interest, one that was brought to my attention several months ago by constituents in my State.

Let me be clear, CBFWA's advice is important. But, I believe that BPA ratepayers expect their hard earned dollars to be spent wisely—not to fund the projects of a select number of groups.

My amendment requires the independent scientific review of projects proposed for funding under BPA's annual program and would remove any suggestion of conflict of interest in prioritizing programs. I believe that advice of independent scientists with expertise on the enhancement of Columbia River fish and wildlife will result in successful implementation of the Northwest Power Planning Council's fish and wildlife program. The council recently recognized the need for independent science recently, and together with the National Marine Fisheries Service, has established an Independent Scientific Advisory Board [ISAB] in order to provide scientific advice to the council and NMFS on the council's plan for fish and wildlife for the river system.

My amendment directs the National Academy of Sciences to submit a list of individuals to the council to serve on an Independent Scientific Review Panel to review projects for funding under BPA's annual fish and wildlife program. I would like to make clear that nothing in the bill language precludes NAS from recommending the same scientists that serve on the ISAB to serve on the newly created Independent Scientific Review Panel, provided that members meet the conflict of interest standards spelled out in the bill language. If ISAB scientists are selected to serve on the newly created panel, such scientists should not be compensated twice for their services.

My amendment also requires that the council establish, from a list submitted by NAS, scientific peer review groups to assist the panel in making its recommendations to the council. Projects will be reviewed based upon the following criteria: Projects benefit fish and wildlife in the region; have a clearly defined objective and outcome; and are based on sound science principles.

After review of the projects by the panel and peer review groups, the panel will submit its recommendations on projects priorities to the council for consideration. The council will then make the panel's recommendations available to the public for review.

The council is required to review recommendations of the panel, the Columbia Basin Fish and Wildlife Authority, and others, in making its final recommendations to BPA of projects to be funded through BPA's annual fish and wildlife budget. If the council does not follow the advice of the panel, it is to explain in writing the basis for its decision.

Mr. President, an important part of my amendment requires the council to consider the impacts of ocean conditions in making its recommendations to BPA to fund projects. Ocean conditions include, but are not limited to, such considerations as El Nino and other conditions that impact fish and wildlife populations. My amendment also directs the council to determine whether project recommendations employ cost effective measures to achieve its objectives. I want to make an important point here, Mr. President, the bill language expressly states that the council, after review of panel and other recommendations, has the authority to make final recommendations to BPA on project(s) to be funded through BPA's annual fish and wildlife budget. This language was included to clear up any confusion as to the council's authority to make final recommendations to BPA on projects to be funded through its annual fish and wildlife budget.

The amendment goes into effect upon the date of enactment, and it is intended that the provision be used to start the planning process for the expenditure of BPA's fiscal year 1998 fish and wildlife budget. This provision will expire on September 30, 2000.

Mr. President, in closing, I would like to thank Senator HATFIELD and Senator MURRAY, and the Northwest Power Planning Council for their input in the development of the amendment. I believe that the final language, as it appears in the fiscal year 1997 energy and water conference report, reflects a bipartisan effort to make sure that BPA ratepayer dollars are spend wisely.

I believe that my amendment is the first step to restoring accountability in the decisionmaking process for the expenditure of BPA ratepayer dollars for fish and wildlife purposes. I look forward to working, on a bipartisan basis, with my Northwest colleagues to rewrite the Northwest Power Act during the next Congress to ensure that Northwest ratepayer dollars are spent effectively for fish and wildlife, and that the people of the Northwest are given a greater role in the decisionmaking process.

Mr. DOMENICI. Mr. President, I understand Senator LEVIN does not need his time. In his behalf, I yield back his time. Mr. President, I understand Senator JOHNSTON will yield back his time. In that he is in another hearing, I yield back his time in his behalf.

The PRESIDING OFFICER. All time except the time of the Senator from New Mexico has been yielded back. The Senator from New Mexico retains 14 minutes.

Mr. DOMENICI. Mr. President, I ask the distinguished Senator from Pennsylvania how much time does he desire?

Mr. SPECTER. Mr. President, I thank my colleague from New Mexico. I would appreciate 10 minutes.

Mr. DOMENICI. Mr. President, at the suggestion of the majority leader, I yield back all time on the conference report.

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

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent that there now be a period for morning business until the hour of 11 a.m., with Senators to speak for up to 5 minutes each. If they need additional time, they can seek time from the Chair.

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

Mr. SPECTER. Mr. President, I ask unanimous consent I may speak in morning business for a period of up to 10 minutes.

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

Mr. SPECTER. Then, Mr. President, I further ask unanimous consent I may be recognized to comment on the intelligence authorization report.

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

USE OF FORCE AGAINST IRAQ

Mr. SPECTER. Mr. President, I have come to the floor immediately after attending a meeting with President Clinton, the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and Members of both Houses from both parties on the subject of Iraq. I would like to comment about an issue which I raised specifically with the President, and that is my urging him to submit to the Congress of the United States the issue as to whether there should be force used against Iraq in the gulf.

In time of crisis there is no question, under our Constitution, that the President as Commander in Chief has the authority to take emergency action. Similarly, it is plain that the Congress of the United States has the sole authority to declare a war, and that involves the use of force, as in the gulf operation in 1991, which was really a war, where the President came to the Congress of the United States in January 1991, and on this floor this body debated that issue and, by a relatively narrow vote of 52 to 47, authorized the use of force. It is my strong view that the issue of the use of force in Iraq today ought to be decided by the Congress of the United States and not unilaterally by the President where there is no pending emergency and when there is time for due deliberation in accordance with our constitutional procedures.

I note when the first missile attacks were launched 2 weeks ago today, on September 3, the President did not consult in advance with the Congress, which I believe was necessary under the War Powers Act. That is water over the dam. At the meeting this morning there were comments from Members of Congress about the need for more consultation. I believe the session this morning was the first time that there had been a group of Members of the House and Senate assembled to be briefed by the administration, by the President, and by the Secretary of State and Secretary of Defense.

We know from the bitter experience of the Vietnam war that the United States cannot engage in military action of a protracted nature without public support, and the first place to seek the public support is in the Congress of the United States in our representative capacity. It is more than something which is desirable; it is something which is mandated by the constitutional provision that grants exclusive authority to the Congress of the United States to declare war. We have seen a transition as to what constitutes a war—in Korea, where there was no declaration of war by the Congress, in Vietnam, where there was no declaration of war by the Congress. And we have seen the adoption of the War Powers Act as an effort to strike a balance between congressional authority to declare war and the President's authority as Commander in Chief; and, as provided under the War Powers Act, where there are imminent hostilities, the President is required to consult in advance with the Congress and to make prompt reports to the Congress, although the President does have the authority to act in case of emergency.

My legal judgment is that the President does have authority as Commander in Chief to act in an emergency, even in the absence of the War Powers Act. But when there is time for action by the Congress of the United States, then that action ought to be taken by the Congress on the use of force, which is tantamount to war, which we saw in the gulf in 1991 where the Congress did act. And we may see—we all hope we do not see it—but we may see that in Iraq at the present time.

The Congress is soon to go out of session in advance of the November elections. While we are here, this issue ought to be considered by the Congress of the United States as to whether we are going to have the use of force.

In the meeting this morning, attended by many Members of the House and Senate, both Democrats and Republicans, there was considerable question raised on both sides of the aisle as to what our policy is at the present time, whether we have a coherent policy as to what we are going to do there, not only how we get in but how we get out, and what our policy ought to be.

Those policy issues are really matters which ought to be debated by the

Congress of the United States and acted upon by the Congress of the United States.

We know there is a considerable problem that we face today on getting support from our allies, and that is an indispensable prerequisite, it seems to me, for action by the United States military forces. We have seen the deployment of air power all the way from Guam for missile strikes, and yet we wonder why we are not using air power from Saudi Arabia or from Turkey, and the question is raised as to whether the Saudis or the people in command of Turkey are willing to allow us to use their bases for these air strikes.

When it comes to the issue of containment, representations were made by key administration officials that there is a full and total support by the Saudis for our efforts to contain Saddam Hussein, but that when it comes to the issue of air strikes, the same cannot be said; there is less than a full measure of support from the Saudis. So that when we deal with the issue of how much force the United States of America ought to use in the gulf against Saddam Hussein, those are the issues which ought to be considered by Congress, and we ought to have a statement of particularity as to just how much support we are going to get from our allies.

We know the French, illustratively, will refuse to supply in the expanded zone to the 33d parallel. There have been reports from Kuwait that the Kuwait Government is not prepared, not really willing to have us expand our military forces there. There is some dispute about that, with representations being made by the administration that the media reports have been overblown and that there is really cooperation from Kuwait and from Bahrain and from others. But on the face of what is at least the public record, there is a serious question as to whether we do have real support among our allies. That is something which has to be considered in some detail.

In our meeting this morning, reservations were expressed by Members on both sides of the aisle, and there was a question as to what we ought to be doing with Saudi Arabia in terms of long-range policy and long-range planning. When we moved into the gulf war in 1991, it was an emergency situation, but the plan was supposed to enable the Saudis to have time to defend themselves and to take action in their own defense, and that has not happened. Every time Saddam Hussein moves, there is significant expenditure of U.S. resources and U.S. money.

In the middle of the discussion, we had the point raised about whether the defense budget is adequate and a very blunt reference to the Chief of Staff, Mr. Panetta, as to agreeing to the figures which have come from the appropriators, and that also was obviously a matter of fundamental importance by the Congress because we are the appropriators and we have had the administration take the position that the administration does not like what the Congress is doing by way of appropriations. But the administration is coming in with a very expensive operation, and it may be justified, it may be warranted, it may be necessary, but that is a matter for the Congress to decide as to what our policy should be and how much money we are prepared to spend.

In the meeting today, the question was raised rather bluntly about the credibility of the administration in expanding the no-fly zone to the south when the actions come against the Kurds in the north, and there seems to be a consensus that the action taken thus far by the administration has not weakened Saddam Hussein but has strengthened Saddam Hussein and that he did, in fact, receive cover when certain Kurdish leaders invited him in; and there is a distinction to be made about what the United States will do for a vital U.S. interest contrasted with what we might do for humanitarian purposes, and that while U.S. military personnel may be placed in harm's way where we have an issue of a vital national interest, there may be a difference of opinion if we are dealing with a humanitarian consideration.

Mr. President, all of this boils down to the judgment, my judgment, that the American people today are not informed about what the administration is seeking to do in the gulf and what the administration is seeking to do against Saddam Hussein, and the Congress has not been consulted in advance of the initial missile strikes and has been, in my view, inadequately informed as we have proceeded. When you deal with the use of force, which is tantamount to war, that is a matter to be decided by the Congress of the United States, leaving to the President his constitutional authority as Commander in Chief to act in cases of emergency. But at this time we do not have an emergency. We have time for deliberation in the Congress, for debate in this Chamber and the floor of the House of Representatives to decide what our policy should be, what we are prepared to spend, and how we ought to proceed. That is why in the meeting I asked the President to submit to the Congress his request for an authorization for the use of force so that matter could be decided by the Congress in accordance with constitutional provisions.

Mr. President, I noted that I made that request to the President, and I commented about a letter which I had sent to the President yesterday on that subject. I ask unanimous consent that the text of that letter be printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, September 16, 1996.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to you to express my growing concerns over the escalation of U.S. military activity in and around the Persian Gulf and to urge you to promptly seek a resolution from Congress authorizing the use of force in the Gulf. There is no emergency which would require escalation of the use of force by you in your role as Commander-in-Chief. The constitutional role of Congress as the sole authority to declare war should be respected, as it was in 1991, with the Congress determining national policy on our objectives, the conditions of allied burden sharing, an exit strategy and an overall policy which is lacking at the present time. A further statement of my reasons follows.

First, let me repeat my publicly stated support for the policy of containment of Saddam Hussein's regime and for the practice of United States military involvement in the enforcement of the United Nations' ordered no-fly zone in southern Iraq. No less than in 1991, when I voted to support the use of force in the Gulf War, the United States has vital interests in this region which must be protected.

Second, I strongly support the bravery and professionalism of our military men and women who are carrying out your orders at substantial risk to their lives.

All this having been said, I believe your current course of gradual escalation against Iraq, starting with the missile attacks on September 4, (for which you sought no prior authorization from Congress) constitutes the involvement of our armed forces in the sorts of hostile and potentially hostile situations so as to trigger the limit of your authority as commander-in-chief established by the War Powers Act.

Moreover, this present course of escalation—especially the reported possible dispatch of 3–5,000 ground troops to Kuwait —could well lead to a renewal of full scale war between the United States and Iraq. For example, if, heaven forbid, our Army units were to sustain losses from any form of Iraqi attack, this country would be duty-bound to respond with massive force.

I know you understand, particularly in view of this country's bitter experiences with undeclared wars in Korea and Vietnam, the paramount importance of the constitutional principle that only Congress can declare war. It is an unavoidable concomitant of this principle that the President cannot have unilateral authority to set up a tripwire which, if breached, would surely commit this nation to war. Your present posture toward Iraq, however, may be creating just such a trip-wire.

Beyond the always vital matter of honoring basic constitutional principle, I urge you to promptly seek Congressional authority for the use of force against Iraq because, just as in 1991, this democratic exercise is by far the best way to clarify both the legitimate means and the legitimate ends which underlie our national policy towards Saddam Hussein.

A congressional debate now will focus you and the Congress, and ultimately the American people, on what our policy should be at this time in the Persian Gulf. It will define national understanding and hopefully shape a national consensus on the key questions which must be answered as the potential for

deeper conflict grows—questions such as the proper burden sharing we must demand from our allies in the region and around the world and, most importantly, about an exit strategy to ensure a way back home, in reasonable time and at reasonable cost, for the troops we so rapidly send today into harm's way.

Thank you for your consideration.

Sincerely,

Arlen Specter.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. SPECTER. Mr. President, at the outset of my comments, I asked unanimous consent that I might proceed on the 1997 intelligence authorization bill. I had not intended to comment on this subject when coming to the floor, but when I arrived here, I was advised that this issue is ripe for consideration, and I was asked by the staff if I would handle it in a leadership capacity, since I am the only Senator in the Chamber. I would like to proceed to do that at this point.

From the script prepared by the staff, I now ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 543, S. 1718, which is entitled the Intelligence authorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1718) to authorize appropriations for fiscal year 1997 for intelligence and intelligence related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, 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 which had been reported from the Committee on Governmental Affairs, 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. 1718

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Postponement of applicability of sanctions laws to intelligence activities.
Sec. 304. Post-employment restrictions.
Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

Sec. 501. Short title.
Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

Sec. 601. Short title.

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

Sec. 611. Establishment of commission.
Sec. 612. Duties of commission.
Sec. 613. Powers of commission.
Sec. 614. Commission personnel matters.
Sec. 615. Termination of commission.
Sec. 616. Definition.
Sec. 617. Authorization of appropriations.

Subtitle B—Other Matters

Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

Sec. 701. Short title.
Sec. 702. Committee on Foreign Intelligence.
Sec. 703. Annual reports on intelligence.
Sec. 704. Transnational threats.
Sec. 705. Office of the Director of Central Intelligence.
Sec. 706. National Intelligence Council.
Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
[Sec. 708. Reallocation of responsibilities of Director of Central Intelligence and Secretary of Defense for intelligence activities under National Foreign Intelligence Program.]
Sec. 708. Responsibilities of Secretary of Defense pertaining to the National Foreign Intelligence Program.
Sec. 709. Improvement of intelligence collection.
Sec. 710. Improvement of analysis and production of intelligence.
Sec. 711. Improvement of administration of intelligence activities.
Sec. 712. Pay level of Assistant Directors of Central Intelligence.
Sec. 713. General Counsel of the Central Intelligence Agency.
Sec. 714. Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*
Sec. 715. Assistance for law enforcement agencies by intelligence community.
Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
[Sec. 717. Intelligence Community Senior Executive Service.]
Sec. [718.] *717.* Requirements for submittal of budget information on intelligence activities.
Sec. [719.] *718.* Terms of service for members of Select Committee on Intelligence of the Senate.
Sec. [720.] *719.* Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

[Sec. 801. Establishment.
[Sec. 802. Effective date.]
Sec. 801. National mission and collection tasking authority for the National Imagery and Mapping Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1997, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1997 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall

promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1997 the sum of $95,526,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1998.

(b) AUTHORIZED PERSONNEL LEVELS.—The staff of the Community Management Account of the Director of Central Intelligence is authorized 265 full-time personnel as of September 30, 1997. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1997, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1997 the sum of $184,200,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "the date which is one year after the date of the enactment of this title" and inserting "January 6, 1998".

SEC. 304. POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of Central Intelligence shall prescribe regulations requiring each new and current employee of the Central Intelligence Agency to sign a written agreement restricting the activities of that employee upon ceasing employment with the Central Intelligence Agency.

(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of a foreign country during the five-year period beginning on the termination of the employee's employment with the Central Intelligence Agency.

(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.

SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth the actions that have been taken to ensure adequate oversight by the executive branch of the budget of the National Reconnaissance Office and the budgets of other elements of the intelligence community within the Department of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall—

(1) describe the extent to which the elements of the intelligence community carrying out programs and activities in the National Foreign Intelligence Program are subject to requirements imposed on other elements and components of the Department of Defense under the Chief Financial Officers Act of 1990 (Public Law 101–576), and the amendments made by that Act, and the Federal Financial Management Act of 1994 (title IV of Public Law 103–356), and the amendments made by that Act;

(2) describe the extent to which such elements submit to the Office of Management and Budget budget justification materials and execution reports similar to the budget justification materials and execution reports submitted to the Office of Management and Budget by the non-intelligence components of the Department of Defense;

(3) describe the extent to which the National Reconnaissance Office submits to the Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense—

(A) complete information on the cost, schedule, performance, and requirements for any new major acquisition before initiating the acquisition;

(B) yearly reports (including baseline cost and schedule information) on major acquisitions;

(C) planned and actual expenditures in connection with major acquisitions; and

(D) variances from any cost baselines for major acquisitions (including explanations of such variances); and

(4) assess the extent to which the National Reconnaissance Office has submitted to Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense on a monthly basis a detailed budget execution report similar to the budget execution report prepared for Department of Defense programs.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "congressional intelligence committees" shall mean the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "National Foreign Intelligence Program" has the meaning given such term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

SEC. 401. ACCESS TO TELEPHONE RECORDS.

(a) ACCESS FOR COUNTERINTELLIGENCE PURPOSES.—Section 2709(b)(1) of title 18, United States Code, is amended by inserting "local and long distance" before "toll billing records".

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(C) of such title is amended by inserting "local and long distance" after "address,".

(c) CIVIL REMEDY.—Section 2707 of such title is amended—

(1) in subsection (a), by striking "customer" and inserting "other person";

(2) in subsection (c), by adding at the end the following: "If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise the question whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department concerned shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee.".

TITLE V—ECONOMIC ESPIONAGE

SEC. 501. SHORT TITLE.

This title may be cited as the "Economic Espionage Act of 1996".

SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND PROTECTION OF PROPRIETARY ECONOMIC INFORMATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 27 the following new chapter:

"CHAPTER 28—ECONOMIC ESPIONAGE

"Sec.
"571. Definitions.
"572. Economic espionage.
"573. Criminal forfeiture.
"574. Import and export sanctions.
"575. Scope of extraterritorial jurisdiction.
"576. Construction with other laws.
"577. Preservation of confidentiality.
"578. Law enforcement and intelligence activities.

"§ 571. Definitions

"For purposes of this chapter, the following definitions shall apply:

"(1) FOREIGN AGENT.—The term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign nation or government.

"(2) FOREIGN INSTRUMENTALITY.—The term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or any political subdivision, instrumentality, or other authority thereof.

"(3) OWNER.—The term 'owner' means the person or persons in whom, or the United

States Government component, department, or agency in which, rightful legal, beneficial, or equitable title to, or license in, proprietary economic information is reposed.

"(4) PROPRIETARY ECONOMIC INFORMATION.—The term 'proprietary economic information' means all forms and types of financial, business, scientific, technical, economic, or engineering information (including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies, whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing), if—

"(A) the owner thereof has taken reasonable measures to keep such information confidential; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public.

"(5) UNITED STATES PERSON.—The term 'United States person' means—

"(A) in the case of a natural person, a citizen of the United States or a permanent resident alien of the United States; and

"(B) in the case of an organization (as that term is defined in section 18 of this title), an entity substantially owned or controlled by citizens of the United States or permanent resident aliens of the United States, or incorporated in the United States.

"§ 572. Economic espionage

"(a) IN GENERAL.—Any person who, with knowledge or reason to believe that he or she is acting on behalf of, or with the intent to benefit, any foreign nation, government, instrumentality, or agent, knowingly—

"(1) steals, wrongfully appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains proprietary economic information;

"(2) wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys proprietary economic information;

"(3) being entrusted with, or having lawful possession or control of, or access to, proprietary economic information, wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys the same;

"(4) receives, buys, or possesses proprietary economic information, knowing the same to have been stolen or wrongfully appropriated, obtained, or converted;

"(5) attempts to commit any offense described in any of paragraphs (1) through (4);

"(6) wrongfully solicits another to commit any offense described in any of paragraphs (1) through (4); or

"(7) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 25 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"(c) EXCEPTION.—It shall not be a violation of this section to disclose proprietary economic information in the case of—

"(1) appropriate disclosures to Congress; or

"(2) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

"§ 573. Criminal forfeiture

"(a) IN GENERAL.—Notwithstanding any provision of State law to the contrary, any person convicted of a violation under this chapter shall forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the property of that person used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation.

"(b) COURT ACTION.—The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the United States all property described in this section.

"(c) APPLICABILITY OF OTHER LAW.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"§ 574. Import and export sanctions

"(a) ACTION BY THE PRESIDENT.—The President may, to the extent consistent with international agreements to which the United States is a party, prohibit, for a period of not longer than 5 years, the importation into, or exportation from, the United States, whether by carriage of tangible items or by transmission, any merchandise produced, made, assembled, or manufactured by a person convicted of any offense described in section 572 of this title, or in the case of an organization convicted of any offense described in such section, its successor entity or entities.

"(b) ACTION BY THE SECRETARY OF THE TREASURY.—

"(1) CIVIL PENALTY.—The Secretary of the Treasury may impose on any person who knowingly violates any order of the President issued under the authority of this section, a civil penalty equal to not more than 5 times the value of the exports or imports involved, or $100,000, whichever is greater.

"(2) SEIZURE AND FORFEITURE.—Any merchandise imported or exported in violation of an order of the President issued under this section shall be subject to seizure and forfeiture in accordance with sections 602 through 619 of the Tariff Act of 1930.

"(3) APPLICABILITY OF OTHER PROVISIONS.—The provisions of law relating to seizure, summary and judicial forfeiture, and condemnation of property for violation of the United States customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeiture, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred under this section to the extent that they are applicable and not inconsistent with the provisions of this chapter.

"§ 575. Scope of extraterritorial jurisdiction

"This chapter applies—

"(1) to conduct occurring within the United States; and

"(2) to conduct occurring outside the United States if—

"(A) the offender is a United States person; or

"(B) the act in furtherance of the offense was committed in the United States.

"§ 576. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by Federal, State, commonwealth, possession, or territorial laws that are applicable to the misappropriation of proprietary economic information.

"§ 577. Preservation of confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with the requirements of the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

"§ 578. Law enforcement and intelligence activities

"This chapter does not prohibit, and shall not impair, any lawful activity conducted by a law enforcement or regulatory agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following new item:

"28. Economic espionage ..... 571".

(c) CONFORMING AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 28 (relating to economic espionage)," after "or under the following chapters of this title:".

TITLE VI—COMBATTING PROLIFERATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Combatting Proliferation of Weapons of Mass Destruction Act of 1996".

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

SEC. 611. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of eight members of whom—

(1) four shall be appointed by the President;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives; and

(5) one shall be appointed by the Minority Leader of the House of Representatives.

(c) QUALIFICATIONS OF MEMBERS.—(1) To the maximum extent practicable, the individuals appointed as members of the Commission shall be individuals who are nationally recognized for expertise regarding—

(A) the nonproliferation of weapons of mass destruction;

(B) the efficient and effective implementation of United States nonproliferation policy; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member if, in the judgment of the official, the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 612. DUTIES OF COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall carry out a thorough study of the organization of the Federal Government, including the elements of the intelligence community, with respect to combatting the proliferation of weapons of mass destruction.

(2) SPECIFIC REQUIREMENTS.—In carrying out the study, the Commission shall—

(A) assess the current structure and organization of the departments and agencies of the Federal Government having responsibilities for combatting the proliferation of weapons of mass destruction; and

(B) assess the effectiveness of United States cooperation with foreign governments with respect to nonproliferation activities, including cooperation—

(i) between elements of the intelligence community and elements of the intelligence-gathering services of foreign governments;

(ii) between other departments and agencies of the Federal Government and the counterparts to such departments and agencies in foreign governments; and

(iii) between the Federal Government and international organizations.

(3) ASSESSMENTS.—In making the assessments under paragraph (2), the Commission should address—

(A) the organization of the export control activities (including licensing and enforcement activities) of the Federal Government relating to the proliferation of weapons of mass destruction;

(B) arrangements for coordinating the funding of United States nonproliferation activities;

(C) existing arrangements governing the flow of information among departments and agencies of the Federal Government responsible for nonproliferation activities;

(D) the effectiveness of the organization and function of interagency groups in ensuring implementation of United States treaty obligations, laws, and policies with respect to nonproliferation;

(E) the administration of sanctions for purposes of nonproliferation, including the measures taken by departments and agencies of the Federal Government to implement, assess, and enhance the effectiveness of such sanctions;

(F) the organization, management, and oversight of United States counterproliferation activities;

(G) the recruitment, training, morale, expertise, retention, and advancement of Federal Government personnel responsible for the nonproliferation functions of the Federal Government, including any problems in such activities;

(H) the role in United States nonproliferation activities of the National Security Council, the Office of Management and Budget, the Office of Science and Technology Policy, and other offices in the Executive Office of the President having responsibilities for such activities;

(I) the organization of the activities of the Federal Government to verify government-to-government assurances and commitments with respect to nonproliferation, including assurances regarding the future use of commodities exported from the United States; and

(J) the costs and benefits to the United States of increased centralization and of decreased centralization in the administration of the nonproliferation activities of the Federal Government.

(b) RECOMMENDATIONS.—In conducting the study, the Commission shall develop recommendations on means of improving the effectiveness of the organization of the departments and agencies of the Federal Government in meeting the national security interests of the United States with respect to the proliferation of weapons of mass destruction. Such recommendations shall include specific recommendations to eliminate duplications of effort, and other inefficiencies, in and among such departments and agencies.

(c) REPORT.—(1) Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 613. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) CLASSIFIED INFORMATION.—A department or agency may furnish the Commission classified information under this subsection. The Commission shall take appropriate actions to safeguard classified information furnished to the Commission under this paragraph.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 614. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 615. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 612(c).

SEC. 616. DEFINITION.

For purposes of this subtitle, the term "intelligence community" shall have the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 617. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for fiscal year 1997 such sums as may be necessary for the Commission to carry out its duties under this subtitle.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available for expenditure until the termination of the Commission under section 615.

Subtitle B—Other Matters

SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

(a) REPORTS.—Not later than 6 months after the date of the enactment of this Act,

and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on—

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.

(b) FORM OF REPORTS.—The reports submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Activities Renewal and Reform Act of 1996".

SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating subsection (h) as subsection (j); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) There is established within the National Security Council a committee to be known as the 'Committee on Foreign Intelligence'.

"(2) The Committee shall be composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(E) Such other members as the President may designate.

"(3) The function of the Committee shall be to assist the Council in its activities by—

"(A) identifying the intelligence required to address the national security interests of the United States as specified by the President;

"(B) establishing priorities (including funding priorities) among the programs, projects, and activities that address such interests and requirements; and

"(C) establishing policies relating to the conduct of intelligence activities of the United States, including appropriate roles and missions for the elements of the intelligence community and appropriate targets of intelligence collection activities.

"(4) In carrying out its function, the Committee shall—

"(A) conduct an annual review of the national security interests of the United States;

"(B) identify on an annual basis, and at such other times as the Council may require, the intelligence required to meet such interests and establish an order of priority for the collection and analysis of such intelligence; and

"(C) conduct an annual review of the elements of the intelligence community in order to determine the success of such elements in collecting, analyzing, and disseminating the intelligence identified under subparagraph (B).

"(5) The Committee shall submit each year to the Council and to the Director of Central Intelligence a comprehensive report on its activities during the preceding year, including its activities under paragraphs (3) and (4).".

SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.

(a) IN GENERAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"SEC. 109. (a) IN GENERAL.—(1) Not later than January 31 each year, the President shall submit to the appropriate congressional committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

"(2) The purpose of the report is to facilitate an assessment of the activities of the intelligence community during the preceding fiscal year and to assist in the development of a mission and a budget for the intelligence community for the fiscal year beginning in the year in which the report is submitted.

"(3) The report shall be submitted in unclassified form, but may include a classified annex.

"(b) MATTERS COVERED.—(1) Each report under subsection (a) shall—

"(A) specify the intelligence required to meet the national security interests of the United States, and set forth an order of priority for the collection and analysis of intelligence required to meet such interests, for the fiscal year beginning in the year in which the report is submitted; and

"(B) evaluate the performance of the intelligence community in collecting and analyzing intelligence required to meet such interests during the fiscal year ending in the year preceding the year in which the report is submitted, including a description of the significant successes and significant failures of the intelligence community in such collection and analysis during that fiscal year.

"(2) The report shall specify matters under paragraph (1)(A) in sufficient detail to assist Congress in making decisions with respect to the allocation of resources for the matters specified.

"(c) DEFINITION.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate.

"(2) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"ANNUAL REPORT ON INTELLIGENCE".

(2) The table of contents in the first section of that Act is amended by striking the item relating to section 109 and inserting the following new item:

"Sec. 109. Annual report on intelligence.".

SEC. 704. TRANSNATIONAL THREATS.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by inserting after subsection (h), as amended by section 702 of this Act, the following new subsection:

"(i)(1) There is established within the National Security Council a committee to be known as the 'Committee on Transnational Threats'.

"(2) The Committee shall include the following members:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Attorney General.

"(E) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(F) Such other members as the President may designate.

"(3) The function of the Committee shall be to coordinate and direct the activities of the United States Government relating to combatting transnational threats.

"(4) In carrying out its function, the Committee shall—

"(A) identify transnational threats;

"(B) develop strategies to enable the United States Government to respond to transnational threats identified under subparagraph (A);

"(C) monitor implementation of such strategies;

"(D) make recommendations as to appropriate responses to specific transnational threats;

"(E) assist in the resolution of operational and policy differences among Federal departments and agencies in their responses to transnational threats;

"(F) develop policies and procedures to ensure the effective sharing of information about transnational threats among Federal departments and agencies, including law enforcement agencies and the elements of the intelligence community; and

"(G) develop guidelines to enhance and improve the coordination of activities of Federal law enforcement agencies and elements of the intelligence community outside the United States with respect to transnational threats.

"(5) For purposes of this subsection, the term 'transnational threat' means the following:

"(A) Any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States.

"(B) Any individual or group that engages in an activity referred to in subparagraph (A).".

SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—Title I of The National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) in section 102 (50 U.S.C. 403)—

(A) by striking the section heading and all that follows through paragraph (1) of subsection (a) and inserting the following:

"OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 102.";

(B) by redesignating paragraph (2) of subsection (a) as subsection (a) and in such subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(C) by striking subsection (d) and inserting the following:

"(d)(1) There is an Office of the Director of Central Intelligence. The function of the Office is to assist the Director of Central Intelligence in carrying out the duties and responsibilities of the Director under this Act and to carry out such other duties as may be prescribed by law.

"(2) The Office of the Director of Central Intelligence is composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Deputy Director of Central Intelligence.

"(C) The National Intelligence Council.

"(D) The Assistant Director of Central Intelligence for Collection.

"(E) The Assistant Director of Central Intelligence for Analysis and Production.

"(F) The Assistant Director of Central Intelligence for Administration.

"(G) Such other offices and officials as may be established by law or the Director of Central Intelligence may establish or designate in the Office.

"(3) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Central Intelligence a professional staff having an expertise in matters relating to such responsibilities and may establish permanent positions and appropriate rates of pay with respect to that staff."; and

(2) by inserting after section 102, as so amended, the following new section:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102A. There is a Central Intelligence Agency. The function of the Agency shall be to assist the Director of Central Intelligence in carrying out the responsibilities referred to in paragraphs (1) through (4) of section 103(d) of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 102 and inserting the following new items:

"Sec. 102. Office of the Director of Central Intelligence.
"Sec. 102A. Central Intelligence Agency.".

SEC. 706. NATIONAL INTELLIGENCE COUNCIL.

Section 103(b) of the National Security Act of 1947 (50 U.S.C. 403–3(b)) is amended—

(1) in paragraph (1)(B), by inserting ", or as contractors of the Council or employees of such contractors," after "on the Council";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to the direction and control of the Director of Central Intelligence, the Center may carry out its responsibilities under this subsection by contract, including contracts for substantive experts necessary to assist the Center with particular assessments under this subsection."; and

(4) in paragraph (5), as so redesignated, by adding at the end the following: "The Center shall also be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.".

SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE TO MANAGE BUDGET, PERSONNEL, AND ACTIVITIES OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) facilitate the development of an annual budget for intelligence and intelligence-related activities of the United States by—

"(A) developing and presenting to the President an annual budget for the National Foreign Intelligence Program; *and*

[**"(B) concurring in the development by the Secretary of Defense of the annual budget for the Joint Military Intelligence Program; and**

[**"(C) consulting with the Secretary of Defense in the development of the annual budget for the Tactical Intelligence and Related Activities program;";]**

"(B) participating in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

[**"(3) manage the national collection activities of the intelligence community in order to ensure that such activities, and the intelligence collected through such activities, meet the national security requirements of the United States;".]**

"(3) approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the Secretary of Defense pursuant to the direction of the President;".

[**(b) USE OF FUNDS.—**

[**(1) REPROGRAMMING.—Subsection (c) of such section is amended by inserting "or under the Joint Military Intelligence Program" after "the National Foreign Intelligence Program".**

[**(2) TRANSFERS.—Subsection (d)(2)(E) of such section is amended by striking "does not object to" and inserting "is consulted by the Director before".**

[**(3) DIRECTION OF EXPENDITURES.—Such section is further amended—**

[**(A) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and**

[**(B) by inserting after subsection (d) the following new subsection (e):**

[**"(e) USE OF FUNDS.—The Director of Central Intelligence shall, with the approval of the Director of the Office of Management and Budget and subject to applicable provisions of law (including provisions of authorization Acts and appropriations Acts), direct and oversee the allocation, allotment, obligation, and expenditure of funds appropriated or otherwise made available for the national intelligence programs, projects, and activities that are managed by the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the National Reconnaissance Office, and the Director of the National Imagery and Mapping Agency.".]**

(b) USE OF FUNDS.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended—

(1) by adding at the end of subsection (c) the following: "The Secretary of Defense shall consult with the Director of Central Intelligence before reprogramming funds made available under the Joint Military Intelligence Program.";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) DATABASE AND BUDGET EXECUTION INFORMATION.—The Director of Central Intelligence and the Secretary of Defense shall jointly issue guidance for the development and implementation by the year 2000 of a database to provide timely and accurate information on the amounts and status of resources, including periodic budget execution updates, for national, defense-wide, and tactical intelligence activities.".

[**(c) PERSONNEL, TRAINING, AND ADMINISTRATIVE ACTIVITIES.—Subsection (g) of such section, as redesignating by subsection (b)(3)(A) of this section, is amended—**

[**(1) by striking "USE OF PERSONNEL.—" and inserting "PERSONNEL, TRAINING, AND ADMINISTRATIVE FUNCTIONS.—";**

[**(2) in the matter preceding paragraph (1)—**

[**(A) by striking "in coordination with" and inserting "after consultation with"; and**

[**(B) by inserting "national elements of" after "policies and programs within"; and**

[**(3) in paragraph (2), by striking "personnel," and all that follows through "programs" and inserting "personnel programs, administrative programs, training programs, and security programs and management activities".**

[SEC. 708. REALLOCATION OF RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE AND SECRETARY OF DEFENSE FOR INTELLIGENCE ACTIVITIES UNDER NATIONAL FOREIGN INTELLIGENCE PROGRAM.

[**(a) CONSULTATION OF SECRETARY OF DEFENSE WITH DCI REGARDING GENERAL RESPONSIBILITIES.—Subsection (a) of section 105 of the National Security Act of 1947 (50 U.S.C. 405–5) is amended—**

[**(1) in the matter preceding paragraph (1), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense"; and**

[**(2) in paragraph (2), by striking "appropriate".**

[**(b) JOINT RESPONSIBILITY OF DCI AND SECRETARY OF DEFENSE FOR PERFORMANCE OF CERTAIN SPECIFIC FUNCTIONS.—Subsection (b) of that section is amended—**

[**(1) by striking "RESPONSIBILITY" and inserting "JOINT RESPONSIBILITY OF THE DCI AND THE SECRETARY OF DEFENSE";**

[**(2) in the matter preceding paragraph (1), by striking "Consistent with sections 103 and 104 of this Act," and inserting "The Director of Central Intelligence and";**

[**(3) in paragraph (2)—**

[**(A) by striking "within the Department of Defense"; and**

[**(B) by adding "and" after the semicolon at the end; and**

[**(4) by striking the semicolon at the end of paragraph (3) and inserting a period.**

[**(c) RESPONSIBILITY OF SECRETARY OF DEFENSE FOR PERFORMANCE OF OTHER SPECIFIC FUNCTIONS.—Such section is further amended—**

[**(1) by redesignating subsection (c) as subsection (d);**

[**(2) by inserting after paragraph (3) of subsection (b) the following:**

[**"(c) RESPONSIBILITY OF SECRETARY OF DEFENSE FOR THE PERFORMANCE OF SPECIFIC FUNCTIONS.—Consistent with section 103 and 104 of this Act, the Secretary of Defense, in consultation with the Director of Central Intelligence, shall—";**

[**(3) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively, of subsection (c), as added by paragraph (2) of this subsection; and**

[**(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by inserting "(other than clandestine collection)" before "human intelligence activities".**

[**(d) CONFORMING AMENDMENTS.—(1) The section heading of that section is amended to read as follows:**

[**"RESPONSIBILITIES OF SECRETARY OF DEFENSE AND DIRECTOR OF CENTRAL INTELLIGENCE PERTAINING TO NATIONAL FOREIGN INTELLIGENCE PROGRAM".**

[**(2) The table of contents in the first section of that Act is amended by striking the item relating to section 105 and inserting the following new item:**

[**"Sec. 105. Responsibilities of Secretary of Defense and Director of Central Intelligence pertaining to National Foreign Intelligence Program.".]**

SEC. 708. RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended—

(1) in subsection (a), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense" in the matter preceding paragraph (1); and

(2) by adding at the end the following:

"(d) ANNUAL EVALUATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit each year to the Committee on Foreign Intelligence of the National Security Council and the appropriate congressional committees (as defined in section 109(c)) an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their national missions.".

SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.

(a) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR COLLECTION.—Section 102 of the National Security Act of 1947, as amended by section 705(a)(1) of this Act, is amended by adding at the end the following:

"(e)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Collection, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2)(A) If neither the Director of Central Intelligence nor the Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces at the time of the nomination of an individual to the position of Assistant Director of Central Intelligence for Collection, the President shall nominate an individual for that position from among the commissioned officers of the Armed Forces who have substantial experience in managing intelligence activities.

"(B) The provisions of subsection (c)(3) shall apply to any commissioned officer of the Armed Forces while serving in the position of Assistant Director for Collection.

"(3) The Assistant Director for Collection shall manage the collection of national intelligence by the intelligence community in order to ensure the efficient and effective collection of national intelligence that is identified for collection by the Assistant Director of Central Intelligence for Analysis and [Production.] *Production.".*

[*"(4) In carrying out the responsibility set forth in paragraph (3), the Assistant Director for Collection shall—*

[*"(A) provide guidance and direction for, and concur in, the procurement and operation of systems necessary for the collection of national intelligence; and*

[*"(B) assist the Director of Central Intelligence in the formulation of plans and budgets for national intelligence collection activities.".*]

(b) CONSOLIDATION OF HUMAN INTELLIGENCE COLLECTION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence [shall enter into an agreement with the Secretary of Defense to transfer from the Secretary to the Director the responsibilities and authorities of the Secretary for the collection of clandestine intelligence from human sources currently conducted by the Defense Human Intelligence Service within the Department of Defense] *and the Deputy Secretary of Defense shall jointly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the National Security Committee and Permanent Select Committee on Intelligence of the House of Representatives a report on the ongoing efforts of those officials to achieve commonality, interoperability, and, where practicable, consolidation of the collection of clandestine intelligence from human sources conducted by the Defense Human Intelligence Service of the Department of Defense and the Directorate of Operations of the Central Intelligence Agency.*

SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION OF INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 709(a) of this Act, is further amended by adding at the end the following:

"(f)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Analysis and Production, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Analysis and Production shall—

"(A) oversee the analysis and production of intelligence by the elements of the intelligence community;

"(B) establish standards and priorities relating to such analysis and production;

"(C) monitor the allocation of resources for the analysis and production of intelligence in order to identify unnecessary duplication in the analysis and production of intelligence;

"(D) identify intelligence to be collected for purposes of the Assistant Director of Central Intelligence for Collection; and

"(E) provide such additional analysis and production of intelligence as the President and the National Security Council may require.".

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTELLIGENCE ACTIVITIES.

Section 102 of the National Security Act of 1947, as amended by section 710 of this Act, is further amended by adding at the end the following:

"(g)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Administration shall manage such activities relating to the administration of the intelligence community as the Director of Central Intelligence shall require[, including management of civilian personnel (including recruitment, security investigations, processing, and training of such personnel), information systems, telecommunications systems, finance and accounting services, and security services, and procurement of supplies and support services.".]

SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Directors of Central Intelligence (3).".

SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe.".

(b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section 5315 of title 5, United States Code, as amended by section 712 of this Act, is further amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency.".

SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF [THE INTELLIGENCE COMMUNITY.] *THE DIRECTOR OF CENTRAL INTELLIGENCE.*

Section 102 of the National Security Act of 1947, as amended by section 711 of this Act, is further amended by adding at the end the following:

"(h)(1) There is hereby established the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(2)(A) The Office shall be headed by the Director of the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(B) The Director of Central Intelligence may designate the Director of the Office of Congressional Affairs of the Central Intelligence Agency to serve as the Director of the Office of Congressional Affairs of [the Intelligence Community.] *the Director of Central Intelligence.*

"(3) The Director shall coordinate the congressional affairs activities of the elements of the intelligence community and have such additional responsibilities as the Director of Central Intelligence may prescribe.

"(4) Nothing in the subsection may be construed to preclude the elements of the intelligence community from responding directly to requests from Congress.".

SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 105 the following new section:

"ASSISTANCE TO UNITED STATES LAW ENFORCEMENT AGENCIES

"SEC. 105A. (a) AUTHORITY TO PROVIDE ASSISTANCE.—[Notwithstanding any other provision of law] *Subject to subsection (b),* elements of the intelligence community may, upon the request of a United States law enforcement agency, collect information outside the United States about individuals who are not United States persons. Such elements may collect such information notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation.

"(b) LIMITATION ON ASSISTANCE BY ELEMENTS OF DEPARTMENT OF DEFENSE.—(1) With respect to elements within the Department of Defense, the authority in subsection (a) applies only to the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency.

"(2) Assistance provided under this section by elements of the Department of Defense may not include the direct participation of a member of the Army, Navy, Air Force, or Marine Corps in an arrest or similar activity.

"(3) Assistance may not be provided under this section by an element of the Department of Defense if the provision of such assistance will adversely affect the military preparedness of the United States.

"(4) The Secretary of Defense shall prescribe regulations governing the exercise of authority under this section by elements of the Department of Defense, including regulations relating to the protection of sources and methods in the exercise of such authority.

"[(b)] *(c)* DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'United States law enforcement agency' means any department or agency of the Federal Government that the Attorney General designates as law enforcement agency for purposes of this section.

"(2) The term 'United States person' means the following:

"(A) A United States citizen.

"(B) An alien known by the intelligence agency concerned to be a permanent resident alien.

"(C) An unincorporated association substantially composed of United States citizens or permanent resident aliens.

"(D) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 105A. Assistance to United States law enforcement agencies.".

SEC. 716. APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

"APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

"SEC. 106. (a) CONCURRENCE OF DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Secretary of Defense shall obtain the concurrence of the Director of Central Intelligence before [appointing an individual to fill the vacancy.] *recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.*

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(b) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the Defense Intelligence Agency.

"(B) The Assistant Secretary of State for Intelligence and Research.

"(C) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

"(D) The Assistant Director, National Security Division of the Federal Bureau of [Investigation.] *Investigation.*".

["(c) PERFORMANCE EVALUATIONS.—The Director of Central Intelligence shall provide annually to the Secretary of Defense an evaluation of the performance of the individuals holding the positions referred to in subparagraphs (A) and (B) of subsection (a)(2), and of the individual holding the position of Director of the National Imagery and Mapping Agency, in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.".]

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 106 and inserting in lieu thereof the following new item:

"Sec. 106. Appointment and evaluation of officials responsible for intelligence-related activities.".

[SEC. 717. INTELLIGENCE COMMUNITY SENIOR EXECUTIVE SERVICE.

[(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

["INTELLIGENCE COMMUNITY SENIOR EXECUTIVE SERVICE

["SEC. 110. (a) ESTABLISHMENT.—(1) The Director of Central Intelligence shall by regulation establish a personnel system for senior civilian personnel within the intelligence community to be known as the Intelligence Community Senior Executive Service.

["(2) The Intelligence Community Senior Executive Service shall include personnel within the following agencies:

["(A) The Central Intelligence Agency.

["(B) The National Security Agency.

["(C) The Defense Intelligence Agency.

["(D) The National Imagery and Mapping Agency.

["(E) The National Reconnaissance Office.

["(F) Any other office of the Department of Defense the civilian employees of which are subject to section 1590 of title 10, United States Code, as of the effective date of the regulations prescribed under this section.

["(3) The Director of Central Intelligence shall prescribe the regulations required under this section in consultation with the Department of Defense.

["(b) REQUIREMENTS.—The regulations prescribed under this section shall, to the extent not inconsistent with the authorities of the Director of Central Intelligence—

["(1) meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

["(2) provide rates of pay for the Intelligence Community Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

["(3) provide a performance appraisal system for the Intelligence Community Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5, United States Code;

["(4) provide for—

["(A) removal or suspension from the Intelligence Community Senior Executive Service;

["(B) reduction-in-force procedures;

["(C) procedures in accordance with which any furlough affecting the Intelligence Community Senior Executive Service shall be carried out;

["(D) procedures setting forth due process rights to which members of the Intelligence Community Senior Executive Service are entitled in cases of removal or suspension; and

["(E) procedures for periodic recertification;

["(5) permit the payment of performance awards to members of the Intelligence Community Senior Executive Service; and

["(6) provide that members of the Intelligence Community Senior Executive Service may be granted sabbatical leaves.

["(c) LIMITATIONS.—(1) Except as provided in subsection (b), the Director of Central Intelligence—

["(A) may make applicable to the Intelligence Community Senior Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

["(B) shall delegate to the heads of the agencies referred to in subparagraphs (B) through (E) of subsection (a)(2) the authority to appoint, promote, and assign individuals to Intelligence Community Senior Executive Service positions within their respective agencies without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service, provided that such actions shall be subject to the approval of the Director of Central Intelligence in accordance with the regulations prescribed under this section.

["(2) Members of the Intelligence Community Senior Executive Service shall be subject to the limitations of section 5307 of title 5, United States Code.

["(3) Notwithstanding any other provision of title 5, United States Code, any individual who is a member of the Senior Executive Service or an equivalent personnel system at the Central Intelligence Agency or at an agency referred to in subparagraphs (B) through (E) of subsection (a)(2) at the time of the effective date of the regulations prescribed under this section shall be a member of the Intelligence Community Senior Executive Service.

["(4) Upon the establishment of the Intelligence Community Senior Executive Service under this section, no individual may be selected for membership in the service unless such individual has served at least one assignment outside his or her employing agency. An assignment to the Office of the Director of Central Intelligence shall be treated as an assignment outside an individual's employing agency (including an individual employed by the Central Intelligence Agency) for purposes of this subparagraph.

["(d) AWARD OF RANKS TO MEMBERS OF SERVICE.—The President, based upon the recommendations of the Director of Central Intelligence, may award ranks to members of the Intelligence Community Senior Executive Service in a manner consistent with section 4507 of title 5, United States Code.

["(e) DETAIL AND ASSIGNMENT OF MEMBERS.—(1) Notwithstanding any other provision of law, the Director of Central Intelligence—

["(A) may, after consultation with the head of the agency affected, detail or assign any member of the Intelligence Community Senior Executive Service to serve in any position in the intelligence community; or

["(B) may, with the concurrence of the head of the agency affected, detail or assign any member of the service to serve in any position in another Government agency or outside the Federal Government.

["(2) A member of the Intelligence Community Senior Executive Service may be detailed or assigned under paragraph (1) only if such detail or assignment is for the benefit of the intelligence community.

["(3) A member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Intelligence Community Senior Executive Service.

["(f) ANNUAL REPORT.—The Director of Central Intelligence shall submit to Congress each year, at the time the budget is submitted by the President for the next fiscal year, a report on the Intelligence Community Senior Executive Service. The report

shall include, in the aggregate and by agency—

[''(1) the number of Intelligence Community Senior Executive Service positions established as of the end of the preceding fiscal year;

[''(2) the number of individuals being paid at each rate of basic pay for the Intelligence Community Senior Executive Service as of the end of the preceding fiscal year;

[''(3) the number, distribution, and amount of awards paid to members of the Intelligence Community Senior Executive Service during the preceding fiscal year; and

[''(4) the number of individuals removed from the Intelligence Community Senior Executive Service during the preceding fiscal year—

[''(A) for less than fully successful performance;

[''(B) due to a reduction in force; or

[''(C) for any other reason.''.

[(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

['Sec. 110. Intelligence Community Senior Executive Service.''.

[(b) EFFECTIVE DATE OF REGULATIONS.—The regulations prescribed under section 110(a) of the National Security Act of 1947, as added by subsection (a)(1), shall take effect one year after the date of the enactment of this Act.

[(c) CONFORMING AMENDMENTS.—(1) Section 12 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended—

[(A) by striking out subsections (a) and (c); and

[(B) by striking out ''(b)''.

[(2)(A) Sections 1601 and 1603 of title 10, United States Code, are repealed.

[(B) The table of sections at the beginning of chapter 83 of such title is amended by striking out the items relating to sections 1601 and 1603.

[(3) Section 1590 of title 10, United States Code, is amended—

[(A) in subsection (a)(1)—

[(i) by striking out '', including positions in the Senior Executive Service,''; and

[(ii) by striking out '', except that'' and all that follows through the semicolon and inserting in lieu thereof a semicolon;

[(B) in subsection (b)—

[(i) in the third sentence, by striking out ''Except in the case'' and all that follows through ''no civilian'' and inserting in lieu thereof ''No civilian''; and

[(ii) by striking out the second sentence; and

[(C) by striking out subsections (f) and (g).

[(4) Section 1604(b) of title 10, United States Code, is amended in the second sentence by striking out ''Except in the case'' and all that follows through ''no officer'' and inserting in lieu thereof ''No officer''.

[(5)(A) Section 2108 of title 5, United States Code, is amended in the flush matter following paragraph (3) by striking ''the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service'' and inserting ''the Intelligence Community Senior Executive Service''.

[(B) Section 6304(f)(1) of such title is amended—

[(i) by striking subparagraphs (C) and (D) and inserting the following new subparagraph (C):

[''(C) the Intelligence Community Senior Executive Service; or''; and

[(ii) by redesignating subparagraph (E) as subparagraph (D).

[(C) Title 5, United States Code, is further amended by striking ''the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service'' and inserting ''the Intelligence Community Senior Executive Service'' in each of the following provisions:

[(i) Section 8336(h)(2).

[(ii) Section 8414(a)(2).

[(6) The amendments made by this subsection shall take effect one year after the date of the enactment of this Act.

SEC. [718.] *717.* REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

SEC. [719.] *718.* TERMS OF SERVICE FOR MEMBERS OF SELECT COMMITTEE ON INTELLIGENCE OF THE SENATE.

(a) INDEFINITE TERMS OF SERVICE.—Section 2(b) of Senate Resolution 400 of the Ninety-fourth Congress (adopted May 19, 1976) is amended by striking the first sentence.

(b) LIMIT ON TERM OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(c) of that resolution is amended by adding at the end the following new sentence: ''No Member shall serve as chairman or vice chairman of the select committee for more than six years of continuous service.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect with the commencement of the One Hundred Fifth Congress.

(d) RULES OF THE SENATE.—The amendments made by subsections (a) and (b) are enacted as an exercise of the rulemaking power of the Senate with full recognition of the constitutional right of the Senate to change rules at any time, in the same manner, and to the same extent, as in the case of any other rule of the Senate.

SEC. [720.] *719.* REPORT ON INTELLIGENCE COMMUNITY POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

(a) IN GENERAL.—(1) Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report setting forth—

(A) the results of a review of the threats to the United States on protecting the national information infrastructure against information warfare and other non-traditional attacks; and

(B) the counterintelligence response of the Director.

(2) The report shall include a description of the plans of the intelligence community to provide intelligence support for the indications, warning, and assessment functions of the intelligence community with respect to information warfare and other non-traditional attacks by foreign nations, groups, or individuals against the national information infrastructure.

(b) DEFINITIONS.—For purposes of this section:

(1) The term ''national information infrastructure'' includes the information infrastructure of the public or private sector.

(2) The term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

[SEC. 801. ESTABLISHMENT.

[(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.), as amended by section 717 of this Act, is further amended by adding at the end the following:

['NATIONAL IMAGERY AND MAPPING AGENCY

['SEC. 120. (a) ESTABLISHMENT AND DUTIES.—

[''(1) ESTABLISHMENT AND MISSION.—There is hereby established a National Imagery and Mapping Agency which shall provide timely, relevant, and accurate imagery, imagery intelligence, and imagery-related products and geospatial information in support of the national security objectives of the United States. It shall also have a navigational mission as specified in section 2791 of title 10, United States Code.

[''(2) MISSION OF THE NATIONAL IMAGERY AND MAPPING AGENCY.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State and other non-Department of Defense agencies, as well as a mission to support the combat and other operational requirements of the Department of Defense. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence of national importance by the National Imagery and Mapping Agency.

[''(3) DIRECTOR.—The President shall appoint the Director of the National Imagery and Mapping Agency. The Secretary of Defense shall, with the concurrence of the Director of Central Intelligence, recommend an individual to the President for such appointment. If the Secretary identifies a commissioned officer of the Armed Forces to serve as Director, he shall recommend that individual to the President for appointment to hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral, while serving in such position. A commissioned officer appointed by the President under this paragraph shall not be counted against the numbers and percentages of commissioned officers of the rank and grade of such officer for the Armed Force of which such officer is a member.

[''(4) DEPUTY DIRECTOR.—There shall be a Deputy Director to assist the Director. The Deputy may be appointed from among the commissioned officers of the Armed Forces, or from civilian life, but at no time shall both the Director and the Deputy Director positions be simultaneously occupied by commissioned officers of the Armed Forces, whether in active or retired status.

[''(b) CENTRAL INTELLIGENCE AGENCY SUPPORT FOR NATIONAL IMAGERY AND MAPPING AGENCY.—

[''(1) ADMINISTRATIVE AND CONTRACTING SERVICES.—Notwithstanding any other provision of law, the Central Intelligence Agency may, under terms and conditions agreed to by the Secretary of Defense and the Director of Central Intelligence, provide administrative and contracting services (including the services of security police notwithstanding any limitations on the jurisdiction of such personnel contained in section 15 of the Central Intelligence Agency Act of 1949), and detail personnel indefinitely to the National

Imagery and Mapping Agency, in furtherance of the national intelligence effort.

["(2) TRANSFER AND ACCEPTANCE.—The National Imagery and Mapping Agency will transfer funds to the Central Intelligence Agency for the purposes of producing imagery and imagery-related products of national importance, and the Central Intelligence Agency may accept a transfer of funds from the National Imagery and Mapping Agency, and the Central Intelligence Agency may expend such funds pursuant to the Central Intelligence Agency Act of 1949 to carry out the purposes of paragraph (1).

["(c) FUNDS FOR FOREIGN IMAGERY INTELLIGENCE AND GEOSPATIAL INFORMATION SUPPORT.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to provide foreign countries imagery intelligence and geospatial information support, except that such arrangements shall be coordinated with the Director of the Central Intelligence when they involve imagery intelligence or intelligence products, or any support to an intelligence or security service of a foreign country.

["(d) FUNDS FOR CIVIL APPLICATIONS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to support and encourage civilian use of imagery intelligence and geospatial information support provided by the National Imagery and Mapping Agency.

["(e) DEFINITIONS.—In this section:

["(1) The term 'geospatial information' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth, including statistical data, information derived from, among other things, remote sensing, mapping, and surveying technologies, and, for purposes of this section, the term includes mapping, charting and geodetic data, including geodetic products as that term is used in chapter 167 of title 10, United States Code.

["(2) The term 'imagery' means a likeness or presentation of any natural or man-made feature or related object or activities and the positional data acquired at the same time the likeness or representation was acquired (including products produced by space-based national intelligence reconnaissance systems), in accordance with Executive Order No. 12591, as well as likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means (except that handheld or clandestine photography taken by or on behalf of human intelligence collection organizations is excluded)).

["(3) The term 'imagery intelligence' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.".

[(2) The table of contents in the first section of the National Security Act of 1947, as so amended, is further amended by inserting after the item relating to section 110 the following new item:

["Sec. 120. National Imagery and Mapping Agency.".

[SEC. 802. EFFECTIVE DATE.

[The amendments made by this title shall take effect on the later of—

[(1) the date of the enactment of an Act appropriating funds for the National Imagery and Mapping Agency for fiscal year 1997; or

[(2) October 1, 1996.]

SEC. 801. NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY

"SEC. 110. (a) NATIONAL MISSION.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State, the Department of Defense, and other departments and agencies of the Federal Government. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence by the National Imagery and Mapping Agency. The Secretary of Defense and the Director of Central Intelligence, in consultation with the Chairman of the Joint Chiefs of Staff, shall jointly identify deficiencies in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions and shall jointly develop policies and programs to review and correct such deficiencies.

"(b) COLLECTION AND TASKING AUTHORITY.—Except as otherwise agreed by the Director of Central Intelligence and the Secretary of Defense pursuant to direction provided by the President, the Director of Central Intelligence has the authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets.".

(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

"Sec. 110. National mission and collection tasking authority for the National Imagery and Mapping Agency.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997; or

(2) the date of the enactment of this Act.

Mr. SPECTER. Mr. President, today the Senate takes up S. 1718, the Intelligence Authorization Act for fiscal year 1997. In addition to containing the annual authorization for appropriations for elements of the U.S. intelligence community, this bill includes a number of important provisions intended to ensure that our intelligence agencies operate more effectively and more efficiently in the post-cold-war world.

The end of the cold war did not solve America's national security concerns. As evidenced by the bombing in June of the Khobar Towers facility in Dhahran, Saudi Arabia and the possible complicity of international terrorists in the downing of TWA flight 800 in July, the focus of those concerns can shift with the speed and force of an explosion. The need for a national security apparatus that is equally dynamic is clear. Title VII of S. 1718—the Intelligence Activities Renewal and Reform Act of 1996—contains measures designed to improve our Nation's intelligence capabilities in order to meet the rapidly changing threats to our national security.

Title VII takes significant steps toward this objective in two ways: First, it improves an institutional framework for ensuring that the decisionmakers who rely on intelligence can provide prompt, clear guidance to the intelligence community on what their needs are and what the priorities are. Second, it improves the Director of Central Intelligence's authority and improves the structure he needs to respond quickly in an effective, efficient, and responsible manner.

S. 1718, as originally reported out by the Senate Select Committee on Intelligence, reflected the conclusions this committee had reached after 6 years of focused examination of the missions, functions, and organizational arrangements for the intelligence community. Triggered by the end of the cold war, this examination had gained momentum in 1994 in the wake of the Ames espionage case and the revelation that the National Reconnaissance Office [NRO] had built an expensive new building without adequately informing Congress.

I do not need to remind my colleagues that just 2 years ago members of this body from both parties—angered by what appeared to be a lack of direction and accountability in the intelligence community, and particularly in the CIA—stood in this Chamber to call for a massive overhaul of our intelligence apparatus. In order to avoid precipitous action, the Senate adopted a proposal offered by Senators WARNER, GRAHAM, and others to create a bipartisan Commission on the Roles and Capabilities of the U.S. intelligence community to conduct a credible, independent, and objective review of U.S. intelligence. The Commission was given a deadline of March 1, 1996, with the expectation that its report would inform a legislative debate resulting in enactment of needed changes during the 104th Congress. The Commission was chaired by former Congressman and Secretary of Defense Les Aspin until his untimely death and later by former Secretary of Defense Harold Brown. The 17-member Commission included two of our distinguished colleagues, JOHN WARNER and JIM EXON, and two of our former colleagues, Warren Rudman, who served as vice chairman, and Wyche Fowler.

While the Aspin-Brown Commission was conducting its review, our committee and its staff also held a number of hearings, received briefings, and conducted interviews regarding the appropriate missions and organizational structure of the intelligence community. During the course of these efforts, two additional incidents—the failure of CIA officials to inform Congress of the possible involvement of CIA assets in human rights abuses in Guatemala and the failure of NRO officials to tell either the DCI or Congress that the NRO had accumulated over $1 billion in unused funds—further convinced our

Committee that the intelligence community needed greater central direction and accountability. Based on the Aspin-Brown Commission's recommendations and on the results of our own review, the committee reported out S. 1718 on April 24, 1996.

The bill was subsequently taken on sequential referral by the Armed Services Committee, which informed the Intelligence Committee that it did not want to consider any intelligence reform this year. The Intelligence Committee did not believe that intelligence reforms could be put off for another year. The rapidly changing world, the recent incidents that have undermined public confidence in our intelligence agencies, and the work already done by the Aspin-Brown Commission and other groups—all of these factors led us to believe that the time was ripe for intelligence reform. We marked up our bill in April in order to ensure that the Armed Services Committee would have plenty of time to consider it.

The Department of Defense, from the outset, opposed anything in the bill that enhanced the authority of the DCI at the expense of the Secretary of Defense. In an April 29 letter to the Armed Services Committee, Deputy Secretary of Defense John White stated that "clear and unambiguous lines of authority from the Secretary of Defense to the Defense intelligence agencies and the embedded Service intelligence elements are crucial" to ensuring "that those who depend on intelligence—especially our nation's military forces—receive the timely and responsive intelligence they require." Deputy Secretary White argued that enhancing the DCI's authorities over NSA, NRO, and CIO would "unnecessarily complicate those lines of command and control."

I agree completely that intelligence consumers, especially military consumers whose lives may be at risk, must have timely and responsive intelligence. I do not agree, however, that this objective can be accomplished through exclusive management by the Secretary of Defense of NSA, NRO, and CIO. The fact is that in the course of running an over $240 billion department the Secretary of Defense simply does not have time to exercise any degree of command and control over Defense intelligence agencies.

The consequences of continuing the fiction of Secretary of Defense management of these intelligence agencies at the expense of real management by the DCI is significant. The country needs to vest the authority in the DCI so that intelligence, such as that produced by the Defense Intelligence Agency in mid-June warning of threats to United States troops at Khobar Towers in Saudi Arabia, is certain to receive the kind of attention it is warranted. We need a DCI who can rattle the cages when necessary, so that consumers of intelligence cannot attribute policy failures to intelligence shortcomings. Both the Downing Commission and the staff report of the SSCI concluded that the tragedy at Khobar Towers was not attributable to an intelligence failure. It is deeply regrettable that, as a result of changes insisted upon by the Armed Services Committee, the country will have to wait for another Congress and perhaps additional bitter experiences before the needed changes can be made.

Testifying before our committee on April 24, 1996, Director Deutch provided some interesting insights on the ability of the Deputy Secretary of Defense to exercise the authorities DOD fought so desperately to retain. When asked whether we should hold the Deputy Secretary of Defense or the DCI accountable for problems at the NRO, a key national intelligence agency within the Department of Defense, he responded:

> The Deputy Secretary of Defense has got a tremendous set of issues covering a much larger range of resources—10 times—managing ten times the resources we're talking about for the whole intelligence community.
>
> So to say that you are going to go to the deputy—and I am not talking about personalities—and say to the Deputy Secretary of Defense, why didn't you catch this, he's going to say, well, I count on the DCI to keep track of this and to let the Secretary of Defense know.
>
> So in some sense, if we are going to say that the Director of Central Intelligence does not view himself or herself as being responsible for the NRO, fundamentally nobody will be.

In light of these realities, this committee sought to give the DCI greater authority and responsibility to manage the intelligence community. The Armed Services Committee, asserting their jurisdiction over the Defense Department, insisted on a number of changes to keep provisions that affected the intelligence agencies within DOD. The Armed Services Committee and the Defense Department were most concerned about those provisions that would have given the DCI greater authority to manage the intelligence community, including those elements of the community that are part of the Department of Defense such as the National Security Agency [NSA], the National Reconnaissance Office [NRO], and the Central Imagery Office. These provisions would have given the DCI, as head of the intelligence community, authority to execute the budgets for NSA, NRO, and CIO as well as shared responsibility, together with the Secretary of Defense and for ensuring that these agencies perform their national missions. The DCI would also have been given authority to reprogram funds from one program to another within the National Foreign Intelligence Program—which is the portion of the overall U.S. intelligence budget the DCI is responsible for developing each year—even if the affected department or agency head objected to that transfer. Finally, the Intelligence Committee had voted for a provision to require DCI concurrence on the decision as to who should head the major collection agencies: NSA, NRO, and the National Imagery and Mapping Agency. This was watered down by Armed Services to a qualified concurrence, allowing the recommendation of the Secretary of Defense to be forwarded to the President over the DCI's objection so long as that objection is noted.

Given the length of time the Armed Services Committee and, then, the Government Affairs Committee held this bill, and in light of the abbreviated legislative schedule, we were unable to bring these important issues to the floor of the Senate for debate and a vote. Nevertheless, despite the Defense Department's initial refusal to relinquish any significant authority to ensure more efficient and effective management of intelligence, we were able to get a bill out of the Armed Services Committee that contains important new statutory assurances of DCI authority and should enhance the prospects that future DCI's will not have to rely merely on the good will of the Secretary of Defense in order to effectively manage intelligence. The bill before you today contains much of what the Intelligence Committee initially proposed, but not as much as the country needs. That greater objective will require continued efforts.

In addition to the amendments made to our bill by the Armed Services Committee, the Government Affairs Committees took the bill for 53 days. At the end of that time, they reported it out with minor modifications to the provision providing for a Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

Finally, the Rules Committee also originally requested sequential referral of our bill in order to review a provision that would have amended Senate Resolution 400, the charter for our committee, to eliminate the 8-year term limit on committee membership. After consultations between our two committees and in response to concerns expressed by the majority leader, we agree to delete this provision and the Rules Committee withdrew its request for sequential referral of our bill. We remain convinced that extending the terms for membership of the oversight committee is an essential step in improving congressional oversight of intelligence, and I note that elimination of term limits was recommended by the Aspin-Brown Commission, on which Senator WARNER served. But in order to ensure consideration of S. 1718 in this shortened legislative year, we have agreed to put off this issue for now.

Now let me summarize the provisions in our bill. I will begin with the reform provisions in title VII. The key provisions enhance the ability of the DCI to

manage the intelligence community by providing him with new statutory authority and an improved management structure. Specifically, section 707 of the bill gives the DCI new statutory authority to participate in the development of the budgets for the Joint Military Intelligence Program and for tactical intelligence and related activities; to approve all collection requirements and priorities and to resolve conflicts among priorities; and the right to be consulted by the Secretary of Defense before the Secretary reprograms funds within joint military intelligence programs.

Section 707 would also require the DCI and the Secretary of Defense to develop a database of all intelligence programs and activities, including resource and budget execution information. The Office of Science and Technology Policy within the White House has recently developed a database of all research and development activities within the Federal Government, and this database has been invaluable for identifying duplication among Federal R&D programs. The committee believes that the DCI has been hampered in his ability to manage the intelligence community by a lack of accurate and comprehensive information about all intelligence community activities. Development of a database for intelligence activities should give the DCI one of the key tools he needs to provide greater direction and control of U.S. intelligence programs.

In addition, section 716 of the bill would require the DCI to concur in recommendations by the Secretary of Defense to the President of individuals to be directors of NSA, NRO, or the newly created National Imagery and Mapping Agency, or to have his lack of concurrence noted. The DCI would also have to be consulted by the appropriate department head when appointing the heads of the major elements of the National Foreign Intelligence Program, including the Assistant Secretary of State for Intelligence and Research, the Assistant Director in charge of the FBI's National Security Division, the Director of DIA, and the Director of the Department of Energy's Office of Non-Proliferation and National Security. This new authority will help to remedy a situation in which DCI's—despite their statutory role as head of the intelligence community—have had little or no say in the appointments of the heads of major intelligence community elements. The Armed Services Committee also agreed to include in the DOD authorization bill a requirement that the DCI provide to the Secretary of Defense an annual performance evaluation of the heads of NSA, NRO, and NIMA.

The bill would also establish three new Senate-confirmed Assistant Directors of Central Intelligence to assist the DCI in managing the intelligence community. One would focus on managing the intelligence community's collection activities; the second would coordinate community-wide intelligence analysis and production; and the third would coordinate community administrative programs. The committee believes that one reason that successive DCI's have been unable to exercise stronger management over the intelligence community is that they have lacked an adequate management structure. We believe these new positions will help the DCI fulfill his community role.

In addition to strengthening the authorities of the DCI, the bill also creates two new committees of the National Security Council—a Committee on Foreign Intelligence and a Committee on Transnational Threats—to provide better policy guidance for the intelligence community and for departments and agencies involving in fighting international terrorism and crime. The creation of both committees were recommended by the Aspin-Brown Commission.

Section 715 clarifies that intelligence collection agencies may accept tasking from law enforcement agencies to collect intelligence about non-U.S. persons outside the United States. This provision is necessary because CIA and NSA read their legal authorities as preventing them accepting tasking from law enforcement agencies lest they be considered to be exercising law enforcement powers. The provision is narrowly tailored to apply only to collection outside the United States about non-U.S. persons.

Section 717 of the bill calls for disclosure of the intelligence budget top line—that is, the aggregate of NFIP, JMIP, and TIARA. This number has been in the public domain for some time, without carrying us down the so-called slippery slope of more detailed disclosures. The DCI supports disclosure, the Aspin-Brown Commission supports disclosure, and the administration supports disclosure. Disclosure of the top line provides no new information to our enemies. In fact, I believe this disclosure will actually strengthen our ability to protect vital national secrets by bolstering the credibility of our classification decisions—officially revealing the budget total tells the American public is that we are using classification to protect vital national secrets, not to conceal information that might be inconvenient to defend. And I think it would not be difficult to defend the size of the intelligence budget, given the complex world we live in today.

These are the principal reform provisions contained in the Intelligence Authorization Act. The bill contains a number of additional important provisions.

Title V of the bill criminalizes theft of economic proprietary information by a person acting on behalf of a foreign government or its agent. This provision is the result of nearly 4 years of hearing and study by our committee. We held hearings on this provision earlier this year, and we are convinced by both the classified and unclassified testimony that economic espionage is a problem that needs to be remedied immediately in the interests of our national economy and thus our national security.

Title VI would create a Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction. The eight members of the Commission are to be appointed by the President and the congressional leadership. The Commission is required to conduct a study of the organization of the Federal Government, including the intelligence community, for combating weapons proliferation.

Finally, title VIII of the bill, as amended by the Armed Services Committee, codifies the national mission and tasking authorities of the DCI for the new National Imagery and Mapping Agency [NIMA]. NIMA is a new agency within the Department of Defense formed from the current Central Imagery Office, the Defense Mapping Agency, CIA's National Photographic Interpretation Center, and certain other imagery related elements. As originally reported by our committee, title VIII included provisions that would have established NIMA. The DOD authorization bill, which was reported by the Armed Services Committee later than our bill, included a more comprehensive statutory framework governing NIMA, and we agreed to the removal of the provisions establishing NIMA in our bill and their replacement with provisions in the National Security Act defining the new agency's national mission and the DCI's tasking authorities. The DCI's tasking authorities are especially important. For the first time in statute, the DCI now has the specific authority to approve collection requirements, determine collection priorities, and resolve conflicts in priorities levied on our national imagery satellites and other imagery assets.

I also want to mention that the Armed Services Committee attempted to establish NIMA as a combat support agency of the Department of Defense. We strongly opposed this formulation because it slighted the critical imagery needs of the National Security Council, the Department of State, and other non-DOD consumers. Our committee was unwilling to have NIMA cater to the exclusive needs of the Defense Department. Accordingly, we modified the language in the DOD authorization bill, which we took on sequential referral, to provide that NIMA is not only a combat support agency but also has significant national missions. I also

want to note that although NIMA has been added to the list of combat support agencies in 10 U.S.C. 193(f), subsection (d) of section 193, as amended by the DOD authorization bill, specifically provides that the Chairman of the Joint Chief's oversight over NIMA shall apply "only with respect to combat support functions [the Agency] performs for the Department of Defense." This language makes clear that NIMA has important noncombat support functions that are not subject to the control of the Chairman of the Joint Chiefs.

This concludes my summary of this year's intelligence authorization bill, including the reform provisions in title VII. Congress has been considering legislation to reform the intelligence community to meet the challenges of the post-cold-war world since at least 1990. Today, despite continuing bureaucratic resistance, the Senate is taking significant steps toward finally achieving that objective.

I want to thank the distinguished vice chairman, Senator KERREY, for his unflagging and nonpartisan commitment to the work of the committee. Senator KERREY brings to this committee a unique understanding of the business of intelligence and a willingness and ability to master even the most complex technical issues. His insights and efforts were absolutely essential to the passage of this bill and to the committee's work overall. In addition, I would like to take this opportunity to recognize the excellent work of the committee staff, particularly Charlie Battaglia, Chris Straub, Suzanne Spaulding, John Bellinger, and Ed Levine.

Mr. KERREY. Mr. President, this year's bill once again attempts to help the intelligence community make the transition to a post-cold-war world where the looming military threat of the Soviet Union has been replaced by a more subtle—but increasingly serious—array of threats. The committee has attempted to help intelligence make the transition with a series of provisions in the bill to reform the community's weaknesses and renew its confidence in itself and in the products it provides to policy makers.

Chairman SPECTER has been key in ensuring the committee has moved forward to recommend to the Senate important changes in the intelligence community. Under his leadership, we have examined in detail many shortcomings and failures which can only lead to the conclusion substantial change is in order. Without Chairman SPECTER's tireless efforts on the part of reform and renewal, the committee would not have been able to get to the point where we are today: recommending improvements that will have far reaching effects and make sure the intelligence community is positioned to understand the threats of tomorrow.

This year's bill also seeks to provide an adequate level of funding for the intelligence community, with the committee seeking a modest, 1 percent increase to the President's request. Congress has cut the DCI's request for national intelligence each year for the past 7 years, and I believe stress and strain in our national intelligence capabilities will follow unless we reverse this trend. However, since this bill was marked up in April, the defense authorization conference acted to cut national intelligence by some 3 percent and the ongoing defense authorization conference is likely to redirect funds requested by the administration for national intelligence to other defense programs. I am discouraged that there seems to be no constituency of support for national intelligence, even in a year in which the Congress is adding significant resources to the defense budget.

I opened my remarks by saying the committee is once again attempting to reform and renew intelligence because it engaged in a similar effort as part of the fiscal year 1993 National Foreign Intelligence Program authorization process. The committee ran into many roadblocks in the fall of 1992 which prevented it from moving ahead with substantial reforms. Unfortunately, the committee finds itself in somewhat of a similar position today. Nevertheless, we are offering reforms which hopefully will point us in the direction of improved intelligence support to policy makers while at the same time streamlining some of the Intelligence community's procedures so they are more responsive to the evolving international environment.

There are many reasons for intelligence reform and renewal. Several of the most significant have found their way into the media. We are all aware of the Aldrich Ames spy case where a CIA operations officer gave some of our most sensitive information to the Soviet Union reportedly resulting directly in the deaths of at least 10 people. We also know about the excess funds retained by the National Reconnaissance Office which prevented this funding from being available for more immediate projects. Incidents such as these help to underscore the need for reform.

The need for reform is widely recognized outside of the Congress. Last year Congress authorized a special commission to "conduct a comprehensive review of American intelligence." In March of this year, the Commission issued a 217-page report containing over 36 recommendations for significant change. Similarly, the Council on Foreign Relations this year issued its own report on the need for intelligence reform. Georgetown University's Institute for the Study of Diplomacy added its call for reform in a report entitled, "Checklist for the Future of Intelligence." And the executive branch recognizes the need for reform as well. Their recognition is perhaps captured best by a CIA task force with the foreboding name of the "Intelligence Community Revolution Task Force" which called for sweeping changes.

The need for reform must be balanced by at least two considerations. First, the intelligence community is full of dedicated men and women who, through a sense of patriotism and a desire to serve their country, will successfully take the intelligence community into the 21st century. They will be mentally ready to confront any challenge. Second, reform does not mean we should create a "Department of Intelligence." Intelligence supports policy. It informs leaders throughout the Government and does not have to be organized as a separate part of the Government in order to be effective. What must be done, however, is to create an organization capable of capitalizing upon the abilities of its dedicated men and women and organize it so the leaders of the intelligence community have the authorities commensurate with the responsibilities for which we hold them accountable. The Congress and many parts of the executive branch expect only the best intelligence, and the community must be prepared to serve all segments of the Government, including the Department of Defense.

In this regard, I would like to take this opportunity to thank our colleagues on the Armed Services Committee. We have worked together to make sure intelligence support will be improved in the future and to guarantee our unsurpassed defense capabilities remain intact. Without the support of the chairman and ranking member, we would not be able to present a comprehensive package of reform to the Senate in which we all have confidence we are doing the right thing.

This year, we voted a bill out of Committee: First, changing intelligence support to policymakers so the community could better capitalize on the rich resources of its people; second, enhancing some of the powers of the Director of Central Intelligence so he would be able to exercise all of the necessary authorities in the areas for which we recognize his responsibility; and third, reorganizing parts of the intelligence community so that it is better structured for the profusion of different threats endemic to the post cold war world.

In order to support policymakers better, the bill we introduce today contains several important innovations. First, it creates a Committee on Foreign Intelligence as part of the National Security Council. This committee would meet at least semiannually to provide broad guidance to the intelligence community on major issues. In addition to ensuring that intelligence

would more closely support the needs of all policymakers in the Government, it would be required to document the priorities of the policymaking community so that intelligence would know how to allocate its relatively scarce resources.

Second, the bill creates a Committee on Transnational Threats as part of the National Security Council. In many ways, the threats to our national security have changed significantly since the bipolar world where the Free World confronted a Communist bloc. The role of the nation state is evolving into something different and several increasingly serious threats to the United States crossnational boundaries. Among these, terrorism and the proliferation of weapons of mass destruction—and their means of delivery—appear as the most significant. The policy community, however, still largely focuses on a world composed of nations which only theoretically control the destinies of all mankind. The intelligence community is struggling to bring the transnational threats to the forefront but, since intelligence supports policy and not vice versa, its warnings sometimes go unheeded. The Committee on Transnational Threats will help to change the focus to the new international disorder.

Mr. President, the committee harbors no illusions about the possible destinies of these committees. We all know quite well the usefulness of the Low Intensity Conflict Board, an NSC-level board established by the Congress to force the policy community to address the growing importance of low-intensity conflict. The Committee on Foreign Intelligence and the Committee on Transnational Threats both could become the moribund bodies the low intensity conflict board has become. Nonetheless, our committee feels so strongly that intelligence can support policy properly only if the policy makers change their approach to international threats, we believe it is best to allow the intelligence community to focus its efforts in new and different ways based on NSC-level committees. We recommend the Congress should take the risk and create these two committees so the necessary tools will be available to the President if he chooses to use them.

Our bill also requires the President to submit an annual report to Congress on intelligence needs and priorities for the next fiscal year and assess the performance of the intelligence community during the previous fiscal year. We envision this to be a companion document to the national security strategy of the United States which the President is required by law to submit annually to Congress. We believe this will help the Congress decide whether intelligence is supporting policy. As such, it will allow the Congress to make the tough decisions on which programs should be funded and reject those programs inconsistent with the President's national security strategy and congressional priorities.

In some respects, the bill has created controversy in the manner with which it addresses the office of the Director of Central Intelligence. Most Americans expect the DCI to be a director. After 49 years of experience, however, it is still painfully obvious he is the coordinator of central intelligence, not the director. Each year, after he negotiates with the Secretary of Defense, the Secretary of State, the Secretary of Energy and the FBI Director, the DCI assembles an intelligence budget. It often reflects what is bureaucratically possible instead of what is required. Therefore, he does not direct anything in the fundamental way any leader steers an organization. He does not direct the intelligence community because he does not create a budget based on his own tough decisions. To make matters worse, once he assembles the budget and Congress approves it, the DCI does not control how the money is spent. That control belongs to the people with whom he negotiated in the first place: the Secretary of Defense, the Secretary of State, the Secretary of Energy, and the FBI Director. Since the bill's provisions dealing with budget control have created such controversy—sometimes misrepresented in the media as an attempt to create a "Department of Intelligence"—the committee is reporting a bill at this late date with fewer DCI budget authorities than originally believed to be important. Nonetheless, there are some innovations still in the bill which will help the DCI better execute his responsibilities.

Among these innovations is the creation of the positions of three Assistant Directors of Central Intelligence. Generally, intelligence is conducted in three steps. First, information is collected. Second, the information is analyzed and a report is written. Third, the report is disseminated to policymakers. Today, no one other than the DCI is personally responsible for the collection of the information and its analysis. I think we can all agree the DCI is far too busy to focus on each day's priorities and requirements for collecting information. Further, he cannot personally supervise the daily work of the thousands of intelligence analysts to ensure their reports are properly focused, comprehensive, and delivered on time. Thus, the DCI relies on a series of interagency committees to help him manage intelligence collection and analysis. We all know what it means when someone says a committee is in charge: no one is in charge. The bill attempts to correct this lack of accountability for intelligence collection and analysis by creating assistant directors who will be in charge of those areas important for the production of intelligence.

The bill also creates a third Assistant Director of Central Intelligence. Today, most people believe the Director of Central Intelligence is responsible for administering an intelligence community consisting of tens of thousands of people. But, like the areas of intelligence collection and analysis, there is no one other than the DCI who is personally responsible for the daily management of the rambling institution we call the intelligence community. In order to assist the DCI in the daily execution of this important responsibility, the bill creates the position of an Assistant Director of Central Intelligence for Administration.

The committee also has attempted in this bill to strengthen the DCI's abilities to discharge his responsibilities by statutorily requiring his participation in important executive branch deliberations. As many of my colleagues will remember, late last year the media carried stories stating the National Reconnaissance Office had amassed a large amount of funds excess to their immediate needs. Responding quickly in the media, senior Defense officials placed blame elsewhere. They accused the congressional oversight committees of being lax. They said a secret agreement between the DCI and Secretary of Defense prevented the Office of the Secretary of Defense from keeping tabs on NRO funding. They said excess funding levels found in the NRO would not be found in DOD programs because the NRO was not "subject to the annual [DOD] programming and budgeting 'scrub'." Based on these rapid Department of Defense off the record denials in the press, everyone turned to the DCI and asked, "Where were you?"

As it turns out Mr. President, there was no secret agreement between DOD and the DCI. In fact, there was no agreement, secret or otherwise. When asked to produce a copy of the supposed agreement, the Office of the Secretary of Defense provided the committee with a memo signed in the early 1980's. In it, the Secretary of Defense simply reminded his staff they could not add or take money away from the National Foreign Intelligence Program without officially coordinating it with the DCI.

Further, at the committee's request, the DOD Inspector General looked at eight of DOD's hundreds of procurement programs to see if there were funding levels in excess of annual requirements such as those Congress found in the NRO. The results are quite enlightening. Despite DOD s earlier denials in the media, five of the eight randomly selected programs had more money available than they needed in 1996. On the average, these five programs had almost 3 months extra funding. In fact, one program had 10 months more funding available to it than it could use in 1996. So after only

a superficial IG evaluation of several DOD programs and despite DOD's protestations and claims of budget scrubs, we know DOD ends up each year with more funds than they can spend. I do not say this in criticism of Defense managers, but rather to point to a characteristic common to complex multi-year efforts involving new technology, regardless of the Government department responsible for them.

What may be a surprise is the answer to the question: where was the DCI when the National Reconnaissance Office was accumulating a backlog of spending authority? The answer is, the DCI has no authority over how the NRO spends its money after Congress authorizes and appropriates the funds. Having no direct authority to move money around or to determine if the money could be spent better elsewhere, it should not be a surprise the DCI was not monitoring NRO's execution of its budget. That authority rested with the Secretary of Defense.

The Director of Central Intelligence does not have the authority to execute the intelligence budget. This has many serious consequences both from an internal executive branch oversight perspective and from an operational perspective. Budget execution authority has occupied a lot of the committee's attention. In the original version of the bill, the committee attempted to give the DCI greater authority over his own budget. In order to get the bill to this stage in the annual authorization process, however, we have dropped several provisions which would have ensured greater internal oversight of spending on intelligence. Nonetheless, the bill still gives the Director some insight into the Joint Military Intelligence Program, and Tactical Intelligence and Related Activities—programs funded by the Department of Defense. While a modest improvement in aligning the DCI's authorities with his responsibilities, this new authority is important for ensuring better intelligence support of policy and for improving internal executive branch oversight of the Intelligence Community.

The bill also has one other significant improvement for ensuring better oversight of intelligence. The committee is recommending the position of General Counsel of the Central Intelligence Agency be appointed by the President and confirmed by the Senate. As stated in its report, the committee believes the confirmation process enhances accountability and strengthens the oversight process. Currently, all elements of the intelligence community, except the CIA, are part of departments having statutory general counsels who are Senate confirmed. Many legal issues are unique to the CIA. Unlike the other Senate-confirmed general counsels, there is little informed public debate to aid the CIA's general counsel in its deliberations because the issues often involve sensitive intelligence sources or methods. The confirmation process allows the Senate to ensure better accountability and oversight of this important position.

Finally, the bill enhances the Director of Central Intelligence's authorities by giving him a formal say in the naming of the directors of two of his most important agencies: the National Security Agency and the National Reconnaissance Office. Under current law and regulation, the Secretary of Defense could name the heads of these two intelligence community agencies without seeing if the DCI agrees with the nominations. I think it should be obvious to my colleagues what I meant when I called the DCI the Coordinator of Central Intelligence. Not only does the Director not have much direct control over his budget, he also does not even have a required formal role in the naming of the heads of the intelligence community's agencies. The bill takes a small step forward in giving him the opportunity to formally concur with an appointment made by the Secretary of Defense. Even under the bill's provisions, the Secretary of Defense has sufficient independence he could appoint the heads of the National Reconnaissance Office and the National Security Agency over the DCI's objection.

I must add one thing in closing. During the intense discussions over the appropriate authorities of the Director of Central Intelligence, it became clear to some of us there is a basic misunderstanding of intelligence and its relationship to the Department of Defense. Mr. President, as I have said time and time again, intelligence supports policy. It also supports the planning and the operations of our military forces. The Secretary of Defense directly controls the intelligence assets to ensure that this essential function of intelligence will be fulfilled, and our troops will be properly supported. In addition, as a principal customer of the DCI and the most knowledgeable and articulate customer, the Secretary of Defense will correctly ensure that national intelligence fulfills military requirements. This is appropriate and everyone agrees it must occur without exception. But the Department of Defense is only one of many agencies that executes the foreign policy of the United States. And, historically, DOD is the last part of the executive branch the President relies upon when he executes U.S. policy overseas. We are a nation that believes military power is the court of last resort in resolving international disputes, not the first. This makes intelligence support to the warfighter the last step of intelligence support to foreign policy—not the first. Thus, as some push for more and more intelligence support to the warfighter, they in fact risk diminishing the creativity and quality of our foreign policy by forcing the intelligence community to become "militarized." The intelligence community's scarce resources can only do so much and if they focus almost exclusively on the Department of Defense, the other elements of our Government will not have the benefit of their advice and support. This is dangerous for the effectiveness of our foreign policy and could eventually lead to an over-reliance on the Department of Defense to solve our foreign policy problems simply because the best information we have on a foreign policy problem is focused on how to solve it with military force. Intelligence support outside of the Department of Defense is important, and it is critical to the proper functioning of the Government. The Congress must remain vigilant to make sure we do not cripple intelligence by relying too heavily on uninformed criticisms of intelligence support to the warfighter.

Mr. COHEN. Mr. President, I rise today to urge my colleagues to support the fiscal year 1997 intelligence authorization bill. In addition to containing the annual schedule of authorizations for intelligence activities, a matter vital to U.S. national security, this legislation contains important provisions intended to reorganize the U.S. intelligence community in order to increase its efficiency and effectiveness. This bill also contains badly needed legislation to criminalize the theft of U.S. economic and proprietary data by foreign governments or their agents.

My colleagues should be aware that notwithstanding the fall of the Soviet Union and the rise of modern information systems, the organization of the United States intelligence community has remained essentially unchanged since 1947. The modest changes proposed in this legislation, intended to assist the Director of Central Intelligence manage this disparate and complex community in behalf of its many consumers, are in my view long overdue.

The U.S. intelligence community is without equal in terms of its sophistication and global access. Yet, I believe that we can acquire even more capability from our intelligence community if changes are made to its organization and management. During the course of the last few years, for example, we have learned that the National Reconnaissance Office carried billions of dollars in so-called forward-funding on its books. These funds, which might have been either returned to the Treasury or used for more pressing activities in the intelligence community or Defense Department, remained hidden from view in large part because the Director of Central Intelligence [DCI] and his staff were not even aware of their existence. I think this episode illustrates as well as any the fact that DCI has often been less of a director than a spokesman and ombudsman for the intelligence community. His degree of

control and access to information has often been shockingly limited, yet he is the individual that the President, Congress, and the Secretary of Defense look to ensure that the intelligence community is operating both effectively and within the law.

Another startling example of the limits of the DCI's control and access occurred during the Intelligence Committee's investigation into the tragic Aldrich Ames case. One of the surprising facts to emerge from this investigation was the revelation that neither William Webster nor Bob Gates knew the extent of the losses caused by Aldrich Ames within the ranks of the CIA's Russian assets, nor the degree of penetration that had obviously occurred. Senior managers in the Directorate of Operations, like senior managers in the National Reconnaissance Office, felt free to withhold this critical information from the individual nominally responsible for the performance of the U.S. intelligence community.

The bill currently before the Senate would significantly strengthen the role of the DCI as the leader of the U.S. intelligence community and thereby help to ensure greater coherence and discipline within its ranks.

First, section 707 of this bill grants the DCI new statutory authority to participate with the Secretary of Defense in developing the Joint Military Intelligence Program [JMIP] and individual service department [TIARA] intelligence budgets. The intent of this section is to eliminate duplication among national and military intelligence programs.

Second, this measure stipulates that the DCI is responsible for approving all intelligence collection requirements and priorities.

Third, it requires the DCI to be consulted regarding proposed reprogrammings within the Joint Military Intelligence budget.

Finally, section 707 requires the DCI and Secretary of Defense to develop a joint data base for all intelligence programs' budget and activities. This provision will help to eliminate waste and duplication by ensuring that the DCI and his staff have access to all of the information necessary to evaluate programs within different intelligence organizations.

Section 716 of the bill will give DCI a voice in the selection of the individuals who serve as the heads of U.S. intelligence organizations. While these same officials must in some cases also report to the Secretary of Defense, there is no reason in my view not to involve the DCI in their selection. Imagine trying to run a business in the private sector, or manage your office here in the Senate, if you were not free to select or discipline your subordinates. Yet, that is the situation that the DCI finds himself in with regard to his nominal subordinates at DIAA, NSA, and NRO—the organizations which account for the great preponderance of personnel and resources within the intelligence community. This bill will ensure that the DCI concurs in the selection of intelligence agency heads by the Secretary of Defense, or that his nonconcurrence be brought to the attention of the President in the event of a disagreement. The DCI, pursuant to this provision, would also provide the Secretary of Defense an annual performance evaluation of the heads of NSA, NRO, and the new National Imagery and Mapping Agency.

Sections 709, 710, and 711 of the bill strengthen the DCI's staff by establishing new, senior intelligence community staff positions directly subordinate to the DCI. Specifically, the bill establishes DCI deputies for collection, analysis, and administration. This approach differs from that proposed by the administration, which seeks to have a single DCI deputy for community affairs and a second for the CIA. I am confident that these different approaches, which share a common objective, can be resolved in discussions with the House Intelligence Committee and the administration prior to approval of the Intelligence conference report later this month.

Mr. President, these organizational provisions are the product of numerous hearings held by the Intelligence Committee dating back to 1990. They are also to some degree the product of the Presidential Commission on Intelligence sponsored 2 years ago in the Senate by our distinguished colleague Senator JOHN WARNER of Virginia. Finally, these provisions reflect substantial contributions and refinements made by the members and staff of the Senate Armed Services Committee. These provisions have been the subject of substantial discussions, hearings, and debate, and I believe they deserve the support of every Senator.

In addition to these very substantial and important organizational provisions, I would like to draw the attention of my colleagues to title V of S. 1718, which criminalizes economic espionage conducted against the United States by foreign governments and their agents. Too often, when considering the issue of economic espionage, the question that has been asked is whether or not the United States should try to collect information that might be of value to U.S. industry. I believe the answer to that question is clearly "no." The issue that has not received as much attention as it deserves, in my opinion, concerns the threat posed to the U.S. economy by acts of industrial espionage perpetrated by foreign governments.

Over the last few years I have tried to move the discussion of these matters out of the closed-door settings of the Intelligence and Armed Services Committees and into the public domain. Nearly 3 years ago the Senate adopted an amendment I offered to S. 4, the National Competitiveness Act, requiring the President to submit an annual report on foreign industrial espionage modeled on the State Department's annual report on terrorism, which has done a great deal to increase media, and thus public, awareness of the terrorism threat. I offered my amendment to the competitiveness bill so that it would attract the attention of the business media, rather than the defense-oriented press, and so that the Commerce Committee would have jurisdiction over it and become a forum for congressional oversight of this problem.

While this reporting requirement had to be moved to the intelligence authorization bill after S. 4 stalled in conference, I am pleased that the first two annual reports have resulted in more and better media coverage of the threat that economic espionage poses to U.S. industry. At the same time, the President's report relegated too much information to the classified appendix, not because release of the information would have put at risk sources and methods, but because it would have diplomatic repercussions. Nevertheless, awareness of the problem has been increasing, as has the need to provide new tools to the FBI to deter the theft of critical U.S. trade and economic information.

To their credit, Director Freeh and other administration officials have been forward-leaning in addressing the problem, and we are now in the position of enjoying administration support for the legislation that Senator SPECTER and I introduced, which has been incorporated in this bill, to provide the FBI the tools necessary to defeat and when necessary successfully prosecute acts of economic espionage. I expect the FBI and the Justice Department to use the new authorities provided by this legislation to aggressively investigate and prosecute acts of economic espionage.

Mr. President, I would like to commend the chairman and vice chairman of the Intelligence Committee, as well as their staff, for their dedication and hard work. It has not been easy to forge a consensus on the many legislative provisions contained in this bill, but the very dedicated managers of the bill have found solutions to the concerns raised by the Armed Services Committee and the Department of Defense.

In closing, I would like to also express my admiration for the thousands of dedicated personnel who labor in obscurity within the U.S. intelligence community. Most of their accomplishments remain secret, but in my nearly 10 years of service on the Intelligence Committee, I have developed enormous respect and appreciation for their achievements. They deserve the support and appreciation of the American

people, the best managerial structure we can provide, and the resources necessary to accomplish their many missions. I believe this bill is fully consistent with those objectives and I urge its adoption by the Senate.

Mr. SPECTER. Mr. President, I ask unanimous consent that the committee amendments be agreed to; further, that an amendment offered by the managers and an amendment offered by Senator THURMOND which are at the desk be considered and agreed to en bloc.

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

The committee amendments were agreed to.

The amendments (Nos. 5355 and 5356) considered and agreed to en bloc are as follows:

AMENDMENT NO. 5355

(Purpose: To strike section 718, relating to terms of service of members of the Select Committee on Intelligence of the Senate)

On page 72, strike out line 14 and all that follows through page 73, line 9.

AMENDMENT NO. 5356

(Purpose: Relating to the functions of the Assistant Director of Central Intelligence for Collection)

On page 52, beginning on line 18, strike out "shall manage" and all that follows through page 52, line 23, and insert in lieu thereof "shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.'".

Mr. SPECTER. Mr. President, I ask unanimous consent that the bill then be read a third time and the Senate then proceed to the consideration of Calendar No. 420, H.R. 3259, the House companion measure; further, that all after the enacting clause be stricken and the text of S. 1718, as amended, be inserted in lieu thereof, H.R. 3259 then be deemed read a third time and passed, with the motion to reconsider laid upon the table.

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

The bill (H.R. 3259), as amended, was deemed read for a third time and passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3259) entitled "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Personnel ceiling adjustments.
Sec. 104. Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL PROVISIONS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Postponement of applicability of sanctions laws to intelligence activities.
Sec. 304. Post-employment restrictions.
Sec. 305. Executive branch oversight of budgets of elements of the intelligence community.

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

Sec. 401. Access to telephone records.

TITLE V—ECONOMIC ESPIONAGE

Sec. 501. Short title.
Sec. 502. Prevention of economic espionage and protection of proprietary economic information.

TITLE VI—COMBATTING PROLIFERATION

Sec. 601. Short title.
Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation
Sec. 611. Establishment of commission.
Sec. 612. Duties of commission.
Sec. 613. Powers of commission.
Sec. 614. Commission personnel matters.
Sec. 615. Termination of commission.
Sec. 616. Definition.
Sec. 617. Authorization of appropriations.
Subtitle B—Other Matters
Sec. 621. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

Sec. 701. Short title.
Sec. 702. Committee on Foreign Intelligence.
Sec. 703. Annual reports on intelligence.
Sec. 704. Transnational threats.
Sec. 705. Office of the Director of Central Intelligence.
Sec. 706. National Intelligence Council.
Sec. 707. Enhancement of authority of Director of Central Intelligence to manage budget, personnel, and activities of intelligence community.
Sec. 708. Responsibilities of Secretary of Defense pertaining to the National Foreign Intelligence Program.
Sec. 709. Improvement of intelligence collection.
Sec. 710. Improvement of analysis and production of intelligence.
Sec. 711. Improvement of administration of intelligence activities.
Sec. 712. Pay level of Assistant Directors of Central Intelligence.
Sec. 713. General Counsel of the Central Intelligence Agency.
Sec. 714. Office of Congressional Affairs of the Director of Central Intelligence.
Sec. 715. Assistance for law enforcement agencies by intelligence community.
Sec. 716. Appointment and evaluation of officials responsible for intelligence-related activities.
Sec. 717. Requirements for submittal of budget information on intelligence activities.
Sec. 718. Report on intelligence community policy on protecting the national information infrastructure against strategic attacks.

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

Sec. 801. National mission and collection tasking authority for the National Imagery and Mapping Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1997 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1997, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill ___ of the One Hundred Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1997 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever he exercises the authority granted by this section.

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1997 the sum of $95,526,000. Within such amounts authorized, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1998.

(b) AUTHORIZED PERSONNEL LEVELS.—The staff of the Community Management Account of

the Director of Central Intelligence is authorized 265 full-time personnel as of September 30, 1997. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During fiscal year 1997, any officer or employee of the United States or member of the Armed Forces who is detailed to the staff of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a non-reimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1997 the sum of $184,200,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. POSTPONEMENT OF APPLICABILITY OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "the date which is one year after the date of the enactment of this title" and inserting "January 6, 1998".

SEC. 304. POST-EMPLOYMENT RESTRICTIONS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of Central Intelligence shall prescribe regulations requiring each new and current employee of the Central Intelligence Agency to sign a written agreement restricting the activities of that employee upon ceasing employment with the Central Intelligence Agency.

(b) AGREEMENT ELEMENTS.—The regulations shall provide that an agreement contain provisions specifying that the employee concerned not represent or advise the government, or any political party, of a foreign country during the five-year period beginning on the termination of the employee's employment with the Central Intelligence Agency.

(c) DISCIPLINARY ACTIONS.—The regulations shall specify appropriate disciplinary actions (including loss of retirement benefits) to be taken against any employee determined by the Director of Central Intelligence to have violated the agreement of the employee under this section.

SEC. 305. EXECUTIVE BRANCH OVERSIGHT OF BUDGETS OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the President shall submit to the congressional intelligence committees a report setting forth the actions that have been taken to ensure adequate oversight by the executive branch of the budget of the National Reconnaissance Office and the budgets of other elements of the intelligence community within the Department of Defense.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall—

(1) describe the extent to which the elements of the intelligence community carrying out programs and activities in the National Foreign Intelligence Program are subject to requirements imposed on other elements and components of the Department of Defense under the Chief Financial Officers Act of 1990 (Public Law 101–576), and the amendments made by that Act, and the Federal Financial Management Act of 1994 (title IV of Public Law 103–356), and the amendments made by that Act;

(2) describe the extent to which such elements submit to the Office of Management and Budget budget justification materials and execution reports similar to the budget justification materials and execution reports submitted to the Office of Management and Budget by the non-intelligence components of the Department of Defense;

(3) describe the extent to which the National Reconnaissance Office submits to the Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense—

(A) complete information on the cost, schedule, performance, and requirements for any new major acquisition before initiating the acquisition;

(B) yearly reports (including baseline cost and schedule information) on major acquisitions;

(C) planned and actual expenditures in connection with major acquisitions; and

(D) variances from any cost baselines for major acquisitions (including explanations of such variances); and

(4) assess the extent to which the National Reconnaissance Office has submitted to Office of Management and Budget, the Community Management Staff, and the Office of the Secretary of Defense on a monthly basis a detailed budget execution report similar to the budget execution report prepared for Department of Defense programs.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "congressional intelligence committees" shall mean the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "National Foreign Intelligence Program" has the meaning given such term in section 3(6) of the National Security Act of 1947 (50 U.S.C. 401a(6)).

TITLE IV—FEDERAL BUREAU OF INVESTIGATION

SEC. 401. ACCESS TO TELEPHONE RECORDS.

(a) ACCESS FOR COUNTERINTELLIGENCE PURPOSES.—Section 2709(b)(1) of title 18, United States Code, is amended by inserting "local and long distance" before "toll billing records".

(b) CONFORMING AMENDMENT.—Section 2703(c)(1)(C) of such title is amended by inserting "local and long distance" after "address,".

(c) CIVIL REMEDY.—Section 2707 of such title is amended—

(1) in subsection (a), by striking "customer" and inserting "other person";

(2) in subsection (c), by adding at the end the following: "If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.";

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(4) by inserting after subsection (c) the following new subsection (d):

"(d) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise the question whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department concerned shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee.".

TITLE V—ECONOMIC ESPIONAGE

SEC. 501. SHORT TITLE.

This title may be cited as the "Economic Espionage Act of 1996".

SEC. 502. PREVENTION OF ECONOMIC ESPIONAGE AND PROTECTION OF PROPRIETARY ECONOMIC INFORMATION.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 27 the following new chapter:

"CHAPTER 28—ECONOMIC ESPIONAGE

"Sec.
"571. Definitions.
"572. Economic espionage.
"573. Criminal forfeiture.
"574. Import and export sanctions.
"575. Scope of extraterritorial jurisdiction.
"576. Construction with other laws.
"577. Preservation of confidentiality.
"578. Law enforcement and intelligence activities.

"§571. Definitions

"For purposes of this chapter, the following definitions shall apply:

"(1) FOREIGN AGENT.—The term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign nation or government.

"(2) FOREIGN INSTRUMENTALITY.—The term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government or any political subdivision, instrumentality, or other authority thereof.

"(3) OWNER.—The term 'owner' means the person or persons in whom, or the United States Government component, department, or agency in which, rightful legal, beneficial, or equitable title to, or license in, proprietary economic information is reposed.

"(4) PROPRIETARY ECONOMIC INFORMATION.—The term 'proprietary economic information' means all forms and types of financial, business, scientific, technical, economic, or engineering information (including data, plans, tools, mechanisms, compounds, formulas, designs, prototypes, processes, procedures, programs, codes, or commercial strategies, whether tangible or intangible, and whether stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing), if—

"(A) the owner thereof has taken reasonable measures to keep such information confidential; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public.

"(5) UNITED STATES PERSON.—The term 'United States person' means—

"(A) in the case of a natural person, a citizen of the United States or a permanent resident alien of the United States; and

"(B) in the case of an organization (as that term is defined in section 18 of this title), an entity substantially owned or controlled by citizens of the United States or permanent resident aliens of the United States, or incorporated in the United States.

"§572. Economic espionage

"(a) IN GENERAL.—Any person who, with knowledge or reason to believe that he or she is acting on behalf of, or with the intent to benefit, any foreign nation, government, instrumentality, or agent, knowingly—

"(1) steals, wrongfully appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains proprietary economic information;

"(2) wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys proprietary economic information;

"(3) being entrusted with, or having lawful possession or control of, or access to, proprietary economic information, wrongfully copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys the same;

"(4) receives, buys, or possesses proprietary economic information, knowing the same to have been stolen or wrongfully appropriated, obtained, or converted;

"(5) attempts to commit any offense described in any of paragraphs (1) through (4);

"(6) wrongfully solicits another to commit any offense described in any of paragraphs (1) through (4); or

"(7) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (4), and one or more of such persons do any act to effect the object of the conspiracy,

shall, except as provided in subsection (b), be fined not more than $500,000 or imprisoned not more than 25 years, or both.

"(b) ORGANIZATIONS.—Any organization that commits any offense described in subsection (a) shall be fined not more than $10,000,000.

"(c) EXCEPTION.—It shall not be a violation of this section to disclose proprietary economic information in the case of—

"(1) appropriate disclosures to Congress; or

"(2) disclosures to an authorized official of an executive agency that are deemed essential to reporting a violation of United States law.

"§573. Criminal forfeiture

"(a) IN GENERAL.—Notwithstanding any provision of State law to the contrary, any person convicted of a violation under this chapter shall forfeit to the United States—

"(1) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(2) any of the property of that person used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation.

"(b) COURT ACTION.—The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the United States all property described in this section.

"(c) APPLICABILITY OF OTHER LAW.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

"§574. Import and export sanctions

"(a) ACTION BY THE PRESIDENT.—The President may, to the extent consistent with international agreements to which the United States is a party, prohibit, for a period of not longer than 5 years, the importation into, or exportation from, the United States, whether by carriage of tangible items or by transmission, any merchandise produced, made, assembled, or manufactured by a person convicted of any offense described in section 572 of this title, or in the case of an organization convicted of any offense described in such section, its successor entity or entities.

"(b) ACTION BY THE SECRETARY OF THE TREASURY.—

"(1) CIVIL PENALTY.—The Secretary of the Treasury may impose on any person who knowingly violates any order of the President issued under the authority of this section, a civil penalty equal to not more than 5 times the value of the exports or imports involved, or $100,000, whichever is greater.

"(2) SEIZURE AND FORFEITURE.—Any merchandise imported or exported in violation of an order of the President issued under this section shall be subject to seizure and forfeiture in accordance with sections 602 through 619 of the Tariff Act of 1930.

"(3) APPLICABILITY OF OTHER PROVISIONS.—The provisions of law relating to seizure, summary and judicial forfeiture, and condemnation of property for violation of the United States customs laws, the disposition of such property or the proceeds from the sale thereof, the remission or mitigation of such forfeiture, and the compromise of claims, shall apply to seizures and forfeitures incurred, or alleged to have been incurred under this section to the extent that they are applicable and not inconsistent with the provisions of this chapter.

"§575. Scope of extraterritorial jurisdiction

"This chapter applies—

"(1) to conduct occurring within the United States; and

"(2) to conduct occurring outside the United States if—

"(A) the offender is a United States person; or

"(B) the act in furtherance of the offense was committed in the United States.

"§576. Construction with other laws

"This chapter shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by Federal, State, commonwealth, possession, or territorial laws that are applicable to the misappropriation of proprietary economic information.

"§577. Preservation of confidentiality

"In any prosecution or other proceeding under this chapter, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of proprietary economic information, consistent with the requirements of the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of proprietary economic information.

"§578. Law enforcement and intelligence activities

"This chapter does not prohibit, and shall not impair, any lawful activity conducted by a law enforcement or regulatory agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 27 the following new item:

"28. Economic espionage ..... 571".

(c) CONFORMING AMENDMENT.—Section 2516(1)(a) of title 18, United States Code, is amended by inserting "chapter 28 (relating to economic espionage)," after "or under the following chapters of this title:".

TITLE VI—COMBATTING PROLIFERATION

SEC. 601. SHORT TITLE.

This title may be cited as the "Combatting Proliferation of Weapons of Mass Destruction Act of 1996".

Subtitle A—Assessment of Organization and Structure of Government for Combatting Proliferation

SEC. 611. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—The Commission shall be composed of eight members of whom—

(1) four shall be appointed by the President;

(2) one shall be appointed by the Majority Leader of the Senate;

(3) one shall be appointed by the Minority Leader of the Senate;

(4) one shall be appointed by the Speaker of the House of Representatives; and

(5) one shall be appointed by the Minority Leader of the House of Representatives.

(c) QUALIFICATIONS OF MEMBERS.—(1) To the maximum extent practicable, the individuals appointed as members of the Commission shall be individuals who are nationally recognized for expertise regarding—

(A) the nonproliferation of weapons of mass destruction;

(B) the efficient and effective implementation of United States nonproliferation policy; or

(C) the implementation, funding, or oversight of the national security policies of the United States.

(2) An official who appoints members of the Commission may not appoint an individual as a member if, in the judgment of the official, the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(h) MEETINGS.—The Commission shall meet at the call of the Chairman.

SEC. 612. DUTIES OF COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall carry out a thorough study of the organization of the Federal Government, including the elements of the intelligence community, with respect to combatting the proliferation of weapons of mass destruction.

(2) SPECIFIC REQUIREMENTS.—In carrying out the study, the Commission shall—

(A) assess the current structure and organization of the departments and agencies of the Federal Government having responsibilities for combatting the proliferation of weapons of mass destruction; and

(B) assess the effectiveness of United States cooperation with foreign governments with respect to nonproliferation activities, including cooperation—

(i) between elements of the intelligence community and elements of the intelligence-gathering services of foreign governments;

(ii) between other departments and agencies of the Federal Government and the counterparts to such departments and agencies in foreign governments; and

(iii) between the Federal Government and international organizations.

(3) ASSESSMENTS.—In making the assessments under paragraph (2), the Commission should address—

(A) the organization of the export control activities (including licensing and enforcement activities) of the Federal Government relating to the proliferation of weapons of mass destruction;

(B) arrangements for coordinating the funding of United States nonproliferation activities;

(C) existing arrangements governing the flow of information among departments and agencies of the Federal Government responsible for nonproliferation activities;

(D) the effectiveness of the organization and function of interagency groups in ensuring implementation of United States treaty obligations, laws, and policies with respect to nonproliferation;

(E) the administration of sanctions for purposes of nonproliferation, including the measures taken by departments and agencies of the Federal Government to implement, assess, and enhance the effectiveness of such sanctions;

(F) the organization, management, and oversight of United States counterproliferation activities;

(G) the recruitment, training, morale, expertise, retention, and advancement of Federal Government personnel responsible for the nonproliferation functions of the Federal Government, including any problems in such activities;

(H) the role in United States nonproliferation activities of the National Security Council, the Office of Management and Budget, the Office of Science and Technology Policy, and other offices in the Executive Office of the President having responsibilities for such activities;

(I) the organization of the activities of the Federal Government to verify government-to-government assurances and commitments with respect to nonproliferation, including assurances regarding the future use of commodities exported from the United States; and

(J) the costs and benefits to the United States of increased centralization and of decreased centralization in the administration of the nonproliferation activities of the Federal Government.

(b) RECOMMENDATIONS.—In conducting the study, the Commission shall develop recommendations on means of improving the effectiveness of the organization of the departments and agencies of the Federal Government in meeting the national security interests of the United States with respect to the proliferation of weapons of mass destruction. Such recommendations shall include specific recommendations to eliminate duplications of effort, and other inefficiencies, in and among such departments and agencies.

(c) REPORT.—(1) Not later than 18 months after the date of the enactment of this Act, the Commission shall submit to Congress a report containing a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(2) The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 613. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—(1) IN GENERAL.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this subtitle. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(2) CLASSIFIED INFORMATION.—A department or agency may furnish the Commission classified information under this subsection. The Commission shall take appropriate actions to safeguard classified information furnished to the Commission under this paragraph.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 614. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 615. TERMINATION OF COMMISSION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 612(c).

SEC. 616. DEFINITION.

For purposes of this subtitle, the term "intelligence community" shall have the meaning given such term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 617. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the Commission for fiscal year 1997 such sums as may be necessary for the Commission to carry out its duties under this subtitle.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available for expenditure until the termination of the Commission under section 615.

Subtitle B—Other Matters

SEC. 621. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.

(a) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Director of Central Intelligence shall submit to Congress a report on—

(1) the acquisition by foreign countries during the preceding 6 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions; and

(2) trends in the acquisition of such technology by such countries.

(b) FORM OF REPORTS.—The reports submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

TITLE VII—RENEWAL AND REFORM OF INTELLIGENCE ACTIVITIES

SEC. 701. SHORT TITLE.

This title may be cited as the "Intelligence Activities Renewal and Reform Act of 1996".

SEC. 702. COMMITTEE ON FOREIGN INTELLIGENCE.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended—

(1) by redesignating subsection (h) as subsection (j); and

(2) by inserting after subsection (g) the following new subsection (h):

"(h)(1) There is established within the National Security Council a committee to be known as the 'Committee on Foreign Intelligence'.

"(2) The Committee shall be composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(E) Such other members as the President may designate.

"(3) The function of the Committee shall be to assist the Council in its activities by—

"(A) identifying the intelligence required to address the national security interests of the United States as specified by the President;

"(B) establishing priorities (including funding priorities) among the programs, projects, and activities that address such interests and requirements; and

"(C) establishing policies relating to the conduct of intelligence activities of the United States, including appropriate roles and missions for the elements of the intelligence community and appropriate targets of intelligence collection activities.

"(4) In carrying out its function, the Committee shall—

"(A) conduct an annual review of the national security interests of the United States;

"(B) identify on an annual basis, and at such other times as the Council may require, the intelligence required to meet such interests and establish an order of priority for the collection and analysis of such intelligence; and

"(C) conduct an annual review of the elements of the intelligence community in order to determine the success of such elements in collecting, analyzing, and disseminating the intelligence identified under subparagraph (B).

"(5) The Committee shall submit each year to the Council and to the Director of Central Intelligence a comprehensive report on its activities during the preceding year, including its activities under paragraphs (3) and (4).".

SEC. 703. ANNUAL REPORTS ON INTELLIGENCE.

(a) IN GENERAL.—Section 109 of the National Security Act of 1947 (50 U.S.C. 404d) is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

"SEC. 109. (a) IN GENERAL.—(1) Not later than January 31 each year, the President shall submit to the appropriate congressional committees a report on the requirements of the United States for intelligence and the activities of the intelligence community.

"(2) The purpose of the report is to facilitate an assessment of the activities of the intelligence community during the preceding fiscal year and to assist in the development of a mission and a budget for the intelligence community for the fiscal year beginning in the year in which the report is submitted.

"(3) The report shall be submitted in unclassified form, but may include a classified annex.

"(b) MATTERS COVERED.—(1) Each report under subsection (a) shall—

"(A) specify the intelligence required to meet the national security interests of the United States, and set forth an order of priority for the collection and analysis of intelligence required to meet such interests, for the fiscal year beginning in the year in which the report is submitted; and

"(B) evaluate the performance of the intelligence community in collecting and analyzing intelligence required to meet such interests during the fiscal year ending in the year preceding the year in which the report is submitted, including a description of the significant successes and significant failures of the intelligence community in such collection and analysis during that fiscal year.

"(2) The report shall specify matters under paragraph (1)(A) in sufficient detail to assist Congress in making decisions with respect to the allocation of resources for the matters specified.

"(c) DEFINITION.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The Select Committee on Intelligence, the Committee on Appropriations, and the Committee on Armed Services of the Senate.

"(2) The Permanent Select Committee on Intelligence, the Committee on Appropriations, and the Committee on National Security of the House of Representatives.".

(b) CONFORMING AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

"ANNUAL REPORT ON INTELLIGENCE".

(2) The table of contents in the first section of that Act is amended by striking the item relating to section 109 and inserting the following new item:

"Sec. 109. Annual report on intelligence.".

SEC. 704. TRANSNATIONAL THREATS.

Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by inserting after subsection (h), as amended by section 702 of this Act, the following new subsection:

"(i)(1) There is established within the National Security Council a committee to be known as the 'Committee on Transnational Threats'.

"(2) The Committee shall include the following members:

"(A) The Director of Central Intelligence.

"(B) The Secretary of State.

"(C) The Secretary of Defense.

"(D) The Attorney General.

"(E) The Assistant to the President for National Security Affairs, who shall serve as the chairperson of the Committee.

"(F) Such other members as the President may designate.

"(3) The function of the Committee shall be to coordinate and direct the activities of the United States Government relating to combatting transnational threats.

"(4) In carrying out its function, the Committee shall—

"(A) identify transnational threats;

"(B) develop strategies to enable the United States Government to respond to transnational threats identified under subparagraph (A);

"(C) monitor implementation of such strategies;

"(D) make recommendations as to appropriate responses to specific transnational threats;

"(E) assist in the resolution of operational and policy differences among Federal departments and agencies in their responses to transnational threats;

"(F) develop policies and procedures to ensure the effective sharing of information about transnational threats among Federal departments and agencies, including law enforcement agencies and the elements of the intelligence community; and

"(G) develop guidelines to enhance and improve the coordination of activities of Federal law enforcement agencies and elements of the intelligence community outside the United States with respect to transnational threats.

"(5) For purposes of this subsection, the term 'transnational threat' means the following:

"(A) Any transnational activity (including international terrorism, narcotics trafficking, the proliferation of weapons of mass destruction and the delivery systems for such weapons, and organized crime) that threatens the national security of the United States.

"(B) Any individual or group that engages in an activity referred to in subparagraph (A).".

SEC. 705. OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

(a) IN GENERAL.—Title I of The National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) in section 102 (50 U.S.C. 403)—

(A) by striking the section heading and all that follows through paragraph (1) of subsection (a) and inserting the following:

"OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE

"SEC. 102.";

(B) by redesignating paragraph (2) of subsection (a) as subsection (a) and in such subsection (a), as so redesignated, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(C) by striking subsection (d) and inserting the following:

"(d)(1) There is an Office of the Director of Central Intelligence. The function of the Office is to assist the Director of Central Intelligence in carrying out the duties and responsibilities of the Director under this Act and to carry out such other duties as may be prescribed by law.

"(2) The Office of the Director of Central Intelligence is composed of the following:

"(A) The Director of Central Intelligence.

"(B) The Deputy Director of Central Intelligence.

"(C) The National Intelligence Council.

"(D) The Assistant Director of Central Intelligence for Collection.

"(E) The Assistant Director of Central Intelligence for Analysis and Production.

"(F) The Assistant Director of Central Intelligence for Administration.

"(G) Such other offices and officials as may be established by law or the Director of Central Intelligence may establish or designate in the Office.

"(3) To assist the Director in fulfilling the responsibilities of the Director as head of the intelligence community, the Director shall employ and utilize in the Office of the Director of Central Intelligence a professional staff having an expertise in matters relating to such responsibilities and may establish permanent positions and appropriate rates of pay with respect to that staff."; and

(2) by inserting after section 102, as so amended, the following new section:

"CENTRAL INTELLIGENCE AGENCY

"SEC. 102A. There is a Central Intelligence Agency. The function of the Agency shall be to assist the Director of Central Intelligence in carrying out the responsibilities referred to in paragraphs (1) through (4) of section 103(d) of this Act.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 102 and inserting the following new items:

"Sec. 102. Office of the Director of Central Intelligence.

"Sec. 102A. Central Intelligence Agency.".

SEC. 706. NATIONAL INTELLIGENCE COUNCIL.

Section 103(b) of the National Security Act of 1947 (50 U.S.C. 403–3(b)) is amended—

(1) in paragraph (1)(B), by inserting ", or as contractors of the Council or employees of such contractors," after "on the Council";

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) Subject to the direction and control of the Director of Central Intelligence, the Center may carry out its responsibilities under this subsection by contract, including contracts for substantive experts necessary to assist the Center with particular assessments under this subsection."; and

(4) in paragraph (5), as so redesignated, by adding at the end the following: "The Center shall also be readily accessible to policymaking officials and other appropriate individuals not otherwise associated with the intelligence community.".

SEC. 707. ENHANCEMENT OF AUTHORITY OF DIRECTOR OF CENTRAL INTELLIGENCE TO MANAGE BUDGET, PERSONNEL, AND ACTIVITIES OF INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) facilitate the development of an annual budget for intelligence and intelligence-related activities of the United States by—

"(A) developing and presenting to the President an annual budget for the National Foreign Intelligence Program; and

"(B) participating in the development by the Secretary of Defense of the annual budgets for the Joint Military Intelligence Program and the Tactical Intelligence and Related Activities Program;";

(2) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national collection assets, except as otherwise agreed with the

Secretary of Defense pursuant to the direction of the President;".

(b) USE OF FUNDS.—Section 104 of the National Security Act of 1947 (50 U.S.C. 403–4) is amended—

(1) by adding at the end of subsection (c) the following: "The Secretary of Defense shall consult with the Director of Central Intelligence before reprogramming funds made available under the Joint Military Intelligence Program.";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) DATABASE AND BUDGET EXECUTION INFORMATION.—The Director of Central Intelligence and the Secretary of Defense shall jointly issue guidance for the development and implementation by the year 2000 of a database to provide timely and accurate information on the amounts and status of resources, including periodic budget execution updates, for national, defense-wide, and tactical intelligence activities.".

SEC. 708. RESPONSIBILITIES OF SECRETARY OF DEFENSE PERTAINING TO THE NATIONAL FOREIGN INTELLIGENCE PROGRAM.

Section 105 of the National Security Act of 1947 (50 U.S.C. 403–5) is amended—

(1) in subsection (a), by inserting ", in consultation with the Director of Central Intelligence," after "Secretary of Defense" in the matter preceding paragraph (1); and

(2) by adding at the end the following:

"(d) ANNUAL EVALUATION OF THE DIRECTOR OF CENTRAL INTELLIGENCE.—The Director of Central Intelligence, in consultation with the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, shall submit each year to the Committee on Foreign Intelligence of the National Security Council and the appropriate congressional committees (as defined in section 109(c)) an evaluation of the performance and the responsiveness of the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency in meeting their national missions.".

SEC. 709. IMPROVEMENT OF INTELLIGENCE COLLECTION.

(a) ASSISTANT DIRECTOR OF CENTRAL INTELLIGENCE FOR COLLECTION.—Section 102 of the National Security Act of 1947, as amended by section 705(a)(1) of this Act, is amended by adding at the end the following:

"(e)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Collection, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2)(A) If neither the Director of Central Intelligence nor the Deputy Director of Central Intelligence is a commissioned officer of the Armed Forces at the time of the nomination of an individual to the position of Assistant Director of Central Intelligence for Collection, the President shall nominate an individual for that position from among the commissioned officers of the Armed Forces who have substantial experience in managing intelligence activities.

"(B) The provisions of subsection (c)(3) shall apply to any commissioned officer of the Armed Forces while serving in the position of Assistant Director for Collection.

"(3) The Assistant Director for Collection shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.".

(b) CONSOLIDATION OF HUMAN INTELLIGENCE COLLECTION ACTIVITIES.—Not later than 90 days after the date of the enactment of this Act, the Director of Central Intelligence and the Deputy Secretary of Defense shall jointly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the National Security Committee and Permanent Select Committee on Intelligence of the House of Representatives a report on the ongoing efforts of those officials to achieve commonality, interoperability, and, where practicable, consolidation of the collection of clandestine intelligence from human sources conducted by the Defense Human Intelligence Service of the Department of Defense and the Directorate of Operations of the Central Intelligence Agency.

SEC. 710. IMPROVEMENT OF ANALYSIS AND PRODUCTION OF INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 709(a) of this Act, is further amended by adding at the end the following:

"(f)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Analysis and Production, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Analysis and Production shall—

"(A) oversee the analysis and production of intelligence by the elements of the intelligence community;

"(B) establish standards and priorities relating to such analysis and production;

"(C) monitor the allocation of resources for the analysis and production of intelligence in order to identify unnecessary duplication in the analysis and production of intelligence;

"(D) identify intelligence to be collected for purposes of the Assistant Director of Central Intelligence for Collection; and

"(E) provide such additional analysis and production of intelligence as the President and the National Security Council may require.".

SEC. 711. IMPROVEMENT OF ADMINISTRATION OF INTELLIGENCE ACTIVITIES.

Section 102 of the National Security Act of 1947, as amended by section 710 of this Act, is further amended by adding at the end the following:

"(g)(1) To assist the Director of Central Intelligence in carrying out the Director's responsibilities under this Act, there shall be an Assistant Director of Central Intelligence for Administration, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Assistant Director for Administration shall manage such activities relating to the administration of the intelligence community as the Director of Central Intelligence shall require.".

SEC. 712. PAY LEVEL OF ASSISTANT DIRECTORS OF CENTRAL INTELLIGENCE.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Assistant Directors of Central Intelligence (3).".

SEC. 713. GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION.—The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end the following:

"GENERAL COUNSEL OF THE CENTRAL INTELLIGENCE AGENCY

"SEC. 20. (a) There is a General Counsel of the Central Intelligence Agency, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The General Counsel is the chief legal officer of the Central Intelligence Agency.

"(c) The General Counsel of the Central Intelligence Agency shall perform such functions as the Director of Central Intelligence may prescribe.".

(b) EXECUTIVE SCHEDULE IV PAY LEVEL.—Section 5315 of title 5, United States Code, as amended by section 712 of this Act, is further amended by adding at the end the following:

"General Counsel of the Central Intelligence Agency.".

SEC. 714. OFFICE OF CONGRESSIONAL AFFAIRS OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Section 102 of the National Security Act of 1947, as amended by section 711 of this Act, is further amended by adding at the end the following:

"(h)(1) There is hereby established the Office of Congressional Affairs of the Director of Central Intelligence.

"(2)(A) The Office shall be headed by the Director of the Office of Congressional Affairs of the Director of Central Intelligence.

"(B) The Director of Central Intelligence may designate the Director of the Office of Congressional Affairs of the Central Intelligence Agency to serve as the Director of the Office of Congressional Affairs of the Director of Central Intelligence.

"(3) The Director shall coordinate the congressional affairs activities of the elements of the intelligence community and have such additional responsibilities as the Director of Central Intelligence may prescribe.

"(4) Nothing in the subsection may be construed to preclude the elements of the intelligence community from responding directly to requests from Congress.".

SEC. 715. ASSISTANCE FOR LAW ENFORCEMENT AGENCIES BY INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 105 the following new section:

"ASSISTANCE TO UNITED STATES LAW ENFORCEMENT AGENCIES

"SEC. 105A. (a) AUTHORITY TO PROVIDE ASSISTANCE.—Subject to subsection (b), elements of the intelligence community may, upon the request of a United States law enforcement agency, collect information outside the United States about individuals who are not United States persons. Such elements may collect such information notwithstanding that the law enforcement agency intends to use the information collected for purposes of a law enforcement investigation or counterintelligence investigation.

"(b) LIMITATION ON ASSISTANCE BY ELEMENTS OF DEPARTMENT OF DEFENSE.—(1) With respect to elements within the Department of Defense, the authority in subsection (a) applies only to the National Security Agency, the National Reconnaissance Office, and the National Imagery and Mapping Agency.

"(2) Assistance provided under this section by elements of the Department of Defense may not include the direct participation of a member of the Army, Navy, Air Force, or Marine Corps in an arrest or similar activity.

"(3) Assistance may not be provided under this section by an element of the Department of Defense if the provision of such assistance will adversely affect the military preparedness of the United States.

"(4) The Secretary of Defense shall prescribe regulations governing the exercise of authority under this section by elements of the Department of Defense, including regulations relating to the protection of sources and methods in the exercise of such authority.

"(c) DEFINITIONS.—For purposes of subsection (a):

"(1) The term 'United States law enforcement agency' means any department or agency of the Federal Government that the Attorney General

designates as law enforcement agency for purposes of this section.

"(2) The term 'United States person' means the following:

"(A) A United States citizen.

"(B) An alien known by the intelligence agency concerned to be a permanent resident alien.

"(C) An unincorporated association substantially composed of United States citizens or permanent resident aliens.

"(D) A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 105 the following new item:

"Sec. 105A. Assistance to United States law enforcement agencies.".

SEC. 716. APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES.

(a) IN GENERAL.—Section 106 of the National Security Act of 1947 (50 U.S.C. 403-6) is amended to read as follows:

"APPOINTMENT AND EVALUATION OF OFFICIALS RESPONSIBLE FOR INTELLIGENCE-RELATED ACTIVITIES

"SEC. 106. (a) CONCURRENCE OF DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the Secretary of Defense shall obtain the concurrence of the Director of Central Intelligence before recommending to the President an individual for appointment to the position. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the National Security Agency.

"(B) The Director of the National Reconnaissance Office.

"(b) CONSULTATION WITH DCI IN CERTAIN APPOINTMENTS.—(1) In the event of a vacancy in a position referred to in paragraph (2), the head of the department or agency having jurisdiction over the position shall consult with the Director of Central Intelligence before appointing an individual to fill the vacancy or recommending to the President an individual to be nominated to fill the vacancy.

"(2) Paragraph (1) applies to the following positions:

"(A) The Director of the Defense Intelligence Agency.

"(B) The Assistant Secretary of State for Intelligence and Research.

"(C) The Director of the Office of Nonproliferation and National Security of the Department of Energy.

"(D) The Assistant Director, National Security Division of the Federal Bureau of Investigation.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 106 and inserting in lieu thereof the following new item:

"Sec. 106. Appointment and evaluation of officials responsible for intelligence-related activities.".

SEC. 717. REQUIREMENTS FOR SUBMITTAL OF BUDGET INFORMATION ON INTELLIGENCE ACTIVITIES.

(a) SUBMITTAL WITH ANNUAL BUDGET.—Notwithstanding any other provision of law, the President shall include in each budget for a fiscal year submitted under section 1105 of title 31, United States Code, the following information:

(1) The aggregate amount appropriated during the current fiscal year on all intelligence and intelligence-related activities of the United States Government.

(2) The aggregate amount requested in such budget for the fiscal year covered by the budget for all intelligence and intelligence-related activities of the United States Government.

(b) FORM OF SUBMITTAL.—The President shall submit the information required under subsection (a) in unclassified form.

SEC. 718. REPORT ON INTELLIGENCE COMMUNITY POLICY ON PROTECTING THE NATIONAL INFORMATION INFRASTRUCTURE AGAINST STRATEGIC ATTACKS.

(a) IN GENERAL.—(1) Not later than 120 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report setting forth—

(A) the results of a review of the threats to the United States on protecting the national information infrastructure against information warfare and other non-traditional attacks; and

(B) the counterintelligence response of the Director.

(2) The report shall include a description of the plans of the intelligence community to provide intelligence support for the indications, warning, and assessment functions of the intelligence community with respect to information warfare and other non-traditional attacks by foreign nations, groups, or individuals against the national information infrastructure.

(b) DEFINITIONS.—For purposes of this section:

(1) The term "national information infrastructure" includes the information infrastructure of the public or private sector.

(2) The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE VIII—NATIONAL IMAGERY AND MAPPING AGENCY

SEC. 801. NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY.

(a) IN GENERAL.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

"NATIONAL MISSION AND COLLECTION TASKING AUTHORITY FOR THE NATIONAL IMAGERY AND MAPPING AGENCY

"SEC. 110. (a) NATIONAL MISSION.—The National Imagery and Mapping Agency shall have a national mission to support the imagery requirements of the Department of State, the Department of Defense, and other departments and agencies of the Federal Government. The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence by the National Imagery and Mapping Agency. The Secretary of Defense and the Director of Central Intelligence, in consultation with the Chairman of the Joint Chiefs of Staff, shall jointly identify deficiencies in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions and shall jointly develop policies and programs to review and correct such deficiencies.

"(b) COLLECTION AND TASKING AUTHORITY.—Except as otherwise agreed by the Director of Central Intelligence and the Secretary of Defense pursuant to direction provided by the President, the Director of Central Intelligence has the authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets.".

(2) The table of contents in the first section of that Act is amended by inserting after the item relating to section 109 the following new item:

"Sec. 110. National mission and collection tasking authority for the National Imagery and Mapping Agency.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997; or

(2) the date of the enactment of this Act.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate insist on its amendment to H.R. 3259 and request a conference with the House, the Chair be authorized to appoint conferees on the part of the Senate, and, finally, S. 1718 be placed back on the calendar.

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

The Presiding Officer (Mr. BROWN) appointed Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. COHEN, Mr. BROWN, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, and Mr. ROBB, and from the Committee on Armed Services, Mr. THURMOND and Mr. NUNN conferees on the part of the Senate.

Mr. SPECTER. Mr. President, I now ask unanimous consent that the RECORD remain open for the insertion of any additional statements as any member of the committee or other Senator may wish to add.

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

Mr. SPECTER. Mr. President, as I understand the procedure, that now concludes the intelligence authorization bill, but since I am here and it has just been acted upon, I would like to make a few comments to supplement my more extended statement.

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

Mr. SPECTER. Mr. President, I believe that this legislation is a very, very significant step forward in reform of the U.S. intelligence community—candidly, not as far as we should have gone, not as far as I would like to have gone, but a considerable distance, a significant distance in improving the intelligence community in the United States.

The intelligence community has been under considerable attack with disclosures of Aldrich Ames, with the problems in Guatemala, with many problems around the globe. And last year, at the initiative of our distinguished colleague, Senator JOHN WARNER, a commission was appointed to make recommendations on what should be done to reform the U.S. intelligence community. The commission—first headed by former Secretary of Defense Aspin, whose untimely death caused a vacancy and the need to appoint a subsequent chairman, another former Secretary of Defense, Harold Brown—came up with a comprehensive list of recommendations, and the Intelligence

Committee then held extensive hearings on a subject that goes back many years.

The Intelligence Committee then submitted a program which we thought would make very major changes in the U.S. intelligence community. There was very considerable objection then raised from a number of quarters, principally by the Senate Armed Services Committee.

Finally, after very extensive negotiations, not only with the Armed Services Committee but also with the Governmental Affairs Committee and, to a lesser extent, with the Rules Committee, we have hammered out the agreement which has been presented here and has been agreed to and will now go to conference.

It had been my desire that there should have been more authority in the Director of Central Intelligence on reprogramming, more authority on concurrence on the appointment of key officials because of the general responsibility of the Director of Central Intelligence, but that was not to be.

We filed our report at an early stage, but there was a reference under the rules of referral to the Armed Services Committee which took considerable time and considerable time by the Governmental Affairs Committee, and I thank Senator WARNER for not taking time in the Rules Committee.

We find ourselves, as we frequently do in the legislative process, very close to the end of the session, not with sufficient time to bring the matter to the floor and to debate the issues of reprogramming or concurrence or appointments or many other issues, so we have had to make an accommodation to have the bill handled by unanimous consent in the course of a few minutes as we have already done earlier today. Senator KERREY, my distinguished vice chairman, and I have agreed to this because, as I say, this is a significant step forward. We want to go to conference. We want to get these provisions accepted and placed into law even though a great deal more should have been done.

This bill contains very significant provisions on economic espionage, contains a very significant provision on a commission to be established to streamline the Federal Government on our handling of weapons of mass destruction. Some 96 different agencies now touch that issue. There is not centralized command. And those are very, very important matters.

An interest which I had pursued, to try to give greater authority to the Director of Central Intelligence, has come into the spotlight with the terrorist attack on Khobar Towers on June 25 of this year, and the allegation by the Secretary of Defense, in a July 9 hearing in the Senate Armed Services Committee, that there was intelligence failure, which I think was an incorrect assertion. The staff of the Intelligence Committee—and I emphasize "the staff" and not the full Intelligence Committee—but the staff prepared a report which was released last Thursday with my conclusions in my capacity as chairman of the Intelligence Committee, but again not the full committee, but my individual conclusions that there was not an intelligence failure.

Then yesterday we had the report of the Downing task force which took to task the Pentagon as well as the local field commanders. I personally visited Khobar Towers last month, and on viewing Khobar Towers and seeing a fence only 60 feet from these high-rise apartments, which house thousands of our airmen, 19 of whom were killed and hundreds of whom were injured, it was apparent to me, in the face of the many intelligence reports which had been received, that there was not an intelligence failure and that there was in fact a failure by the military, going to the Pentagon and the highest levels of the Pentagon, on failing to act to protect our airmen.

The conclusions yesterday of the Downing task force, as featured in the Associated Press reports, faulted the Pentagon, as well as the local commanders, for what had been done. I make comment of this at this time because I believe this ties into the reform of the intelligence community to have a Director of Central Intelligence who collects all of the information and could, in effect, rattle the cages, where necessary, to call attention to the top Pentagon officials, including the Secretary and the Chairman of the Joint Chiefs of Staff, about the need for greater protection of our forces. We have not gone that far, and we have not accomplished that. I make these comments in the context of what had occurred on June 25 and what happened just yesterday with the filing of the Downing committee report.

But I have talked to my colleagues about where we stand now, and the sentiments have been expressed that we will have a chance to further improve the intelligence community at a later date. But that remains, to some substantial extent, unfinished business, as we have unfinished business as to how we handle not only intelligence but force protection around the United States.

But this is a significant step forward. This is the very best we could do. Those who do not know the interworkings of the Senate might be interested to know that any one Senator can tie up this bill. A number of Senators interposed objections, which we had to work through laboriously to get this bill to the stage where it is now where it has been passed.

I thank my distinguished colleague, Senator KERREY from Nebraska, who has done an extraordinary job in many things over many years, but especially on the Senate Intelligence Committee. As we have worked together, we have had some tough times, especially as the election grows nearer. We have kept the Intelligence Committee working on a bipartisan, nonpartisan basis. I think it is indispensable on a committee of this sort that the chairman and the vice chairman and really members on both sides of the aisle work very closely to keep partisan politics out of it. Senator KERREY and I have worked laboriously at that and I think we have succeeded, notwithstanding the fact that we face some very, very difficult issues and continue to face difficult issues as we work to complete quite a number of projects which yet remain undone.

I would like to single out for special praise—this is always a delicate matter—some key staffers, Charles Battaglia, who is the staff director, and Chris Straub, who is the staff director for the Democrats, the minority staff director, for the extraordinary work which they have done on the nights, Saturdays, Sundays, you name it; and for general counsel, Suzanne Spaulding, and for Ed Levine, who has been a powerhouse in drafting very complex reports. I thank the Chair, and I note the presence of my colleague, Senator PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank my colleague and friend for yielding at this time.

IT IS TIME TO DEBUNK THE DANGEROUS MYTHS ABOUT THE UNITED NATIONS

Mr. PELL. Mr. President, today the U.N. General Assembly will convene its 51st session. This occasion has particular meaning for me because 51 years ago I had the honor of serving on the International Secretariat of the San Francisco Conference that drew up the United Nations' charter. In 1970, I was privileged to serve as a Representative of the United States to the 25th session of the General Assembly of the United Nations. This year I have been honored again with my nomination by President Clinton and confirmation by my Senate colleagues to be a representative of the United States to the 51st session of the United Nations General Assembly.

Having been present at the United Nations' creation and observed its work over the last 50 years, I strongly believe in the need for such a body and in the principles upon which it was founded. While I have applauded and participated in efforts to amend and improve the organization, I would argue that these last 51 years have witnessed an impressive record of achievement. Though it has not always lived up to all the expectations of its founders, the United Nations has irrevocably

changed the world in which we live. Despite the obstacles posed by the politics of the cold war, I can think of numerous examples where the United Nations succeeded in promoting international peace and security—in Namibia, El Salvador, Cambodia, and countless other countries. Whether brokering peaceful settlements to violent conflicts, halting the proliferation of nuclear weapons, protecting the international environment, or immunizing children from disease, the United Nations has made the world a safer place. Clearly, if the United Nations did not exist today, we would have to invent it.

I am therefore troubled by the increasingly violent attacks on this important institution—in Congress, the press, and other public fora. These attacks seem symptomatic of a broader and dangerous tendency to seek to retreat from our international commitments and obligations. Revolutionary changes in communications, transportation, capital flows, and the nature of warfare have irreversibly linked our fate with that of the rest of the world. Today, there is no ocean wide enough—nor border fence we could build that would be high enough—to keep out an often turbulent world.

Rather than abandoning our role as part of the international community, we should endeavor to expand and improve cooperation with those states that share our values in order to address our common problems. The United Nations offers a valuable forum for such cooperation.

With this in mind, I would like to use this opportunity to address three of the more dangerous myths that have been propagated recently regarding the United Nations:

The first of these myths is that the United Nations somehow threatens American sovereignty. Critics of the United Nations have often depicted the organization as a nascent world government eager to supplant the nation-state. In fact, the United Nations more accurately resembles an unruly debating club, where members control and vote on its activities. Moreover, the United Nations charter clearly states that resolutions of the General Assembly are non-binding on member states. In similar fashion, United Nations conventions only apply to nations that elect to ratify them. The one United Nations body in which decisions could be binding upon member-states is the Security Council, where the United States and other permanent members enjoy veto power. Because of these institutional checks, the United Nations usually must struggle to achieve enough of a consensus to make action possible. In no way could one mistake this organization for an out-of-control bureaucracy trampling upon the prerogatives of nation-states.

A second myth about the United Nations is that it does not serve American interests. In the most extreme version of this myth, critics imagine that the United States always fares worse when it acts multilaterally, than when it goes it alone. In fact, given that many of today's most pressing problems—be it crime, disease, environmental degradation, terrorism, or currency crises—transcend national boundaries, there is much to be gained from forging common solutions to common problems.

The end of the artificial divisions of the cold war has presented the United States with an extraordinary opportunity to use the United Nations to advance its foreign policy goals. In the last U.N. session, members of the General Assembly voted with the United States 88.2 percent of the time; 91 percent of Security Council resolutions were adopted unanimously. The United Nations has enabled the United States to avoid unilateral responsibility for costly and entangling activities in regions of critical importance, even as it yields to the United States a position of tremendous authority. To paraphrase former Secretary of State James Baker, U.N. peacekeeping is a pretty good bargain. For every dollar the United States spends on peacekeeping, it saves many more dollars by preventing conflicts in which it might otherwise have to become involved.

From a cost-benefit perspective, U.S. contributions to the United Nations and its agencies have been a very worthwhile investment. In addition to the American lives and dollars saved by U.N. peacekeeping missions, other U.N. agencies have worked to prevent disaster and death and to promote health and security both here in the United States and abroad. In 1977, the World Health Organization [WHO] averted an estimated 2 million deaths per year by eradicating smallpox. Today, WHO's children immunization program saves an estimated 3 million lives every year. In 1992, during a severe drought in Africa, the Food and Agriculture Organization and the World Food Programme saved an estimated 20 million people from starvation. And in this last week, the U.N. General Assembly overwhelmingly adopted the Comprehensive Test Ban Treaty, which will contribute to the security and well-being of generations of peoples to come.

Which brings me to the third myth: that U.S. participation in the United Nations is ruinously expensive. In fact, in fiscal year 1996, the United States' assessed and voluntary contributions to the U.N. system totaled $1.51 billion. That includes $304 million for the U.N. general budget, $359 million for peacekeeping operations, $7 million for war crimes tribunals, $337 million in assessments to the United Nations' specialized agencies, and $501 million in voluntary contributions to programs such as UNICEF and other programs that the United States has treaty obligations to support. This total American contribution represented less than half of 1 percent of the current defense budget; that allotted for peacekeeping less than the annual budget of the New York City police force.

On a per capita basis, the annual U.S. contribution to the U.N. regular budget breaks down to slightly more than $1 per American. This is considerably less than what most other people in the world pay. For example, the per capita contribution of the U.N.'s newest member state, Palau, is over $6 per person. Clearly, the American taxpayer is getting a good deal for his money.

Of course there is certainly room for further economies. Like many large organizations, the United Nations could be leaner, more efficient, and more responsive. But rather than eviscerating one of the key institutional underpinnings of the present international order by starving it of funds, we should work patiently but determinedly with like-minded states and with the U.N. Secretariat to reform and to improve it. I am heartened by the consensus among such strong advocates for U.N. reform as former Ambassador Jeane Kirkpatrick and former Assistant Secretary of State John Bolton that the U.S. benefits greatly from its membership in the United Nations. I also agree with them that a U.S. withdrawal from the United Nations would be contrary to our national interests.

How we go about the task of reforming the United Nations will say a lot about the prospects for American leadership in the twenty-first century. As after World War II, the United States faces a decisive challenge: whether to maintain the mantle of international leadership and stay engaged in the creation of a new international order, or to seek to retreat into isolationism. The latter course is an even more dangerous option today than it would have been 51 years ago. Only through international engagement and assertive leadership can America hope to prosper and safeguard its security in the next century. The United Nations can serve as an important vehicle for advancing these vital national interests.

THE RIGHT TO SAY NO

Mr. BAUCUS. Mr. President, I rise to make a short statement on my strong disappointment that the energy and water conference report does not include the Senate-passed amendment giving the States and the cities the right to say no to the importation of out-of-State garbage.

I must say, and I think you remember, Mr. President, this is not a new issue. This has been around since 1989. Essentially, it is a battle between those States who want to export their trash to another State and those

States on the receiving end who do not want it.

Not long ago in my State, the city of Miles City faced a prospect that was practically a Noah's flood of garbage imports. Fortunately, that plan fell through, but the really crazy and humiliating part of it all was that the 5,000 citizens of Miles City could only sit and wait. They had no say at all and no way to stop the waste from coming in. Why? Very simply, because the Supreme Court has struck down attempts by States to limit importation of garbage, saying it violates the commerce clause of the Constitution. So we in the Congress have to act and pass Federal legislation that enables States and enables local communities to say no.

It is obviously wrong, Mr. President. It is unfair for any city, whether Miles City or any other city in the United States, to not have the right to say no to garbage coming into their State. As you recall, we in the Senate have done our part. Way back in May of 1995, we passed a bill to let Montana and other States say no to the importation of out-of-State garbage. The House of Representatives, however, has a different story. They have stalled. They have stalled on any action in this measure for a couple of years.

I say that the people of Montana, the people of Pennsylvania, Indiana, Michigan, Ohio, and other States affected by the deluge of garbage coming into their States cannot afford to wait any longer. They are anxious. They are concerned. They feel the Government ought to be able to do something to address this situation. Some of these States are already importing millions of tons of garbage, and they do not want to import more.

Now it appears that New York City may add 10,000 tons or more of trash every day—10,000 tons of trash every day—when it closes its Fresh Kills landfill on the outskirts of New York City. That should drive home to everyone, and especially the House, how important it is to act and to act quickly.

We talk a lot around here about local control, about letting States decide their own destiny, letting local communities decide their own destiny. By saying no to the Senate amendment on this conference report, the House is preventing the people from controlling their own destiny. By saying no, States cannot stop out-of-State garbage from being dumped in their own backyard.

Obviously, the Senate bill we passed is not perfect. It is a compromise. It is a compromise between the importing States that take garbage and do not want the garbage and the exporting States that, frankly, want to export more. It is a compromise. It is a compromise we can live with.

Now, the House, apparently, does not want to act. It is not compromising. I say the House should pass something which at least they think makes sense for them. That way, we can work another compromise that is between the House and the Senate, and we can finally solve this problem—it is not the perfect way, but in a way that generally resolves the problems so that today more local communities can say no to the importation of garbage coming into their States. That is only fair. I ask the House to act quickly.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The PRESIDING OFFICER. Under the previous order, the hour of 11 a.m. having arrived, the Senate will resume consideration of H.R. 3662, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pressler Amendment No. 5351, to promote the livestock industry.

Bumpers modified amendment No. 5353 (to committee amendment on page 25, line 4 through line 10), to increase the fee charged for domestic livestock grazing on public rangelands.

AMENDMENT NO. 5353, AS MODIFIED

Mr. GORTON. Mr. President, it is my understanding that we have now resumed consideration of the Bumpers-Gregg amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. Between now and 12:30, while we are on the Bumpers-Gregg amendment relating to grazing fees, I believe that that amendment was debated thoroughly yesterday afternoon. In addition, there will be 20 minutes equally divided on the amendment after we reconvene following the party luncheons before our vote on that amendment.

As a consequence, Mr. President, I suspect that there is time between now and 12:30 to deal with any other amendments that Members of the Senate may wish to propound. There are some 25 or 30, at least, amendments that are relevant to this bill on which the managers have been notified. Probably half or more of them can be accepted in their present form or another form can be worked out.

So all Senators who are within hearing of these proceedings can be on notice that this may be a particularly convenient time in which to bring such amendments to the floor and to have them considered.

With that, and until we have some business to do, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

IMMIGRATION

Mr. KENNEDY. Mr. President, just a few moments ago the Democratic conferees that had intended to meet in conference between the House and the Senate to consider the immigration bill were notified that conference was indefinitely postponed. No time was established when there might be a follow-up conference.

The issues of illegal immigration are of enormous importance to this country. There are a number of States that are directly impacted by illegal immigration, but the problems of illegal immigration also affect just about every State in this country in one form or another. There has been considerable discussion and debate about what policies we ought to follow to address the issues of illegal immigration.

For a number of years, we have had special commissions that were set up by the Congress to look at various immigration issues. We had the Hesburgh Commission. The commission was bipartisan in nature and made a series of recommendations both with regard to legal and illegal immigration. The Congress acted on both of the recommendations.

Subsequently, because of the enormous flow of illegal immigrants coming to the United States, the Hesburgh Commission called for the United States to respond to the problem. After all, it is a function of our National Government to deal with protection of the borders, and also to guard the borders themselves. This area of public policy presented an extremely important responsibility for national policymakers.

Beginning just about 2 years ago my colleague and friend, the Senator from Wyoming became the Chair of the Immigration Subcommittee. I have enjoyed working with him on immigration—we have agreed on many, many different items; we differ on some issues, and some we have had the good opportunity to debate on the floor of the Senate on various occasions.

In fact, we agreed on many of the provisions in the Senate immigration

bill. I welcomed the opportunity to support the legislation which passed overwhelmingly—97 to 3. Although the legislation was not perfect, it represented a bipartisan effort to try to deal with the problem of illegal immigration. I can remember how Chairman SIMPSON dealt with the issues over a year ago when the Jordan Commission was winding up their consideration of illegal immigration issues. There were many who felt we ought to rush to judgment. That we ought to provide amendments on different pieces of legislation. Senator SIMPSON said, "No; we are going to follow a process and a procedure." He spoke as a senior legislator and as someone who has provided important leadership on the issues of immigration.

So we consulted the Judiciary Subcommittee on Immigration and later the full Judiciary Committee, and we consulted with the Jordan Commission. We had extensive hearings. We moved through the process of markup. In the markup itself Senator SIMPSON took the time to visit the members of the committee, Republican and Democrat alike, to find their principal areas of concern—to see if we could find common ground. Then, in the best traditions of legislating, we had a series of days of markups. I daresay the participation of Republican and Democrat alike in those markups was enormously impressive. I do not think there is a member of that committee on any side of any issue who does not feel they were given a full opportunity to make the presentation of their concerns and to engage in a dialog, discussion and debate. We had a fair hearing of every issue—conducted under the chairmanship of Senator HATCH. I believe the entire process took 9 days. They were full days. We did it section by section of the legislation, with notification so members would have an idea which areas were going to be addressed each day. This was really in the best traditions of legislating.

We moved forward, passed the bill out of the Judiciary Committee, and had extensive debate here on the floor of the Senate. It took a number of days, I believe 7 or 8 days. Sometimes the debate was tied up on the issues of minimum wage. By and large, the discussion focused on the issues of illegal immigration. Then we had the rollcall vote. As I mentioned earlier, rarely do we have a matter of this importance pass by a margin of 97 to 3 in the U.S. Senate. Especially involving an issue on which Senators have many different opinions.

Then something happened, Mr. President. We had the appointment of conferees in the Senate, Republican and Democrat, but the Democratic conferees were never invited to participate in pre-conference negotiations with our Republican colleagues. There were only negotiations between the Republicans in the House of Representatives and the Republicans in the Senate. It has only been in the last few days that the House Democrats were actually appointed. It was only in the last few days that they were able to obtain the legislation itself. And before the Democrats could find out what was in the bill the Republicans drafted, the Democrats had to threaten parliamentary maneuvers in the House.

Nonetheless, we were notified we were going to have the conference meeting today at noon; that we were going to have a conference, break for the leadership meetings and then go back and resume the conference. There was a clear anticipation that action would occur on the conference report. I had hoped we would be able to revisit some of the items. We had tried to work together with members of the conference who were interested in some of these issues that were not necessarily partisan to see if we would at least have an opportunity for a brief debate on some of those. I think we were prepared to have that discussion and debate and to raise those issues. The most important of all of the issues, of course, is the Gallegly amendment, and whether we, as a public policy, are going to dismiss from the public schools of this country those children who may be the sons and daughters of illegal immigrants. The Gallegly provision is strongly opposed by the law enforcement officials and by teachers, who do not become teachers only to be turned into a truant officer who turns in names of suspected illegal immigrant children to INS. There were a number of other important issues in the Republican conference report, which I will mention in a few moments.

Then we were notified just a few moments ago that our Republican friends are in disarray about what their position is with regard to the Gallegly amendment, and that there is no consensus. Even right now, since we have been notified that this conference is postponed, there is no effort to try to include Democrats in the conference, or to talk about issues of concern to us. There is still no effort, even at this late date, to craft legislation that would deal with a central concern of the people of this country, and that is the growth of illegal immigration. The Republican conferees still have not allowed us to address in a bipartisan way what this conference report means in terms of job loss for American workers, what it means in terms of crowded schools, and what it means for the challenges that we are facing on the borders, with all of the complex social and economic criminal elements associated with it. These are complex issues that the Democratic Members want to address and come to some conclusion on.

Now we are notified that we still do not have an opportunity to resolve these issues in a bipartisan way. The conference is postponed again, but the Republicans say they somehow going to get together again. I now understand the power of the majority in being able to push legislation through. Certainly, they do in the House of Representatives. They are able to have the power to jam legislation through there. It is more difficult in the Senate. Although a conference report is a privileged item, nonetheless, what we find is, rather than just sitting down and discussing it in an open kind of forum, where the public would be invited to at least observe and to understand the public policy issues that are being debated, there are negotiations taking place not with the Members of the Congress and Senate that have to vote on the legislation, not with the Members of the House and Senate who have worked to try to be constructive and who have supported the legislation here in the U.S. Senate the last time that we came—oh, no, the negotiation is taking place with the Dole campaign officials—the Dole campaign officials. They are the ones that are negotiating with the Republican leadership on the shape of the immigration bill.

The stories have been out there of the meetings that took place last week and the positions of candidate Dole, who wants, evidently, the Gallegly amendment included in the final immigration bill, and others within the Republican Party do not want to have that. It is tied up, I dare suggest. It is always a concern to speculate on what the motivations of other people are. But, it is increasingly apparent to many of us that the Republicans want to make very difficult for the Members to deal in a bipartisan way with the issue of illegal immigration. It seems they either want the President to veto the legislation, or let it die in the Senate in the final hours of the Congress while Republicans and Democrats alike express their dislike of the Gallegly provisions.

So then there might be the opportunity for those to say, look what has happened on the important issue of illegal immigration; we were not able to get the bill to the President. The Republican side says that if they take the Gallegly amendment out, the bill may well go through the Senate of the United States and House of Representatives, and the President might sign it and get some credit for it. He might get some credit for the bill in California in an important election year.

Now, Mr. President, I don't think I am far off from the facts with that kind of a speculation, particularly when we find that about the inability of Republican leadership to try and bring forth a conference report that reflects agreement among Republicans. The American people can say, well, if we can get a good bill, why don't we do it? Do we always have to include the

Democrats in it? The fact of the matter is, we have supported illegal immigration proposals. We are interested in this issue of illegal immigration. It is an issue for the Nation to deal with, but it is also a matter which has a dramatic impact on the lives of workers in this country, because when they find out that unscrupulous employers are going to hire illegals and pay them less than their American counterparts, it has a dampening affect on wages for American workers. That has been debated and discussed, and we have various studies in the RECORD. But it is pretty self-evident that one of the principal factors of holding down wages in our country is the fact of illegal immigrants taking jobs here in the United States.

Was it so unworthy that we would try, in dealing with the problems of illegals. We must recognize that of the million and a half people that come into the United States illegally each year, about 350,000 remain in the United States. Get this: Of the workers that come here and remain here as illegal workers, half of them came to the United States legally, and overstayed their visas. No amount of border enforcement can deal with them. But they are still taking American jobs, and they are continuing to depress the wages of American workers. The only way you are going to get to these illegal workers is in the workplace. As the Jordan Commission pointed out, the most likely employers that hire illegals are also the ones that do not respect the fair standards for workers and the working conditions for American workers.

We find that in regions of the country where you have the exploitation of workers, you find, by and large, the greatest numbers of those employers that hire the illegals. Now, in the Senate bill we added 350 labor inspectors to find employers who violate our labor laws by hiring illegal immigrants. That is a 50-percent increase in the amount of inspectors the Department of Labor currently has. What happened to that provision? It has been eliminated by the Republicans. It has been cut out of the conference. It has been absolutely cut out of the conference report.

One of the important provisions that we debated in the Senate was the development of various pilot programs to verify the eligibility of people to work in the United States. We had Senate provisions crafted to test what pilot program would work most effectively, so we can help employers make sure they are able to hire without the fear of discriminating against American workers. Well, what happened with that language? We had good pilot programs. But they were dropped. And a different series of programs—and many of us question the effectiveness of their results—are authorized. Many would say that the Republican conferees eliminated the Senate pilot programs under the weight and pressure of the business community and unscrupulous employers, so they do not have to face the problems of dealing with hiring illegals.

And then, of course, there are the provisions in the law that undermine, in a very dramatic way, provisions placed in the Senate bill by Senator SIMPSON dealing with breeder documents—the birth certificates and drivers licenses. This was controversial issue on the Senate floor. But, we debated it in a bipartisan way. Now, they too have been changed.

One of the principal reasons breeder documents are so essential to the control of illegal immigration is that the breeder document is the fundamental document to establish eligibility to work in the United States. We need to cut back on the forgery taking place. What do we find out from that? That provision has been emasculated. It says tamper-resistant birth certificates will only be required for future births, which means that we are going to have this problem for 30 or 40 years, while the next generation begins to grow up and go into the job market. The conference report has made a sham out of true reform on this issue.

It effectively emasculated those very, very important provisions that had been included with the leadership of Senator SIMPSON. And I think those were tough, difficult provisions for him to adopt and accept. But, nonetheless, it was a very, very key element to controlling illegal immigration.

We also understand from the Republican conference report, that for the first time in the history of American immigration law, if you are a worker working 40 hours a week for 52 weeks of the year, you have a very good chance you will not make enough income to bring in your wife, or your husband, or your child. For first time in American immigration, they set a standard of what your income is going to have to be in order to bring in a spouse, or a small child. The standard is even higher for other members of the family.

So the conference report says, if you have the resources, if you are wealthy, you are going to have the open opportunity to bring in your wife, your kids, your brothers, or your sisters, or your grandparents, but not if you are a member of the working class.

This conference report is three strikes and you are out in terms of protecting American workers. They lose protection in the workplace because the Republicans struck the provisions to provide protection for American jobs. They lose the protections that would come out of the pilot programs to protect American workers—and we are talking about American workers—that may trace their ancestry to different parts of the world. But because of the color of their skin, or their accent, or their appearance, they are the subjects of discrimination. Discrimination which we know exists because GAO has documented it in the past. We are interested in trying to deal with illegal immigration; those who are going to be a burden on the American taxpayer. But we are also interested in trying to protect American workers. And these are the provisions that would have helped to protect American workers, and these are the provisions which have been changed or removed altogether.

Mr. President, we had an excellent meeting just a short while ago with a number of our Democratic colleagues from the House and the Senate. We reviewed some of the problems we have with this legislation. I will try and include as part of a general statement their comments. Congressman BECERRA talked about the additional kinds of burdens needy legal immigrants are going to face under this legislation. Senator LEAHY's excellent presentation on summary exclusion pointed out that summary exclusion was a good name for his amendment because so many of the Members of the House and Senate have been summarily excluded from any of the conference considerations. But he has reminded us of what would happen to those that have a very legitimate fear of persecution and death coming here under the procedures which have been accepted into this legislation despite the fact that the Justice Department in this administration has doubled the number of deportations. Congressman FRANK and Senator SIMON talked about the changes in the test for following proving discrimination in the workplace. Under the conference report, you must prove discrimination by an intent test rather than the effects test. They talked about how that will complicate enforcement and make it exceedingly more difficult to hold any employer liable even if they had a pattern or practice of discrimination; Congressman RICHARDSON, HOWARD BERMAN, ZOE LOFGREN of California; and others, including Congressman BRYANT—the ranking member of the House Immigration Subcommittee.

They talked about the different aspects of this conference. Most, if not all, supported the original legislation. We are deeply disappointed in the process and the conference report. It has been four months since we passed the immigration bill in both the House and the Senate. In the Senate we voted in early May, and now it is going into the backside of September. We voted on this issue. And we have the cancellation of the conference. The Senate conferees were appointed right away in May. Now 4 months later, nothing.

Now we hear they are cooking up yet another version of the Gallegly amendment.

Mr. President, this demonstrates that the Republicans really are not serious about dealing with illegal immigration. They want a campaign issue, not a bill. If they were serious, the conference would be meeting now with bipartisan input. And with the challenge to all of the Members of the House and the Senate—Republicans and Democrats—can we get a bill that is going to deal with the problems of illegal immigration?

Illegal immigration is a problem. We are committed, as the vote in the U.S. Senate showed, to trying to do something about it. It is not too late to do something about illegal immigration. But as long as our Republican friends are going to continue to meet behind the closed doors, refusing to let the sunshine in, I fear for what eventually will come out of it.

It is a real, great disservice to the American people and to this institution that we are in this situation. But we will be resolute. We still are strongly committed to trying to get legislation that is responsible and that will be effective. We still await any opportunity that might come up to try to offer whatever judgments that we might have that can move this process forward in a way which would deserve strong bipartisan support for this legislation.

It is a complex and a difficult issue. But there is no reason in the world that we can't do it, and do it before the end of this session. But to do so, we have to have the doors and windows opened up for the public's involvement.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. GORTON. Mr. President, obviously, we are not going to be able to do any more business between now and the scheduled recess for the two parties to meet. As a consequence, I ask unanimous consent that the recess scheduled to begin at 12:30 begin immediately.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 5353, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes equally divided remaining prior to a motion to table the Bumpers amendment.

The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. BUMPERS. Mr. President, let me explain to my colleagues the difference between this amendment and my amendment that you voted on earlier this year. In March, I offered an amendment that increased the Federal grazing fee for all permittees and those who controlled more than 2,000 animal unit months paid a higher fee. This amendment is different. I have raised the ante to provide that, unless a permittee controls 5,000 animal unit months, he is totally unaffected by my amendment. In fact, any permittee who controls less than 5,000 animal unit months pays the present grazing fee.

Let me go back. What is an animal unit month? When you lease lands to graze cattle on Federal lands, you lease it by what is called an AUM, or animal unit month. That is the amount of grass it takes to feed one cow and her calf for 1 month. Some ranchers, for example those in southern Arizona and New Mexico, graze 12 months a year. However, most of the permittees only graze 4 or 5 months because there is not any grass in the winter months. So you can calculate, based on the current rate of $1.35 an AUM, how much a permittee is paying.

Why is this important? It is not the money. It is the principle. Mr. President, grazing occurs on 270 million acres of our Forest Service and Bureau of Land Management lands, all Federal lands belonging to the taxpayers of this country—270 million acres. 97 percent of the people who hold grazing permits on those 270 million acres, and there are 22,350 total operators, are unaffected by the Bumpers amendment. Even the other 3 percent, who are the really big boys, are unaffected on the first 5,000 AUM's.

In other words, if you have 6,000 AUM's on your permit, for the first 5,000 you would pay the same rate you are paying right now, but on the extra 1,000 you pay whatever rate you would have to pay if you leased State lands in that particular State where the lands lie.

What does that amount to? It means, for example, that the average on State lands is $5.58. In Colorado the rate is $4.04. So you pay the difference in Colorado lands for every AUM over 5,000, and you would pay $4.04.

Who are these people? Who are these 3 percent that have these AUM's? I will show you. I want you to bear in mind we passed a rather harsh welfare bill here just recently. The poorest of the poor in this country took it on the chin, and yet here is the biggest corporate welfare ripoff going on in America.

Who are these people that have more than 5,000 AUM's? And can they afford to pay more? If they lease State lands, they pay $5.58. If they lease private lands they have to pay $11.20. If they lease Federal lands it is $1.35. Can they afford it? Here is Zenchiku, a Japanese corporation, 40,000 acres, 6,000 AUM's. Newmont Mining Co., the biggest gold mining company in the world, 12,000 AUM's. William Hewlett of Hewlett-Packard, 100,000 acres and 9,000 AUM's. Anheuser-Busch, one of the 80 biggest corporations in America, 8,000 AUM's. So I ask you, can these people—J.R. Simplot, in Idaho, an Idaho billionaire, a multibillionaire that controls 50,000 AUM's. Can Mr. Simplot, who is worth billions, afford to pay maybe $2.50 more for all his cows above 5,000?

Mr. President, this national ripoff has been going on for almost 50 years. In March the offer I made to the Senate was anything above 2,000 AUM's, and I lost by three votes. So yesterday I amended my amendment to make it 5,000 hoping I could at least cause three people to change their minds about this. It is a terrible thing for us to continue to allow.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. BUMPERS. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I believe Senator CRAIG will be down here shortly. I ask that the Chair inform me when I have used 5 minutes, if you would, please, Mr. President.

Mr. President, first of all, there are very different ways in which the public domain is used from the standpoint of grazing permits. It happens in a State like mine we have 5,000 permittees. The overwhelming number are small ranchers. And they use, for the most part, the public domain for 12 months out of the year.

So the amendment that Senator BUMPERS is talking about uses this big number, 5,000 animal unit months, which is really about 400 head of cattle if you graze on the public domain for 12 months out of the year. So it sounds like a monster, but in States like mine it is a relatively modest cattle ranching operation.

Second, to say to those who ranch on the Federal land, "You may be asked to pay the same as the State fee for this land," not only invites a fee schedule that is different from State to State, but the State leases its land on completely different rules than the Federal Government.

Yesterday, in a few minutes on the floor, I suggested that if the distinguished Senator from Arkansas would like to make the public domain in a sovereign State subject to the same inhibitions and/or restrictions that the

State land has, then maybe some consideration might be given to charging a State fee.

Let me give you a major example. In one of the States, the State land cannot be used for anything other than grazing, if you lease it for grazing, everyone else is denied access to that land. You cannot get on it for recreation. You cannot get on it for hunting and fishing. But we have decided on the public domain that we lease our land under completely different conditions. We lease for grazing, and it is still open to hunting and fishing and to the building of habitat for wild game and for fish.

So the argument that there is some kind of advantage and some kind of reality and some kind of logic to saying, let us charge what the State's charge is, ignores the fact that the State leases its land under completely different rules, regulations, conditions, and inhibitions.

Additionally, we do not need two sets of fees. We do not need a fee for the rancher in northern New Mexico who has 200 head of cattle and up the road for somebody who has 600 head of cattle a different fee schedule. That is subject to manipulation. Even the Department of the Interior, when we suggested it before, said it will not work to have two separate sets of fees. I am not here defending large versus small, but clearly, we do not need that. I gave some examples yesterday of how that might work. It would come out with very large corporations being able to pay the lower fee and very small, independent operators with 450 head having to pay a higher fee.

Last, but not least, an amendment comparable to this was introduced last year. It failed. We took a comprehensive bill to the House. That bill changes some of the rules and regulations and increases the fee about 40 percent. We believe you need to change the rules and regulations before you increase the fees. That is pending between the House and the Senate. And to come along on an Interior appropriations bill and change the fee schedule, as recommended, does not seem to this Senator to be the thing to do at this time.

So when the time is up, I will move, on behalf of all of those who have supported the grazing reform and the defeat of a similar amendment, I will move to table it. I hope that the Senate will respond by letting this matter lie where it is, an argument now between the House and the Senate on a comprehensive reform bill which also will provide for very significant increases in grazing fees. I yield the floor.

Mr. HATCH. Mr. President, I rise today to express my opposition to the Bumpers amendment to raise grazing fees on public lands. The future of many livestock producers in Utah and elsewhere in the country is threatened by this amendment.

I am not aware of any cattle producers in Utah who will be making a profit this year. At the same time as Utah ranchers are facing dismally low prices for their cattle, they have been hit with a devastating drought. On top of this, economic conditions in Canada and Mexico have flooded our United States market with their cattle.

Ranchers who have grazed these lands for generations are being forced to pull up their stakes and close up shop. With the cattle industry in such bad shape, many agricultural lenders, aware of the possibility of increased grazing fees on public lands, have become increasingly unwilling to lend to livestock producers. An increase in grazing fees now could be devastating.

This amendment would exempt ranchers from higher fees who have permits for fewer than 5,000 AUM's, or animal unit months. Animals are numbered and accounted for by animal unit months. An AUM represents a unit of forage that is normally consumed by one cow and her calf or five sheep over a 1-month period. Unlike many States, Utah public lands are grazed in the summer and the winter. A rancher owning as few as 500 head of cattle and grazing them for 10 months would need 5,000 AUM's. Such a rancher would be subject to these higher fees. Especially hard hit by this amendment would be Utah's beleaguered sheep grazers, a large proportion of whom would be faced with these higher fees.

Grazing fee increases will accomplish little more than to drive many family ranchers out of business. Of course, some private land owners charge more than the Federal Government for grazing on their lands. Private owners provide services which public lands do not. The Federal Government does not stock water ponds, provide fences, or provide roads. Ranchers using the public lands must provide these things for themselves at their own expense.

Mr. President, this amendment will not result in increased revenue from public lands. It will more than likely decrease revenue as ranchers who can no longer afford to use public lands find other options or go out of business.

I might add, Mr. President, that there are few other options for grazing land in Utah. The BLM controls 22 million acres of land in our State. The Federal Government controls 70 percent of our State.

Mr. President, I urge my colleagues to vote to maintain what is not only an important part of our Western heritage, but an important sector of the economy of many Western States. The next time my colleagues sit down to a nice juicy steak or to a hamburger with their kids at the local fast food restaurant, I hope my colleagues will remember that some rancher worked hard to produce it and may have even lost money for this effort.

Mr. President, I urge my colleagues in the Senate to oppose the Bumpers amendment.

Mr. SIMPSON. Mr. President, I have certainly enjoyed over the years the spirited debates in which I have engaged with my good friend from the State of Arkansas. He is a most passionate and articulate representative of his constituents and he is certainly a credit to them. In the debate over raising grazing fees on ranchers who use the public lands, however, I find myself pining for a new subject. We have oft been down this road before. We have heard it all; about how those rotten billionaire ranchers are ripping off the American people; about how they are overgrazing and ruining the lands; about how we should have a progressive fee system that would hit some ranchers hard and leave others alone; about the inequity of rates charged for Federal versus State lands. It is all "old hat."

Mr. President, I commend Senators THOMAS, CRAIG, DOMENICI, BURNS and all the others who have spoken out against this poor idea. I would be hard pressed to express my objections more cogently than they have done. Let me just underline a few concerns that those of us from Western States share with regard to this issue.

And these concerns are many. Indeed, I dare say that I cannot see one virtue in this amendment. To begin with, let there be no doubt about it: This amendment is not an effort to inject fairness into public lands grazing. Rather, this is the effort of interests who want nothing more than to get private ranchers off of public lands. "Cattle free in 93" was the clarion call during the last Presidential election of those who hold this view. Fairness? What is fair about it? As my good friend and colleague from the State of Idaho has pointed out, if it is fairness this amendment is after, then all parties should be paying the same rate, rather than pitting one class against the other. Of course, those of us on this side of the aisle are not surprised by this pitch: It is just such attempts to engender class warfare that those on the other side of the aisle have excelled at for lo these many years. Fairness? What is fair about penalizing success? What is fair about discouraging small ranchers from becoming successful ranchers? The supporters of this amendment moan that the taxpayers aren't getting their money's worth out of our ranchers. How much money do they think will be returned to the Treasury when many of these ranchers go out of business because they have been barred from these lands—and again let me stress: This is most assuredly their ultimate goal.

Environmentalists are forever trying to sell the American people a quick

Persian rug about "enviro dollars," and all of the money just waiting to be generated by tourism. Good heavens. In Western States like mine the tourist season on these lands is only a few months long at best. And has it occurred to no one what tourist jobs pay? Unless you own the motel you are probably making five bucks an hour changing bed sheets. Colonial Williamsburg, just a couple hours drive south of here, is one of the healthiest tourist enterprises in the country, yet there are people with 15 years seniority there who topped out long ago at eight or nine dollars an hour. The chimera of Tourism as a substitute for natural resource use on our public lands is one of the great hoaxes perpetrated on the American people by environmentalists. I guarantee you that tourism will not return more money to the Treasury than grazing lease holders.

But perhaps most offensive about the effort to rid our public lands of private ranchers is the fact that Western States are owned to an enormous degree by the Federal Government: My State of Wyoming—52 percent; Idaho—63 percent; Nevada—a whopping 87 percent. What are the people of the West to do but use these lands? Eastern States are not owned by the Federal Government to near this degree. Nor is the State of Arkansas, as my friend from Idaho has pointed out.

Fairness? What is fair about charging the same to graze on BLM lands as that charged on State and private lands? BLM land users have to furnish their own improvements; fences, culverts, water tanks. They must contend with public access to their herds. They have tighter restrictions on what predators they can and cannot control and a host of other differences.

Mr. President, this amendment is neither fair nor prudent. We have defeated it before and I encourage my colleagues to defeat it again. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator?

Mr. DOMENICI. How much time remains on our side and on Senator BUMPERS' side?

The PRESIDING OFFICER. The Senator from New Mexico has 4 minutes, 53 seconds remaining; the Senator from Arkansas has 3 minutes, 42 seconds.

Mr. DOMENICI. Mr. President, I yield all of my time to Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, let me echo again what the Senator from New Mexico has just said. This is a fascinating precedent being established here in this amendment by the Senator from Arkansas, precedent in the way we would sell public resources.

Never before have we said to a large timber company, "You're going to pay a premium for the tree because you're larger," and to the smaller timber producer, "You'll pay less." We have never said to a rich person who walked into a national park, "You're rich, so you'll pay more." And we have never said, therefore, to the poor person, "You will pay less." We have always established what we believed was a fair market price for the value of the public resource. That is your job, Mr. President, and that is mine.

This past year we made every effort to accomplish that. We debated it long and loud in the committee that the Senator from Arkansas and I are members of. We agreed and disagreed; and we came back again and structured another provision to reform. It had a fee increase in it for all parties who would lease the public's grass.

But what the Senator from Arkansas is saying is, "If you're rich, this blade of grass for your cow will cost you more than if you are less rich." You and I both know that deciding who is rich and who is not rich is very arbitrary. Sometimes you can own 1,000 head of cattle, and owe the bank $5 million, and have a net worth of nearly zero. That happens in the cattle business on occasion. I doubt that the Senator from Arkansas would call that rich, because if that individual rancher liquidated, there may be nothing left, especially after estate taxes and all of those kinds of things.

But the important issue here is that the Senate heard the need from the public to raise the grazing fees and to reform grazing, and we did, and the Senate acted.

I do not know where the Senator from Arkansas is coming from at this moment other than for the political sound bite for the up and coming campaign, because it is precedent setting, very precedent setting, to argue that we will divvy up the blades of grass of the public domain by who is rich and who is poor, and we will use that as a determination. We have never done it in any other way of selling a public resource, and we all recognize the importance of marketing public resources to get a fair and effective return to the Treasury.

Mr. President, that is what this Senate did. I think we ought to be proud of that work. Now, to attempt an end run around that effort, an end run that is precedent setting and totally unbalanced, is, without question, in my opinion, the wrong way to go. It divides the grazing communities of the West. It should not be allowed to do that. It totally rearranges what has been a historic arrangement that has stabilized the West and brought good stewardship to the public lands.

The stewardship now recognized by the Department of the Interior has resulted in better conditions on Western grazing lands than in the last 100 years. We, as trustees of that public domain, ought to be proud of that because we have insisted that stewardship go forward.

Now, that stewardship is a product of the relationship of the permittee—that is, the rancher who has the permit that leases the grass that grazes the cattle—that stewardship resulted in the quality of the rangeland we now have. If you break it up into a rolling crap shoot of a kind that has been proposed by the Senator from Arkansas, that stewardship goes away. No longer do you have the kind of longevity in grazing that goes from generation to generation with the clear recognition that that has produced quality stewardship, quality rangeland, quality wildlife habitat, and by the Department of Interior managers' own admission, the best conditions in rangelands in 100 years.

Mr. President, I hope we could table this amendment. I think it is wrong. I think it is unfair to divide the rich and the poor and establish that kind of an argument. If we do that, I think you and I will want to come back here and say to the millionaires that walk into our national parks, "You are rich, you pay more; for those on food stamps, if you can get to the parks, you pay less."

That that should not be the way we do it, but that is what is being proposed here today.

The PRESIDING OFFICER. All time has expired. The Senator from Arkansas has 3 minutes and 42 seconds remaining.

Mr. BUMPERS. I yield 2 minutes to the Senator from New Hampshire.

Mr. GREGG. Mr. President, I rise in support of this amendment, which is not about rich and poor, but about marketplace economies and capitalism, which made this country great. Basically, what we have here is a program which essentially allows people to take advantage at an extraordinarily low rate, a subsidized interest, paid for by the taxpayers of America.

Mr. President, $58 million a year is spent on this land. The United States gets back $14 million. What we are suggesting is that for those people who use this land excessively, who have a large number of AUM's that exceed the 97 percent of the people who are not going to be impacted, just the top 3 percent of the people using this land, who use it to such an extensive rate, that those people should pay a rate that is a higher rate.

Today's rate is 43 percent less than what was paid in 1980. What we are suggesting is a rate which does not even account for what the inflation increase would be had that 1980 rate not been brought forward. It is a reduced rate, even by the simple terms of reflecting back to the 1980's and adding inflation.

We are suggesting a rate much closer to fairness, to equity, that gives to the taxpayers of this country, all of whom

happen to own this land—it is not just owned by folks in the West—a reasonable return on the investment they are making.

I yield the floor.

The PRESIDING OFFICER (Mr. COATS). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from New Mexico and the Senator from Idaho alluded to what fair market prices are. If you live in Idaho—the Senator from Idaho mentioned he tried to establish a fair market price—the price is $1.35 AUM if you lease lands for grazing from the U.S. Government. But if you lease lands for grazing from his home State of Idaho, you have to pay $4.88 for the same thing, and in New Mexico, it is $3.54.

The average that States charge for the same thing we get $1.35 for is $5.58. Why are the States so much smarter than we are? If you rent in the private sector, the national average is $11.20.

The Senator from Idaho said we are trying to separate the rich from the poor. Nothing of the kind. These people I am talking about—Anheuser-Busch, Newmont—I do not think they argue they are poor, they cannot afford to pay more, for example, than what his State would charge. If they are poor, if people who have 5,000 AUM's, which is all this amendment covers, if they are poor, who are these 97 percent below them? We do not touch anybody except people like Anheuser-Busch, Newmont Mining, William Hewlett, J.R. Simplot, the biggest corporations, wealthiest people in America.

I do not blame them. I would get land for $1.35 before I would lease it from the State of Idaho for $4.88, or lease it from somebody who owned land for $11.20. All we are trying to do is say, if you want this land, fine, we will give you 5,000 AUM's at this ridiculously low price. If you go above that, you will have to pay a little more.

We all know what this is. I heard all of this debate yesterday about all these poor little ranchers. The poor little ranchers out there are not touched under this amendment. They can graze 418 head every month for 12 months. Most permittees do not graze livestock on the Federal lands for 12 months. Most of them only graze about 5 months a year, so you have to have 1,000 head on most of this land before you even get touched by this. If you have 1,000 head, you ain't poor.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. DOMENICI. I move to table the Bumpers amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Mexico to lay on the table the amendment of the Senator from Arkansas.

The yeas and nays have been ordered.

The clerk will call the roll on the motion to table.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote? The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—50

Abraham	Dorgan	Kyl
Ashcroft	Faircloth	Lott
Baucus	Feinstein	Lugar
Bennett	Frahm	Mack
Bingaman	Frist	McCain
Bond	Gorton	McConnell
Brown	Gramm	Murkowski
Bryan	Grams	Nickles
Burns	Grassley	Pressler
Campbell	Hatch	Reid
Cochran	Hatfield	Shelby
Conrad	Heflin	Simpson
Coverdell	Helms	Stevens
Craig	Hutchison	Thomas
D'Amato	Inhofe	Thompson
Daschle	Kassebaum	Thurmond
Domenici	Kempthorne	

NAYS—50

Akaka	Gregg	Murray
Biden	Harkin	Nunn
Boxer	Hollings	Pell
Bradley	Inouye	Pryor
Breaux	Jeffords	Robb
Bumpers	Johnston	Rockefeller
Byrd	Kennedy	Roth
Chafee	Kerrey	Santorum
Coats	Kerry	Sarbanes
Cohen	Kohl	Simon
DeWine	Lautenberg	Smith
Dodd	Leahy	Snowe
Exon	Levin	Specter
Feingold	Lieberman	Warner
Ford	Mikulski	Wellstone
Glenn	Moseley-Braun	Wyden
Graham	Moynihan	

The motion to lay on the table amendment No. 5353, as modified, was rejected.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, have the yeas and nays been ordered on the amendment itself?

The PRESIDING OFFICER. Yes. And the yeas and nays have been ordered on H.R. 3816, the energy and water appropriations bill.

Mr. GORTON. Mr. President, I ask unanimous consent that we vote now on the amendment.

Mr. President, this vote having been 50 to 50 on the motion to table, and the order having been that we vote on or in relation to the amendment, it seems at least to this Senator that the logical course of action would be to vote now on the amendment and then to vote on the energy and water bill thereafter. As a consequence, I ask unanimous consent that we proceed to vote on the Bumpers-Gregg amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I think it would be well to debate this amendment awhile longer. I am not prepared to vote on this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Washington?

Mr. BUMPERS. I object.

The PRESIDING OFFICER. Objection is heard.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1997—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the regular order, the vote now occurs, as previously agreed, on the adoption of the conference report on H.R. 3816, the energy and water appropriations bill. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—92

Abraham	Frahm	Mack
Akaka	Frist	McConnell
Ashcroft	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Gramm	Murkowski
Bingaman	Grams	Murray
Bond	Grassley	Nickles
Boxer	Gregg	Nunn
Bradley	Harkin	Pell
Breaux	Hatch	Pressler
Bumpers	Hatfield	Pryor
Burns	Heflin	Reid
Byrd	Helms	Robb
Campbell	Hollings	Rockefeller
Chafee	Hutchison	Santorum
Coats	Inhofe	Sarbanes
Cochran	Inouye	Shelby
Cohen	Jeffords	Simon
Conrad	Johnston	Simpson
Coverdell	Kassebaum	Smith
Craig	Kempthorne	Snowe
D'Amato	Kennedy	Specter
Daschle	Kerrey	Stevens
DeWine	Kohl	Thomas
Dodd	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Feinstein	Lott	Wyden
Ford	Lugar	

NAYS—8

Brown	Feingold	McCain
Bryan	Kerry	Roth
Faircloth	Kyl	

CHANGE OF VOTE

Mr. KERRY. Mr. President, I was recorded as an "aye" on the previous vote. I meant to be recorded as "nay." I ask unanimous consent that I be recorded as a "nay." This would not affect the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. KERRY. 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. GORTON. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Washington is recognized.

Mr. GORTON. Mr. President, obviously, under normal circumstances, we would now go back to the Bumpers-Gregg amendment on grazing fees. The Senator from Arkansas, and I think the Senator from New Mexico as well, wish a little time before we do that. I believe it totally appropriate to grant that time.

Second, the distinguished senior Senator from Alaska wants about 15 minutes to speak on the former Sergeant at Arms of the Senate. I will soon make a unanimous-consent request that about 15 minutes be devoted to that subject. After that point, I will ask we set this amendment aside and be ready to go to other amendments on the subject.

With that, I suggest the absence of a quorum. Excuse me, the Senator from Alaska is here, so I ask unanimous consent the Senate grant 15 minutes to the Senator from Alaska or his designee to speak on the recently retired Sergeant at Arms.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I ask, upon conclusion of the Senator's remarks, I be recognized for purposes of offering an amendment.

Mr. GORTON. I object to that, Mr. President, and 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. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

SALUTING THE SERVICE OF HOWARD O. GREENE, JR.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Resolutions 293 and 294, and I ask unanimous consent they be considered en bloc.

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

Mr. STEVENS. I ask that the clerk read the resolution which is the resolution pertaining to the former Sergeant at Arms.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 293) saluting the service of Howard O. Greene, Jr.:

S. RES. 293

Whereas, Howard O. Greene, Jr. has served the United States Senate since January 1968;

Whereas, Mr. Greene has during his Senate career served in the capacities of Doorkeeper, Republican Cloakroom Assistant, Assistant Secretary for the Minority, Secretary for the Minority, Secretary for the Majority, culminating in his election as Senate Sergeant-At-Arms during the 104th Congress;

Whereas, throughout his Senate career Mr. Greene has been a reliable source of advice and counsel to Senators and Senate staff alike;

Whereas, Mr. Greene's institutional knowledge and legislative skills are well known and respected;

Whereas, Mr. Greene's more than 28 years of service have been characterized by a deep and abiding respect for the institution and customs of the United States Senate;

Therefore be it resolved,

That the Senate salutes Howard O. Greene, Jr. for his career of public service to the United States Senate and its Members.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Howard O. Greene, Jr.

PROVIDING FOR SEVERANCE PAY

The PRESIDING OFFICER. The clerk will report the second resolution.

The bill clerk read as follows:

A resolution (S. Res. 294) to provide for severance pay.

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

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

Mr. FORD. I ask unanimous consent I be made a cosponsor of the resolution commending Howard Greene.

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

Mr. STEVENS. I ask unanimous consent that all Senators have an opportunity through the remainder of the day to add their names as cosponsors, if they so desire.

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

Mr. STEVENS. Mr. President, Howard Greene traveled across the Chesapeake Bay from Lewes, DE, to the Senate in 1968, and he has been present in the Halls of the Capitol ever since. He developed a deep knowledge and understanding of the Senate as he rose through the ranks from Doorkeeper to Cloakroom assistant to Secretary for the Minority and Majority to Sergeant at Arms. His loyal service spans from Republican leaders Everett Dirksen, Howard Baker, Bob Dole, and TRENT LOTT. He served almost three decades.

Members have come to rely on Howard's ability to help count noses. I know I did when I was whip in the Chamber here for 8 years.

While sometimes it seemed that Howard had a crystal ball, it was his careful analysis, knowledge of the issues, understanding of the Members, and his hard work that provided information that usually made his forecasts correct. Vice Presidents, in their role as Presidents of the Senate, have relied on Howard's assistance and experience particularly during times when debates were intense and votes could be close.

We have been able to count on Howard for almost 30 years, and he has been there when he was needed by the Senate. But better than that, he has been able to participate where he could be of help. He has not had to be asked. His colorful descriptions of everyday situations and sense of humor helped lighten the atmosphere during some of our longer and longest days and nights. He was here on some of the longest ones.

Those of us who traveled with Howard over the years know what a fine traveling companion he really is. One of his sad tasks was to arrange for Senators to travel to funerals or memorial services for departed Senators. When Howard made those arrangements, the appearance of Members of the Senate was one of dignity, organization, and meaningful caring for those who survived one of our former colleagues.

Mr. President, I believe Senators on both sides of the aisle know that Howard's allegiance to the Senate and his loyalty to its Members and his love of our country would be hard to match. Many Senators and staff members who have retired would echo my words of tribute to my friend.

Today, as his service in the Senate is about to end, I have asked for permission to request the Senate to pay this special tribute to Howard Greene. He will be missed by many of us.

I understand there will be time up to 15 minutes for Members of the Senate to add their comments, but let me first ask unanimous consent that the resolutions be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and statements made to these resolutions appear at this point in the RECORD.

The second resolution is comparable to that which was offered for several other Sergeants of Arms and recognizes their service by a provision for terminal leave compensation.

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

The resolutions (S. Res. 293 and S. Res. 294) were agreed to.

The preamble to Senate Resolution 293 was agreed to.

The resolution (S. Res. 294) is as follows:

S. RES. 294

Resolved, (a) That the individual who was the Sergeant at Arms and Doorkeeper of the Senate on September 1, 1996, and whose service as the Sergeant at Arms and Doorkeeper of the Senate terminated on or after September 1, 1996 but prior to September 6, 1996,

shall be entitled to one lump sum payment consisting of severance pay in an amount equal to two months of the individual's basic pay at the rate such individual was paid on September 1, 1996.

(b) The Secretary of the Senate shall make payments under this resolution from funds appropriated for fiscal year 1996 from the appropriation account "Miscellaneous Items" within the contingent fund of the Senate.

(c) A payment under this resolution shall not be treated as compensation for purposes of any provision of title 5, United States Code, or of any other law relating to benefits accruing from employment by the United States, and the period of entitlement to such pay shall not be treated as a period of employment for purposes of any such provision of law.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join my distinguished colleague, Senator STEVENS, in praising Howard Greene. During the 16 years that I have had the privilege of serving in the Senate, I have come to know Howard Greene and have great admiration and respect for him.

Senator STEVENS talked about the Republican majority leaders Dirksen and Baker and Dole and what great service they received from Howard Greene. In a sense, Howard Greene was a leader's leader because he would always provide information and insights of enormous value to the leadership.

We are blessed, in the Senate, to have personnel who serve in the capacity of—you might call them clerks, or you might call them directors, or you might call them, in effect, assistant leaders. When Howard Greene was here, I would frequently go to him, as would most of my colleagues, and want a prediction about what was going to happen. People who may watch the Senate intermittently on C-SPAN do not know that our schedules are very unpredictable. Some times people ask, "When will the Senate adjourn?" I customarily say, "When the last Senator stops speaking." Howard Greene customarily had a good idea as to when the last Senator would stop speaking.

When he was promoted to the Sergeant at Arms, a very important and prestigious position in the Senate, I was, in a sense, sorry to see it happen, because no longer would Howard Greene patrol the floor. That familiar sight when he would come out of those double doors, straighten his tie and adjust his coat and walk down that step. Even Elizabeth Greene laughs at the recapture of Howard Greene entering the Senate Chamber. He was always busy. Howard Greene was really a great aid and comfort to all the Senators. When the going got rough, I would call him in the evening or call him on weekends, and he was always available to help over the rough administrative hurdles.

I know my colleague Senator ROTH has come to the floor, and he intends to talk about Howard Greene as well. But I think Howard Greene was a tremendous asset to the U.S. Senate. I, for one, am very sorry to see him terminate his service here. But I wish him the very best in the years ahead, and I know we will all continue to work with him and admire him and respect him for his contribution to this body.

I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Kentucky.

Mr. FORD. Mr. President, may I just take a moment to associate myself with the remarks of the distinguished Senators from Alaska and Pennsylvania, as they relate to our friend Howard Greene.

I think you have to understand the institution to understand the value of an individual like Howard Greene. I think you have to understand the fairness, you have to understand that your word is good, that when you tell a Senator something, that is the way it is. If something happens that it cannot occur that way, you have the good judgment to come back and say to that Senator it cannot happen now, and tell him why.

I have never talked to Howard Greene and asked for anything, but what I received the most courteous attention as if I was the only one seeking any kind of information or help from him.

So I will miss Howard Greene. I think the Senate will miss Howard Greene. I hope those who are taking Howard's place will understand that they are filling very, very large shoes.

To my friend Howard, I wish him well. I hope his days ahead are full of pleasure, and I hope that he can find something that will fulfill him as much as his operation here in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I join in the tribute to Howard Greene. I worked with him here in my 17½ years in the Senate. He has been very helpful to me. He has been a friend of mine. He has been an outstanding public servant, a man of conviction and honesty and hard work.

I do not know if the public realizes how hard some of these staff people work around here to keep this place going. I saw it firsthand, in many cases when we were in session at night.

Howard Greene certainly exemplifies hard work and honesty and goodness. I join my colleagues in paying tribute to him here today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I just want to pay my respects to Howard Greene for being such a good friend and a solid worker around here in the U.S. Senate. Wherever he has worked he has served with distinction, he served with a great deal of verve, and he has been a very good friend for all of us. I would feel very badly if I did not get out here and say a few nice things about him, because Howard has always had an open mind, he has always been willing to listen, he has always tried to help. He has helped me on a number of occasions, as I know he has every Senator, and he deserves our respect, and I certainly want to pay my respect to him today.

I am sorry he is retiring, but I wish him the very best in his retirement, and I hope, if there is ever any occasion for me to give any assistance or help to him, I would certainly like to be there for him. He is a great person who I think served this U.S. Senate with great distinction. I just wanted to say those few words here today.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, it is fitting for me to offer a few words concerning Howard Greene and his service to the U.S. Senate. Howard is from my home State of Delaware. He began his service to the Senate in 1968, as a doorman in the gallery. At the time, he was only 26, attending the University of Maryland. His objective was to become a history teacher. Howard was an ambitious young man—bright and extremely able. In this environment, he gained the attention of Senators and became more and more interested in the political process—especially the daily proceedings here on Capitol Hill.

When an opportunity presented itself in the early 1970's, Howard moved into the Republican Cloakroom. After this important promotion in Howard's young life, you can imagine his surprise when his mother said, "Congratulations, Dear. Does that mean you'll be hanging up the Senators' coats?" It was while in the Cloakroom that Howard distinguished himself as one who could get things done. His attention to detail, and service to others became defining qualities, as did his keen insight into complex legislative issues.

Those who knew Howard, trusted his insights, and his activities drew him into even greater involvement with the daily affairs of the Senate. They prepared him well for a new assignment as Assistant Secretary for the Minority, under Mark Trice.

With the election of Ronald Reagan and the Republican majority, Howard was appointed Secretary by Howard Baker. It was while he served in that capacity that many of us came to appreciate his organizational skills, his diplomacy, and leadership.

Howard has now served 2 years as Sergeant at Arms. His love for the Senate and the legislative process have continued. In his years of service, he had done Delaware proud.

From his upbringing in the small town of Lewes, to his work in the most powerful legislative body on Earth, Howard Greene is, indeed, a smalltown boy who made good.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. 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. WARNER. Mr. President, when I came to the Senate, I can say without any equivocation, Howard Greene was one of those individuals to whom I and my colleagues—we had one of the largest classes of Senators at that particular time; took our oaths in 1979—but he was the man to whom we looked for a lot of advice and guidance.

The distinguished Senator, Mr. Howard Baker, was then our leader on the Republican side. And it was clear that Mr. Baker placed in Howard Greene a great deal of confidence and respect, and indicated to Mr. Greene, to the extent he could be of assistance to the newcoming Senators, to do so. That early experience with him led to many, many times that we worked together.

I find him to be a person extremely knowledgeable about the rules of the Senate. While the rules of the Senate are the subject of great discussion many, many times, there is a lot that is not in the rules. But, nevertheless, Senators are expected to follow the traditions. And he was particularly astute about all the unwritten traditions of the Senate. And certainly in my class—and I hope it will always be a part of Senate life—we were very anxious to comply with the rules of the Senate, be they written or unwritten, as a part of tradition.

Howard Greene played a very valuable role to my class. I see my distinguished colleague here from Wyoming, Senator SIMPSON. He remembers well Howard Greene and how he worked with our class, and in the years thereafter. He was also pretty tightlipped. There were many times he sat in on meetings. I found that he was able to hold those exchanges that sometimes were heated between Senators, and do it very well.

So speaking for myself, and I hope others will join me, we wish him very well in his next challenge in life professionally. I wish to express my fond farewell and my gratitude in terms of what he did for me individually, what he did for my class of Senators, and what he did for almost three decades of service in the U.S. Senate. I hope that younger persons now coming along and seeking to have a role in the Senate will look upon Howard Greene as one that set standards that they should strive to accept. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I join with my colleagues in paying tribute to Howard Greene for the service that he has provided this body. My personal association with Howard goes back to my election to the Senate and coming to this body in 1980. I had little association with Washington, DC, and little association with Senate procedure, and I found Howard extraordinarily talented in addressing the egos of some 100 individual Members of this body.

He always reminded me of a person who had the ability to keep all the balls up in the air, all at once if necessary, and in meeting the needs, the desires, not only of the Members during the normal course of business, but oftentimes it would be necessary to phone him after hours. I found him more than willing to go beyond just accommodating Members in the normal activities of our daily lives, but to make an effort to accommodate the needs of family and family members.

I think it is fair to say that as I look back on my career in the Senate, approaching some 16 years, I look back on it with fond memories of my association with Howard.

The occasional traveler. Howard was, in my opinion, a white-knuckle flier. He had some inhibitions about the ability of the particular craft to get him to where he was going and, more importantly, back. One night we were flying over the Atlantic, and I do not know whether we were in the Azores or where, but we had to refuel. And we were in an old Boeing 707 that the Air Force had, and occasionally the gear did not go down. One of the gears locked up on this particular night, would not go down. The normal procedure for eliminating that experience was to put the plane in a slide dive and pull up rather abruptly, and that theoretically would drop the gear. Of course, the Air Force aircraft are not known for their public address systems. Some of us had some idea of the procedure, and Howard was simply terrified through the entire process, which I think resulted in some libation of some nature, or at least a visit to a watering hole when we hit the ground, to which he was entitled and probably all of us as well.

I cite a more recent visit that I had with Howard when I had an opportunity to participate as chairman of the United States-Canadian Interparliamentary where we flew out of Prince Rupert, British Columbia, with many of our Canadian counterparts, Members from Parliament from both the lower house and the upper house, and then took an Alaskan ferry on up through Ketchikan and Juneau, and then went on past the Yukon Railroad out to Whitehorse where we were again joined by members of the Yukon territorial parliamentary body. And I found his insight, his long memory of the Senate, particularly some of the humorous sides of our relationships with one another, to be very interesting and rewarding.

So I just add, that Howard Greene's contribution to the Senate will be long remembered by those who served with him, who knew him, and who loved him. I join others in wishing him well as he proceeds with what is ahead of him in his life. And I thank him for his friendship and for his accommodation. I wish him well. I yield the floor, Mr. President.

Mr. SIMPSON. I thank my friend from Alaska, Mr. President.

Just let me pay my own personal tribute for a moment to Howard Greene. When I came here to the Senate with Senator WARNER, our first meeting, our first official conduct, our first official briefing, was with one Bill Hildenbrand and with Howard Greene, very special people, both of them. They worked so well together. These two smoothed my path in this place, and certainly Howard Greene was, in my role as assistant leader of the Senate, always there. He was there. He gave me full measure of himself, as so many have here who do the work of the Senate.

Those who are here today who knew Howard, worked with him closely, he was always there for me in my role as assistant leader. As I say, he gave me full measure—loyal, helpful, persistent, a source of good counsel—and a strong, yes, yes, strong, taskmaster. He was good at organizing things, the official visits, the trips, the Presidential funerals, the official trips we had to do, and he was always well organized.

He will be remembered for his love and loyalty to the Senate as an institution, for he loved this place from his youth and from his early beginnings. He was my strong right arm in my work, and I owe him my deepest thanks and respect. I shall miss his good humor, ribald as it was. I wish him well. There is much more for him to do in life. I wish him well. I wish him peace of mind. I wish him good health. He has many friends. He can certainly always know that this is one. Ann and I wish him the very best. God bless him in his new endeavors of life.

I thank the Chair.

Mr. FORD. 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. LUGAR. 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. LUGAR. Mr. President, I join my colleagues today in paying tribute to Howard Greene and in saying words about our good friend. He has been my good friend for the past 20 years.

I came to the Senate, and Bill Hildenbrand and Howard Greene were two people who took me under their wings. My own judgment at the time was that Bill Hildenbrand knew almost everything that needed to be known about Washington. He seemed to be a man of consummate experience, a person who had been involved in campaigns but, likewise, in the running of the Senate from time immemorial. Howard Greene seemed to be his deputy, his teammate, a person of great vigor, who would stride up and down the aisles of this Hall with determination and always with success in finding the person, the bill, the detail that was required.

It was exciting to watch them. It gave me confidence that some people had confidence in what was being done, and I thought if I watched carefully I might learn more, and I did from both of these gentlemen. During recent years, Howard's growing responsibilities have been a real pleasure—seeing his own growth as a person, as an administrator, as one who has served Government well, has served the people of the United States, really, with distinction, in large part because he helped all of us to be more effective and to have some idea of what we were doing and how we might do it better.

I am delighted to have this opportunity, and I appreciate the leader giving us the opportunity today, to say good words about people who have meant a lot to us, and especially about the person that we honor on this particular afternoon, Howard Greene.

Mr. FORD. 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. BENNETT. 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. BENNETT. Mr. President, I noticed that some of my colleagues commented about the service of Howard Greene, retiring as Sergeant at Arms of the Senate. They referred to their long years of experience with Howard and the great service that he has rendered to the Senate during those years.

I am a relatively new Senator and don't have that kind of experience to draw on, but I can offer the perspective of a relative newcomer to this body and to the service that Howard Greene provided when I was trying to find my way around. I found very quickly that if I wanted an answer to a question, I went to Howard Greene and I always got one—quickly, accurately, and sometimes very, very succinctly. Howard is not a man who wastes words.

I found when I needed assistance in working through possible committee assignments and understanding the program and how it all works, Howard Greene was there at my side to give me the assistance I needed and helped me find my way through that, which could be so confusing to a newcomer. Subsequently, as a member of the Legislative Branch Subcommittee of the Appropriations Committee, I had the opportunity to interact with Howard during appropriations hearings that he was called upon to attend as the Sergeant at Arms. I found that he was not only concerned about Senators and taking care of the needs of Senators, he was also very concerned about the people under his jurisdiction. The Capitol Police come to mind as one area where Howard focused primarily on the personal needs of the members of the Capitol Police.

When I made a suggestion in the subcommittee about something that could be done within the law that would make life better for the Capitol Police, Howard picked up on it immediately and said, "We will do that." A little while later, I checked back and said, "Has anybody followed through on this?" I needn't have done that checking back. It was Howard Greene who said, "We will do that," and the staffers looked at me and said, "Yes, Senator, that is in the bill."

So as he moves on to another circumstance and phase in his life, I want him to know that he goes with not only the good wishes of some of the old-timers around here, but a few of us newcomers as well recognize the service he has rendered, the friendship that he has offered, and the excellence with which he has performed his job.

I wish Howard the very best in whatever he now undertakes and tell him that the Senator from Utah will always look fondly upon Howard Greene as one of his friends.

With that, Mr. President, I yield the floor.

Mr. PRYOR. Mr. President, I, too, would like to join with my colleagues this afternoon in paying special respect here on the floor of the U.S. Senate to our friend Howard Greene. He has served this institution with great dignity, with great candor, and certainly with great understanding and respect for the Senate of the United States and for each and every Senator.

He has respected and served and answered to not only the Senators on that side of the aisle, but he has been most respectful and most helpful also to the Senators on the Democratic side of the aisle.

Howard Greene is the type of individual who makes the U.S. Senate not only unique, but I think that because of his service to the Senate and his years involved with the Senate, the U.S. Senate is better today because of his years of very, very distinguished service. He is a part of the heart and the nerve and the sinew that makes the U.S. Senate what it is today, Mr. President.

I take great pride in being able to add this humble voice as a vote of confidence for this fine man and as one who has worked with him and alongside him for a number of years. Mr. President, it gives me great pleasure to add my words of support and best wishes to this fine servant of the people of our country and the U.S. Senate, Howard Greene.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, each day the Senate is in session, at least one Member rises to pay tribute to a friend, a constituent, or a colleague who has distinguished himself, or has decided to leave Government service. Today, Most members of this body are taking to the floor to say "goodbye" to a gentleman who has not only been a fixture of the U.S. Senate for many years, but has grown to be a friend to most of us, Sergeant at Arms Howard Greene.

Howard is one of those unique individuals who has spent most of his adult life here on Capitol Hill. Beginning his career just outside this chamber as a doorkeeper, Howard worked hard and moved up the ladder of administrative jobs in the Senate, taking over the position of Secretary to the Majority at the beginning of the 104th Congress, later assuming the duties of the Sergeant at Arms. In every job he held, Howard distinguished himself as an individual of ability, dedication, and character, and he earned the respect of Members from both sides of the aisle for his thoroughness and commitment.

As the Republican Party had not held control of the Senate since the 1980's Howard had a challenging task before him at the beginning of the 104th Congress. No doubt, his encyclopedic knowledge of the history, traditions, and procedures of this great body aided him greatly as he administered to his tasks as Secretary to the Majority and Sergeant at Arms. I am certain that all would agree that the transfer of power from the Democrats to Republicans was smooth, and that the functions over which Howard had responsibility functioned efficiently and effectively during his tenure.

Mr. President, as you know, Howard Greene is about to end his service to the U.S. Senate. He can be proud of the work he has done as a part of this institution during his many years on the Hill, and I know that each of us wishes him good health, great success, and much happiness in the years to come.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

DOLE ECONOMIC PLAN: VOODOO II

Mr. EXON. Mr. President, last week, I delivered the first of a number of speeches on the fiscal follies of the Dole economic plan. I gave a brief history of voodoo economics in the Reagan-Bush years, its failure, and the economic carnage it left in its wake. I hope that I was able to shed a little light on an issue of great concern to all Americans.

Today, I ask the American people to look at the Dole economic plan—advanced voodoo economics, if you will. And if it wasn't for all of the harm it would cause, the Dole plan would be pretty amusing to this Senator who has worked on the budget for a long, long time.

I must say that Bob Dole's supply-side plan reminds me of a 17th century scientist by the name of van Helmont who actually had a formula for making mice out of old underwear. At its heart, that's the Dole plan: taking bits and pieces of discarded economics and turning them into something unrealistic.

Last week, I had the privilege to join with Democratic colleagues at an important forum on the Dole economic plan. Benjamin Friedman, professor of political economy at Harvard University, warned, "The Dole-Kemp proposal is a reprise of a gamble that failed."

Former Budget Director Charles Schultze concluded,

> A reasonable and prudent person would have to question severely the wisdom of repeating what the country did 15 years ago—enacting a large tax cut before budget balance is well in hand.

The Dole plan is mired in the same specious supply-side arguments and optimistic assumptions that made up the economic quicksand of 15 years ago. The original trickle-down economics delivered mediocre economic performance and a mountain of debt. Is there any reason to believe it will be different this time around? The answer is a resounding, "No."

Like the original voodoo, the Dole voodoo II relies on bogus assumptions to hide its disastrous deficit consequences. It's a Whitman's Sampler of candy-coated scenarios. The Dole plan includes a $254 billion fiscal dividend for cutting the deficit; a $147 billion growth dividend for expanding tax breaks; and an $80 billion revenue dividend from projecting out a short-term blip in revenues. It hides the cost of back-loaded tax breaks and massive, unspecified spending cuts that no one believes will happen. As Mr. Dole ups the ante on his economic plan, he raises questions about its credibility.

In spite of the truth nipping at his heels, candidate Dole assumes that he if he says nonsense enough times it will be believable. He's wrong. The latest New York Times: CBS poll shows that 64 percent of the electorate does not believe that Mr. Dole will be able to deliver the promised tax cuts.

True to form, the Dole plan postulates that tax cuts largely pay for themselves through economic dividends. The Dole dividends are doubly implausible because most of the tax cut consists of items that have nothing to do with the economy's longrun capacity to grow. Most will do little or nothing to stimulate savings, investment, or work effort.

The Dole tax cuts' effects on the economy are likely to be worse than the lackluster performance posted during the Reagan-Bush years. The first supply-side gamble was taken at the trough of the 1981–82 Reagan recession, the deepest since World War II. Not surprisingly, the 1981 across-the-board tax cut did boost the economy by stimulating spending, and not savings—boosting demand in the economy, not supply. As a consequence, much of the employment growth during the Reagan years resulted merely from people getting back jobs they lost during the recession.

Unlike the early 1980's, when the unemployment rate reached 10.8 percent, strong job growth over the last few years has brought our current jobless rate down to 5.1 percent. A shot of demand stimulus now would risk overheating the economy, push up inflation and interest rates, and do little to improve the already tight labor market.

Any benefit from a trickle-down tax cut now would have to come from improvements in the economy's long-run capacity to grow. The prior experience with Reaganomics is not reassuring, since growth slowed to its previous longrun pace once the economy's slack had been taken up.

The Dole plan also assumes that an unexpected jump in revenues this year will persist forever, even though CBO in its latest Economic and Budget Update argues that this blip may well be temporary.

In fact, it could be worse. I am deeply concerned about the effects of the Dole tax cuts beyond the year 2002. There is no cutoff point; they keep growing and growing. The farther out the tax cuts are projected, the less coherence the Dole plan has, and the wider the deficit projections become.

Like his supply-side predecessors, who stretched credibility like taffy, candidate Dole promises to balance the budget despite tax cuts totaling $550 billion. This would require spending cuts far more extreme than those that the Republicans failed to pass over the past 2 years. And remember too, the number of programs that Dole has put off-limits: Social Security, Medicare, defense, veterans, interest on the debt, the New Mexico labs, military retirees, and the list keeps growing every day. Even George Bush's Budget Director, Richard Darman, said that the Dole plan was not realistic politically.

In most cases, the Dole plan leaves these huge spending reductions unspecified. In those instances where they are specific, however, the Dole campaign's own figures imply that some programs, like the Energy Department, should be cut by more than 100 percent. At least we can all agree that that will be a difficult task indeed.

As I have said, the Dole plan will merely build the current mountain of debt to new heights. And history does not provide much comfort to those of us concerned about this horrible monument of fiscal irresponsibility. If past is prolog, we are in for more debt. Some have incorrectly claimed that President Reagan would have balanced the budget in 4 years as promised, save for the fact those Democrats were in control of the legislative branch. For three-fourths of the time that President Reagan was in office, he enjoyed the support of a Republican majority in the Senate. The record clearly shows that President Reagan failed to use the ultimate and readily available authority he had—the veto to cut spending. He clearly had more than sufficient votes to sustain a veto. Furthermore, neither Presidents Reagan nor Bush submitted a balanced budget certified by the Congressional Budget Office.

So what's the bottom line on the Dole economic plan? In the September 2, 1996, New Republic, Matthew Miller writes "It's a fraud, covered up through deception and double counting." That's pretty harsh but I have to agree. Bob Dole shouldn't gamble away the future of our Nation with a farfetched, losing proposition that in the end will only end up with more spending.

I simply say that the authority that the President has to cut spending should be used and the veto pen should always be their. It seems to me, Mr. President, that we should realize and recognize that we have had four straight reductions in the annual deficit of the United States.

It seems to me that we should not go hellbent for election with an economic plan that this Senator believes is doomed to failure.

Mr. President, I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The Senator from Oklahoma.

SENATOR DOLE'S ECONOMIC PACKAGE

Mr. NICKLES. Mr. President, I wish to make a couple comments in response to my colleague from Nebraska.

He made a very strong statement against Senator Dole's economic package. Let me make a couple of statements in rebuttal to that.

The Senator quoted a poll which said that 64 percent of the American people do not believe there is really going to be a tax cut. A lot of people are very skeptical of politicians, in particular when they make statements as it pertains to taxes and you look back in history a little bit. George Bush said, "Read my lips. There will be no new taxes." And he passed a tax increase, and I believe it cost him his reelection.

Bill Clinton, when he was campaigning in 1992, campaigned on a tax cut, told people throughout the country there would be a tax cut, talked about a $500 tax credit per child, or at least a tax credit for families, but it did not happen. As a matter of fact, in 1993, there was not only not a tax cut but the largest tax increase in history.

So a lot of people are very cynical when politicians talk about taxes, maybe because for the last few years they have not seen people follow through with what they stated they were going to do. That quite possibly is understandable.

Candidate Bill Clinton in his book said there would not be an increase in the gasoline tax, but he actually did. He passed a gasoline tax increase, as we all know. He did not tell people there was going to be an increase on Social Security recipients, but there was.

So my point is, yes, there may be some people who are cynical, but that does not mean that just because Bill Clinton did not do what he said he was going to do Bob Dole will not. I have had the pleasure of serving with Bob Dole, and he is a man of his word, and he is very sincere. He is very sincere about cutting taxes and reducing the growth of spending. I will just mention that he doesn't even cut spending. He slows the growth of spending under his proposal. The facts are we are spending $1.55 trillion right now, and under Senator Dole's proposal we are going to end up spending about $1.8 trillion in the year 2001. But he does commit to balancing the budget. That is doable. We have done it. President Clinton, unfortunately, vetoed it.

Can you cut taxes and reduce the growth of spending and still end up with a balanced budget in a few years? Yes; you can. We have proved that you can.

I want to allude to one other thing that was mentioned. It is said, well, Senator Dole's tax cut is paid for by voodoo economics, or it is going to provide tax cuts to pay for itself. That is not the case. He took a very conservative assumption that the tax cuts proposed in his proposal would stimulate growth and that would pay for about 27 percent—not even half, 27 percent.

So I just make mention of the fact that some people assume this really does stimulate the economy and therefore pay for itself. Some people make that assumption. Senator Dole did not. He said it will stimulate the economy; the economy will grow a lot faster. It has grown a lot faster. The growth of the economy for the last 3 years has really been pretty anemic—about 2.2 percent compared to the last 10 or 12 years when it has been about 3.3 percent, about 50 percent higher. We can do better. We should do better. I hope we will do better.

I also heard a statement, well, very little is in Senator Dole's package that would stimulate the economy. I disagree. Allowing people to keep more of their own money, when you are talking about the child credit—Senator Dole's package has provision for a $500 tax credit per child. That is very family friendly. That says families, if you have four kids and you are making $60,000, maybe two people working, you are going to have $2,000 more of your own money to spend at the local restaurants or at schools or for your family. That is going to help those businesses. Those businesses are going to make more money. They are going to generate more jobs. It is going to help the economy and, I believe, actually spend it better than how the Government would spend it.

He also cuts the capital gains rate in half. Some people disagree with that. I believe we have at least a strong majority vote in the Congress to do it, because if you reduce the tax on financial transactions, you are going to have more. Some countries do not even tax financial transactions.

I think there are several things in Senator Dole's proposal that will stimulate the economy, that will balance the budget. He is also calling for a constitutional amendment to balance the budget. So he is sincere about doing it. I think he will do it. In spite of the fact that maybe one or two of his predecessors did not do what they said they were going to do, did not follow through, did not tell the truth to the American people, I believe Senator Dole is telling the truth. He is a man of his word. We will cut taxes. We will balance the budget. We will pass a constitutional amendment to balance the budget. I think that is significant, it is positive, and it will help the American economy and help American families as well.

I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. I do not want to cut off anybody, but I am trying to call up a bill that is a major bill. I do not want to block the Senator.

Does the Senator have a brief statement he wants to make?

Mr. INHOFE. Yes. I will be very brief.

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

EXPERIENCE IN INCREASING REVENUES

Mr. INHOFE. Mr. President, we have had three experiences in this century of increasing revenues: One was in the 1920's, one in the 1960's, and then in the 1980's. All three times it was a result, economists had to agree, of the fact that we reduced taxes and gave people more freedom. As a matter of fact, it was not a Republican but it was a Democrat, it was President Kennedy back in the 1960's, who observed that we have to increase revenues and the best way to do that is to reduce taxes. Of course, history showed that it did work. It worked again in the 1980's when we went from a total expenditure to run Government in 1980 of $517 billion to $1.03 trillion in 1990, a 10-year period in which we had the most dramatic decreases in taxes.

So I would certainly agree with the man who I believe will be the next President of the United States that the best way to get this country back on the right track is to reduce regulation, reduce taxes, and give people more individual freedoms.

I yield the floor.

FEDERAL AVIATION ADMINISTRATION PROGRAMS REAUTHORIZATION

Mr. PRESSLER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 539, S. 1994, the FAA reauthorization bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

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

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

Mr. PRESSLER. Mr. President, I rise in support of S. 1994, the Federal Aviation Authorization Act of 1996. Today, I am offering a manager's amendment to the bill as originally considered by the Commerce Committee which includes a variety of critically needed improvements to address important safety and security issues affecting airports, airlines, and the travelling public.

This legislation is a comprehensive effort to deal with virtually all aspects of our Nation's air transportation system including: funding issues, security, the replacement of aging air traffic control equipment, and infrastructure development.

Mr. President, first and foremost, we must act to reauthorize the programs of the FAA before we leave this year or the FAA will be prohibited from issuing grants to airports for needed security and safety projects. In light of

recent air transportation tragedies, we must act now to ensure this vital revenue stream remains available.

As I have indicated, there are dozens of important provisions in this legislation, but Mr. President, I would like to focus my remarks on three main areas.

First, aviation safety. Air transportation in this country is safe and remains the safest form of travel, however, we can and we must do more. This legislation facilitates the replacement of outdated air traffic control equipment. Importantly, it also puts in place a mechanism to evaluate long-term funding needs at the FAA. Much work has been done by Senator MCCAIN, HOLLINGS, FORD, STEVENS, and others, as well as the administration, and I want to congratulate them and thank them for their efforts in this regard. This effort is critically important given the projected growth in air travel over the next several years. Ensuring adequate funding in a time of increasing passenger traffic and diminishing Federal resources is a difficult issue and this legislation takes important steps forward.

A second area I want to highlight is aviation security. This legislation contains numerous provisions designed to improve security at our Nation's airlines and airports. Here again, I would like to thank a bipartisan group of Senators for their efforts to develop comprehensive recommendations for the bill. Senators HUTCHINSON and LAUTENBERG deserve special thanks for their tireless work in this area over the past several months. The measure before us today incorporates many of the suggestions from the House-passed antiterrorism bill, as well as new recommendations from the Gore Commission of which I am a member. Passage of this bill will improve aviation security by: spending deployment of the latest explosive detection systems; enhancing passenger screening processes; requiring criminal history record checks on screeners; requiring regular joint threat assessments and testing baggage match procedures.

The third and final area I wish to highlight Mr. President, is how this legislation will help small community air service and small airports, such as those in my State of South Dakota. The legislation before us today reauthorizes the Essential Air Service Program at the level of $50 million. This program is vital to States such as South Dakota and others. The bill also directs the Secretary of Transportation to conduct a comprehensive study on rural air service and fares. For too long, small communities have been forced to endure higher fares as a result of inadequate competition and the Department of Transportation will now look into this issue as a result of this bill. This follows on the important work that I instructed the General Accounting Office to initiate last year. And finally, in this legislation, we have taken steps to protect smaller airports in the event of funding downturns in the appropriations process.

The legislation guarantees that if airport funding were to be significantly reduced, smaller airports would not be disadvantaged disappropriately. As my colleagues know, larger facilities have a number of funding options available to them, including access to the bond communities, PFC, rates, and charges and the like. Smaller airports do not have the same options. I am pleased that we have developed a safeguard for smaller airports without significant modifications to the existing allocation formulas, while protecting existing letters of intent for multiyear funding projects at larger airports.

In summary, Mr. President, this legislation represents the culmination of over a year's work by the Commerce Committee and other interested Senators. It addresses our most pressing aviation needs—safety, security, and funding.

I urge all of my colleagues to support passage of S. 1994. We cannot adjourn for the year without taking final action on this important legislation. If we fail to act, the FAA's hands will be tied and they will be unable to address needed security and safety issues in every State in the Nation.

I should pay special tribute to the chairman and ranking member of the Aviation Subcommittee, Senators MCCAIN and FORD, who have done so much fine work on this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have a longer statement I will give in a minute, but I want to thank the distinguished chairman of the committee, Senator PRESSLER, who made possible this legislation through his leadership, through the efforts of his staff, whose names will be mentioned later.

I say to Senator PRESSLER, I do not believe this legislation would be before us today without your leadership. We look forward to your active participation and assistance as we move this legislation through to its completion, hopefully by tomorrow. I extend my deepest appreciation to Senator PRESSLER.

Although we have not completed this legislation yet, and I will save my remarks about my friend from Kentucky, with whom, for 10 years now, I have had the opportunity of working, the Senator from Kentucky has proven again that the only way you achieve legislative successes are through bipartisan efforts, not only working together on both sides of the aisle but with the administration. There are many people, including the Secretary of Transportation, Mr. Peña, and the FAA Administrator, and especially the Deputy Administrator, Linda Daschle, and their hard working staff.

I ask my friend from Kentucky if he would like to proceed with our opening statements, or would he like to go directly to the amendments that are pending?

Mr. FORD. I would say to my friend that I will have a very short opening statement. I think we can encourage our colleagues, if they have any amendments that have not been taken care of in the managers' amendment. I think many of those have already been taken care of. They will be in the managers' amendment. So, for all practical purposes, I would be more than pleased to see if any of my colleagues have any amendments they would like to put on, because, at some point tonight, I think the chairman of the subcommittee will want to get a finite list of any amendments that are not taken care of in the managers' amendment, or are agreed to or voted on tonight.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona has the floor.

Mr. MCCAIN. I would say to the Senator from Kentucky, I believe it is the wishes of the majority leader and the Democratic leader to get a finite list, unanimous-consent agreement on that, and have whatever votes are necessary sometime tomorrow morning. So I, like the Senator from Kentucky, urge my colleagues who have additional amendments to those that we already have to come over to propose those, propound those amendments, and let us act on them.

Mr. FORD. Mr. President, S. 1994 authorizes the programs of the FAA for 1 year. The bill must pass because it is an authorization bill. The FAA cannot issue any airport grants unless this bill is passed. Under S. 1994, the FAA would spend approximately $35 million more on small airports for fiscal year 1997 than was spent in fiscal year 1996. I believe the chairman of the committee, Senator PRESSLER, noted that was one of the things he felt was so important in S. 1994.

The House has passed its FAA reauthorization bill. That is H.R. 3539. They did that last week. So it is incumbent upon us to get our bill out so we can go to conference and have the bill back to be presented to both the House and the Senate as soon as possible.

S. 1994 also contains a title that addresses FAA reform, the long-term issues relating to how much money FAA needs, and how to raise the funds. A task force will review these issues and work with the Secretary of Transportation on developing legislation that will be submitted to Congress for review. We have no expedited procedures here, so what we are saying is that this task force will get it together with the advice and counsel of the Secretary of Transportation, and that package is to be submitted to Congress for our review or support or whatever

it might be. So I think it is real important—very important that we get this out.

The structure of the FAA would change slightly—and I underscore "slightly"—making it more independent of oversight by the Secretary of Transportation in the safety regulatory arena.

Finally, the bill includes a title concerning aviation security and covers many of the issues that Senator PRESSLER said, as a member of the Gore Commission, that they recommended. These items are generally consistent with the Gore Commission's recommendation.

The bill also authorizes the collection of up to $100 million in overflight fees, fees charged to foreign air carriers flying through our air traffic control system. Some of this money could help pay for the essential air service programs that are so important to less populated areas.

Mr. President, I might say, one of the reasons this is put in here is that other countries charge us overflight fees. We have never done that. So I do not think there could be any retribution of any kind if we add those fees, because we will be doing the same thing they are doing. They are using our system, they are flying over this country in a safe manner, and therefore we charge them a fee for our services.

So I hope my colleagues are listening. I hope if my colleagues have any amendments that they want us to consider as they relate to S. 1994, that they come forward and we be able to put those on the list. Those Senators who might be concerned if their amendment has been included in the managers' amendments or not, we will be more than pleased to visit with them right away so we can assure our colleagues that their amendment has been taken care of.

So, Mr. President, I look forward to moving this legislation forward. I look forward to cooperating with my friend from Arizona, Senator MCCAIN, and that we will pass a piece of legislation that will be acceptable and that we will be proud of in the final results.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, this collaborative work has resulted in legislation that will benefit everyone who uses this country's air transportation system, including air travelers, airports of all sizes, pilots and other airline and airport employees, the Federal Aviation Administration, major, regional, and short-haul air carriers, general aviation pilots and manufacturers, and all others in the aviation industry. This bill will do the following:

Ensure that the FAA and our Nation's airports will be adequately funded by reauthorizing key FAA programs, including AIP, for fiscal year 1997;

Ensure that the FAA has the resources it needs to improve airport and airline security in the near term;

Direct the National Transportation Safety Board to establish a program to provide for adequate notification of and advocacy services for the families of victims of aircraft accidents;

Enhance airline and air travelers' safety by requiring airlines to share employment and performance records before hiring new pilots;

Strengthen existing laws prohibiting airport revenue diversion, and provide DOT and the FAA with the tools they need to enforce Federal laws prohibiting revenue diversion;

Make needed changes relating to MWAA, which is Metropolitan Washington Airport Authority; and, most important, provide for thorough reform, including long-term funding reform, of the FAA.

Each of the elements of S. 1994 is essential to fulfilling Congress' responsibility to improving our country's air transportation system. Clearly, Congress, the White House, DOT, the FAA, and others throughout the aviation industry have been under close scrutiny regarding the state of the U.S. air transportation system. The traveling public has told us they are worried about the safety and security of U.S. airports and airlines, and the ability of the Government to alleviate these concerns. Recent tragic events suggest that this apprehension is justified, and we have been strongly encouraged to correct the problems in one air transportation system. I believe that the legislation we are considering today will go a long way toward making the system safer and better in every way.

I would like to discuss briefly the importance of addressing and resolving the FAA's funding problems. I have long been a strong supporter of comprehensive FAA reform, which includes helping to create a more autonomous and accountable FAA, giving the FAA flexibility in personnel, procurement, and regulatory matters, and ensuring that the FAA has a long-term, user fee based funding system that considers the FAA's costs of providing services, increases the efficiency with which the FAA provides its services, and enhances the safety of the U.S. air transportation system.

Although S. 1994 includes an FAA reform package that I fully support and that encompasses several elements that the FAA needs to resolve its problems, the legislation does not mandate a user fee based on long-term funding system for the FAA. I still believe that a user fee system would be the most equitable and efficient funding system for the FAA. Yet, after working and consulting with many others in Congress, the administration, and the aviation industry, this legislation instead sets up a task force, which will study and recommend to Congress the best funding system for the agency. I am pleased that we are taking this critical step today toward achieving long-needed, comprehensive FAA reform.

I would also like to address the safety and security provisions in this bill. We all know that the traveling public is worried about their safety when they fly. Provisions in this legislation were developed to respond quickly and precisely to concerns we have heard in first-hand conversations with those who use our Nation's airports and airlines.

In specific, to assure air travelers and other users of our air transportation system that safety is paramount, this bill requires the FAA to study and report to Congress on whether certain air carrier security responsibilities should be transferred to or shared with airports or the Federal Government; requires the NTSB to develop a program to provide family advocacy services following commercial aircraft accidents; requires NTSB and the FAA to work together to develop a system to classify aircraft accident and safety data maintained by the NTSB, and report to Congress on the effects of publishing such data; ensures that the FAA gives high priority to implement a fully enhanced safety performance analysis system, including automated surveillance; requires the FAA to conduct a study on weapons and explosive detection technology. And by the way, Mr. President, I believe that technology is out there and, with the proper funding in research and development, we can develop it, I have no doubt about that. Improves standards for airport security passenger, baggage, and property screeners, including requiring criminal history records checks; requires the FAA to facilitate quick deployment of commercially available explosive detection equipment; contains a sense of the Senate on the development of effective passenger profiling programs; authorizes airports to use project grant money and PFC's for airport security programs; establishes aviation security liaisons at key Federal agencies; requires the FAA and FBI to carry out joint threat and vulnerability assessments every 3 years; directs the FAA to set up a pilot program to determine whether baggage match requirements would enhance safety and security; requires all air carriers and airports to conduct periodic vulnerability assessments of security systems; and facilitates the transfer of pilot employment records between employing airlines so that passenger safety is not compromised.

This legislation addresses two other critical aviation issues. First, it contains provisions intended to reverse the disturbing trend of illegal diversion of airport revenues. To ensure that airport revenues are used only for airport

purposes, this legislation would expand the prohibition on revenue diversion to cover more instances of diversion. It also would establish clear penalties and stronger mechanisms to enforce Federal laws prohibiting revenue diversion. In addition, the bill would impose additional reporting requirements so that illegal revenue diversion is easily identified and verified.

Finally, Mr. President, this legislation makes certain changes to the Metropolitan Washington Airports Authority required following recent Federal court rulings. In specific, the bill abolishes the MWAA Board of Review, and increases the number of Presidentially-appointed members of the MWAA Board of Directors. It also conveys the sense of the Senate that the MWAA should not provide free, reserved parking areas at either Washington National Airport or Washington Dulles International Airport for Members of Congress and other Government officials, or diplomats.

Mr. President, the recent horrible aircraft accidents, and continuing reports of power outages and equipment failures in our air traffic control centers, have raised questions about the safety of our Nation's air transportation system and the effectiveness of the Federal Government in safeguarding the traveling public. We must do our part to reassure the traveling public that we have the world's safest air transportation system. This comprehensive legislation will go a long way in reassuring the public that the system is safe, and ensure the FAA will have a stable, predictable, and sufficient funding stream for the long term.

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. REID. 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. REID. Mr. President, at an appropriate time during the proceedings of this legislation, I will offer an amendment.

We live in a world that is increasingly unstable and more dangerous each day. Unfortunately, the origins of most of this danger are the nations around the world that export its violence and its terrorism.

This world is full of various cultures. Many diametrically differ from each other, but no clash of ideals and societies justifies state-sponsored terrorism and aggression.

The resolution unequivocally notifies the world that the United States will not tolerate state criminal activity against American citizens and their property. The amendment that I will offer will outline this in some detail.

Mr. President, those of us who serve in this body fly all the time, so perhaps because of that we recognize every time there is a TWA flight 800 or Pan-American, we cannot only see ourselves, but our families, in these aircraft that are so treacherously destroyed.

The resolution that I will offer warns the world that the United States will not accept in the slightest degree any assault on its citizens by another nation. The resolution that I will offer will convey a sense of the U.S. Senate that any state-sponsored condoned hostilities toward Americans will in fact be an act of war and that we should strongly consider that an act of war.

Mr. President, this principle applies to any act of hostility, including but not limited to airplanes that are hijacked or destroyed in the skies, to the hostage taking of American citizens living overseas and to the destruction of buildings in which Americans reside, either on American soil or otherwise.

The United States does not go to war against common criminals, but if a nation is going to plan and organize the aggression, assist in the execution of terrorism or condone the hostility by hiding the terrorists, then there will be a consideration of a state of war between America and that nation.

Mr. President, it is a responsible response to an aggressive act by a foreign state. The existence of these acts is itself, I believe, a declaration that they have no concern for human safety, of life, and that we should strongly consider this to be an act of war.

I hope that it will be a deterrent to continued terrorist activity, bringing down on a hostile government many numerous negative consequences, such as economic warfare, that is, affecting the ability of the country to obtain loans. No government in the world today can afford to have their credit cut off or their borrowing power removed.

Second, causing neutral nations to quit trading or doing business in a terrorist country is something we should consider would exist. If there is risk to trading with a country who exports violence and upon whom there has been or is considered a declaration of war, then neutral nations will cease trading with these venues of violence.

Increasing insurance rates for the terrorist-sponsored government. Any nation that sponsors terrorism itself is at risk of violent retaliation, and consequently will see their insurance rates, which countries depend on in this modern world, as a detriment to their doing these acts of violence.

What is a state of war? Among other things, the first response that comes to mind, of course, is a military response, such as the one that President Reagan initiated against Libya. The military power of the United States is well known and respected throughout the world, and is a principal option we would have.

Additionally, of course, naval blockades are an option, though less dramatic and violent than a full military response. Mr. President, naval blockades have been used in recent times, particularly in Cuba, and in other nations whose reliance on ports and waterways are fundamental to their economy and their way of life.

A third form of response could be an economic response, in effect, economic warfare that engages a variety of sanctions against that nation's economy. This could range from a total embargo, to dramatic tariffs, to a removal of the most favored nation status. This response could vary with the resistance of the nation concerned.

I discuss these options of retaliation to clarify that this sense-of-the-Senate resolution is not necessarily saying, as we did during the Vietnam conflict, that we will, in effect, try to bomb them back to the Stone Age—nothing to that effect. Rather, we will take the responsible, firm actions necessary in a state of war to respond to state-sponsored terrorism.

To declare a state of war under such circumstances is well within the norm of international war and even historical precedent. The War of 1812 started because American sailors were being taken and impressed into the British Navy. The British Government declared war against the Barbary pirates who terrorized the American coastline. Of course, there was the threat of war by Theodore Roosevelt against the Moroccan Government over the kidnapping of an American family.

But even if it were not preceded in history, by the examples I have given, we must recognize the changing world in which terrorists are government supported, and that fanatical leaders of nations are willing to terrorize the lives of innocent people.

So, Mr. President, this resolution that I will offer at some subsequent time in these proceedings would send a clear, unequivocal message, both abroad and to our own communities and States, by saying that the American Government will protect its citizens when other nations sanction the assault, killing, and terrorizing of our citizens, that we will retaliate.

At the appropriate time, Mr. President, I will urge my colleagues to support this sense-of-the-Senate resolution that would articulate clearly the gravity with which we consider the terrorism that has been exported and is being exported by foreign nations.

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

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

ALLEGHENY COUNTY AIRPORT PRIVATIZATION

Mr. SPECTER. Mr. President, I met recently with County Commissioners Larry Dunn and Bob Cranmer, who are very interested in the economic development that could be generated from privatizing Allegheny County Airport, a general aviation airport which has not had commercial passenger service since 1956. During my visit to the airport on September 9, 1996, I again heard of the strong local interest in privatization, which the county has estimated could generate as much as $20 million in business growth in the Monongahela River Valley, an area hurt in recent years by severe unemployment.

I am advised that Federal law and regulations are the principal obstacles to privatization of airports. The House FAA reauthorization bill contains a provision allowing for the sale or long-term lease, with the approval of the FAA, of up to six airports, of which one must be a general aviation airport or similar airport not in commercial service, such as Allegheny County Airport. The Senate bill we are considering today does not contain language authorizing such a pilot program, but does provide for a report to the Secretary by an independent task force that will consider innovative financing mechanisms.

Upon this state of the record, and as a member of the Transportation Appropriations Subcommittee, I believe that for Allegheny County Airport to realize its fullest potential, private investment is crucial. I would ask my distinguished colleagues, the chairmen of the Aviation Subcommittee and the full Commerce Committee, whether the Allegheny County Airport is the type of airport in which privatization should be facilitated by Congress?

Mr. McCAIN. As my good friend, the senior Senator from Pennsylvania knows, I have been reluctant to support legislation in this bill directing the agency to establish a pilot program on airport privatization, particularly because of the revenue diversion issue. However, if there is a legislative effort to facilitate privatization, either as a result of an independent task force recommendation, as provided for in section 674, or as a result of subsequent conference negotiations on general aviation privatization with the House of Representatives, I could support privatization as long as no such legislation permits the egregious activity of revenue diversion and as long as it continues to meet the airport users' needs. Allegheny County Airport appears to meet the criteria of the Federal Aviation Administration for inclusion in a privatization test program.

Mr. PRESSLER. In response to the concerns raised by the senior Senator from Pennsylvania, I would note that I made my point in our recent correspondence that it is important to be openminded and innovative in thinking about airport funding at a time of declining Federal resources. Undoubtedly, the privatization issue will be taken up by the conference and I look forward to working with my colleagues to address the needs of general aviation airports, such as Allegheny County Airport. If the conferees determine that a privatization pilot program is appropriate for general aviation airports, I am sure that we will accord Allegheny County Airport all due consideration for inclusion in any such program and would hope that the agency would do likewise.

Mr. FORD. I want to add my voice to this discussion. I know that the House has included a privatization provision, which I cannot accept. I want to let my colleagues know of my grave concerns about this matter. I know others share my concerns. If Senator SPECTER's concern is over one general aviation report, I suspect we all can appropriately address that matter.

Mr. McCAIN. Mr. President, I want to thank the Senator from Pennsylvania, Senator SPECTER, for his agreement to a colloquy, and we will make sure that every consideration is given to his commitment to the Allegheny County Airport.

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. BROWN. 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. BROWN. Mr. President, I will be offering an amendment later this evening that is designed to give transparency to some of the bidding process with regard to large construction contracts.

I was surprised, in reviewing the records of the Denver Airport, to find that it was difficult to ascertain why people had not been awarded the contract even though they were the lowest qualified bidder. I had just assumed that, when you put a project out to bid and you had narrowed the field of people who bid on that contract, you were obliged to take the lowest bid. Certainly, that would be in the best interest of the taxpayers if you could get the work done by someone who you yourself said was qualified. It came as a surprise to me that, at times, the lowest bidder did not get the work, even though deemed qualified.

What was of more concern was the fact that it was very difficult to identify when this had happened and how much it had cost the taxpayers. Literally, in working with the GAO audit at the Denver Airport, we were advised that it was going to be next to impossible for them to identify which contracts had not taken the lowest bid and how much was lost to the taxpayers or how much cost was increased because of that.

Mr. President, I am well aware of the problems of overregulating this area. I want to commend the committee for their efforts in the past to try to loosen up this area, to give more flexibility to the levels of government that work in this area. My understanding is that the advancements in that area have been made and that a general guideline indicating an effective contracting procedure should be set forth but that the Transportation Department has the ability to move away from the very restrictive legislation in this area which has existed in the past and still, for example, exists with the Pentagon.

So it is not my purpose to reregulate this area. But it is my purpose—and I think it would serve an advantage—if, when the lowest qualified bidder is not selected, that at least the information is available as to why the lowest qualified bidder wasn't selected and how much difference there was in the bids on the contract. I believe that, if there is something wrong—and I don't mean to suggest there is always something wrong if you don't take the lowest bidder. I suspect that there are circumstances where that is explainable and understandable. But I believe if you have to at least present the information and make it public and available, the free press in our free system will do a great deal to police the situation. Transparency, exposure of the facts, will help guarantee that the taxpayers get the best contract for their dollar and get the best performance.

Mr. President, I think it would be a mistake to continue a practice which allows people to literally hide from the public the fact that they haven't taken the best bid from qualified bidders in these circumstances. Mindful of the costs of imposing this burden, we have suggested a $1 million threshold, and maybe it should be even higher. The Defense Department has a $25,000 threshold for their requirement for the competitive bidding. So I don't suggest doing anything like what the Defense Department has done, but I think at least with the disclosure of the $1 million threshold—we will eliminate the small contracts—we will make it available. Literally, when you don't take the best bid, you at least ought to make an explanation and the facts available to the public.

Mr. FORD. If the Senator will yield for a question, without his losing the right to the floor. The Senator is asking for kind of a public notice of taking a bid when it is not the lowest bid, but we always put the lowest and best. So if you want us to say that we don't think the contractor is qualified and so, therefore, we put out openly that the reason we turned down the lowest

bid is we didn't think the contractor was qualified, then you would open the airport board up—or whoever it is—to a lawsuit saying that this contractor is not qualified and, therefore, we are throwing out his bid. That gets to be a little bit tough, I imagine, when there is a bid of any significance.

I am trying to prevent lawsuits on my airport board.

Mr. BROWN. I appreciate the interest of the distinguished Senator from Kentucky. I know he is very knowledgeable in this area. You will be relieved to know that is not the way the amendment is drafted. My sense was that, in a circumstance where the airport authority, or others, have deemed the bidders qualified, among the bidders that they deemed qualified, if they don't take the best bid, they would be then obliged to give some indication of the reason they had not taken the best bid, but it would only be among those who were qualified. They would be the determinants of those qualified.

Mr. FORD. Sometimes, I say to my friend from Colorado, when you have to publicize the bid, it is in the local paper, and you can go by and pick up blueprints for $25 or $100, or whatever it is, and you take it and work up your estimate. When the bid date comes, you make your bid. When do they determine that contractor is qualified or not qualified?

Mr. BROWN. Obviously, the procedure followed will depend on the entity and, of course, we are dealing with a nationwide effort. The Department of Transportation, for the contracts that they let themselves, follows a different procedure than, perhaps, local airport boards would.

Mr. McCAIN. Will my colleague yield and allow me to make a statement on behalf of the leader?

Mr. BROWN. Yes.

Mr. McCAIN. Mr. President, I ask unanimous consent, with the Senator from Colorado not losing his right to the floor, to make a statement on behalf of the majority leader.

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

Mr. McCAIN. Mr. President, the majority leader has asked me to announce that we are seeking a finite list of amendments, with the intention of propounding a unanimous-consent agreement at the appropriate time, and that it be a limited number of amendments, to be tentatively voted on—those that require votes—at 11 o'clock tomorrow morning.

The majority leader asked me to announce that there will be no further votes this evening. I urge my colleagues to come over with their amendments so we can compile a complete list of amendments, which we hope to follow with a unanimous-consent agreement limiting the bill to those amendments in further consideration of the bill.

I yield the floor back to the Senator from Colorado.

Mr. BROWN. I yield to the Senator from Kentucky.

Mr. FORD. Mr. President, I say to my friend, I haven't seen the amendment, so it is hypothetical. You made a statement that left an inference here on what we were supposed to do, and so I will wait and get a copy of your amendment. I think your intent is good, but I am not sure that the end result will get what you are looking for. I would like to see the amendment.

Mr. BROWN. Let me say that I appreciate my friend's interest and, particularly, his expertise in this area. We will get him a copy of the amendment and would, obviously, appreciate any suggestions the Senator has. It is not my purpose to restrict, in any way, airport authority, or anybody, from making determinations as to who is qualified to bid, nor would it be to require an investigation. It is my intention that when you come down to several parties being deemed qualified and the contract not going to the one who is qualified and the lowest, then I think the public is entitled to at least an explanation.

That is the intention of the amendment we will be offering. I will file it at the desk.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I am disturbed by this amendment. This amendment is the total Department of Transportation. It has nothing to do directly with aviation. This is an aviation bill. This indicates to me that, if you do not like the winner, this gives you the ability to get rid of him. It is page after page of what a contractor has to do, what the Secretary of Transportation has to do, and all of these things. This is the total Department of Transportation. We are here today to talk about airports. I thought it was referring to airports, and about airport authority. This says the Secretary of Transportation or the Administrator to award a contract in an amount greater or equal to $1 million.

So the Senator from Colorado is going to have to do a lot of work on this one before this Senator agrees to it, and he will have to present it and have a vote in the Senate.

I yield the floor.

Mr. BROWN. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Chair.

Let me say it is my understanding that the amendment does not give anyone a chance to open up bids. All it does is merely ask for disclosure. It suggests that there ought to be a bidding process. I want to assure my friend from Kentucky that I will be happy to work with him on his concerns. We will try to see if we can't develop what he wants.

Mr. FORD. Mr. President, one of the mistakes that has been made here tonight is, I guess, saying no more votes. When it is said "no more votes," they scatter like a covey of quail. So we will be looking for amendments as best we can.

We have a managers' package that will take care of many of the Senators who have offered amendments. We are, I think, fairly close—down to maybe six or eight amendments that will be the finite list. But we never know.

The thing I want my colleagues to understand is that the majority leader has told the Senator from Arizona that he wants to get a unanimous-consent agreement tonight on a finite list of amendments and start voting on it at 11 o'clock tomorrow. All I can do is try to protect my colleagues as best as I can to a point.

So I hope at least those on my side, if you have an amendment, will please come and let me have it so that it can be on the list. If not, I think you may get left out.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I would like to echo the sentiments of my friend from Kentucky. I hope that the relevant amendments will be brought over. We are in the process of compiling that list. It is my understanding that the intention of the majority leader and the Democratic leader is to complete this bill tonight with the relevant votes held over until tomorrow at 11.

So I again urge my colleagues to come over.

Mr. STEVENS. I am pleased that this bill has made its way to the floor. Included in this important legislation is a provision I helped to craft which mandates an extensive review of the Federal Aviation Administration's financing needs. A private industry commission is established under this bill that will make recommendations on whether the FAA's financing system needs to be modified.

I know that we all agree that the aviation industry and the traveling public need to have a fully funded, efficient, Federal Aviation Administration.

What we disagree on, and what the industry disagrees on, is how to reach that goal.

There is a bill on the calendar which mandates the implementation of user fees to fund the Agency. That bill has drawn so much opposition that it is stalled.

The so-called big seven air carriers have visited many of our offices with a different user fee proposal—that concept also has not been adopted.

An alliance has been formed of air carriers, general aviation, manufacturers, and others to block all user fee proposals.

Rather than settling on a funding mechanism, the industry is battling amongst itself. Some players are urging a long-term reinstitution of the ticket tax. Others say they will fight to the death if the tax is extended beyond the end of this year.

And meanwhile, uncertainty mounts about how the FAA will meet the challenges of the 21st century.

Last year, when S. 1239 came before the Commerce Committee, I offered substitute legislation to remove the mandated user fee system contemplated by that legislation.

My concept was that Congress needed more facts to cut through the issues raised by both sides—and frankly, I was concerned that S. 1239 preordained user fees as the only way to meet the FAA's needs.

My belief then, and now, is that an independent authority must review the FAA's budgetary projections and determine whether they are sound. All of us must agree on the needs, before we mandate the solutions.

The compromise before us today does that. An independent assessment of the FAA's financial requirements is conducted, and then an independent panel takes the financial information and proposes to us, and the administration, specific recommendations on how to fund the agency, and how to get the most efficient system for the dollars spent.

I will be blunt. I believe the flat-tax concept of the excise taxes has worked. It is not perfect, but I fear there is no perfect funding mechanism in this area.

But we will let the independent task force work its will—and we will act on the proposals it promulgates.

I want to thank Senators MCCAIN, FORD, HOLLINGS, and PRESSLER for their hard work and leadership on this bill. We all care about the FAA and want to see it work efficiently and effectively. Many good people work at the FAA, and the agency is absolutely essential in my State where more than three-quarters of our communities are accessible only by air.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Arizona for the work that he has done on the aviation security issue and the aviation funding issue. He has worked on that for a long time. It is something that we share as an issue.

Having been a member of the National Transportation Safety Board, I have looked at aviation safety for a long time. I think that the United States and the FAA have done a very good job with the job at hand. The issue used to be hijacking. That is what we were worried about. That is when passenger screening came into being—when we worried about the possibility of someone with a firearm coming in and taking the plane away to hijack it and the passengers.

But now we have a different threat. Now we must meet a different test. And that threat, of course, is terrorism. We must do everything we can to protect the traveling public against the people in this country that would kill and maim innocent people in the name of a cause; people who would go in and blow up a building, or blow up an airplane, or any other kind of heinous crime not even knowing the victims, not even knowing their families. And, yet, because they believe in some cause that they want to get publicity for they would do these terrible acts.

It is hard to deal with something like that, but we must try. And we can do a lot just by having in place strong security measures that would protect the traveling public and let would-be terrorists know we are going to meet them at every point that they would try.

I think Senator MCCAIN's bill is a good one because it does put in place studies where we are not sure what the ramifications would be, and regulations to be made by the FAA where we know that we can do certain things that will make it better.

I think baggage checks, which is something that is done on international flights, is something that we ought to look at on domestic flights. It is not easy. I know that the airlines are very concerned about not only passenger security but, of course, the ease of travel and the ability to keep time. It is an issue for them. I understand that. But I think we have to try. I think we have to see how we can make it work.

Technology is changing every day. It is getting better. I went to the airport yesterday morning, and they put my ticket through a screening device and brought out the boarding pass. Clearly, they are now being able to check whether a ticket is valid. That is good. I was pleased to have that little, tiny delay because I knew that it made me safer in the air.

So I think with the technology we have, that probably we can work out something with baggage checks that would not be onerous for the airlines. Certainly, background checks for baggage handlers and passenger screeners is going to be something we would like to have looked at.

We want to make sure that we are able to screen people who are going to have access to the tarmac. I think these are prudent measures and something that we need to know all the ramifications of. We need to know what the costs are. We need cost-benefit analyses. That is common sense. But I think, in the end, this can be done with a cost-benefit analysis that does make sense.

I am very pleased we are going to look at passenger facility charges and Airport Improvement Programs for the funding of these security measures. The Senator from Arizona is making it possible in this bill, in the managers' amendment, to have access to those funding mechanisms for more of the security screening systems that are a higher and better technology than those being used at most airports today.

We have a number of things that will improve our airport security in this bill. I do think it is important that we take every step we can, that we work with the FAA, that we bring the FBI in to an even greater extent. They are working now with the FAA, but I think they could do even more. I think it very important that we bring all of this together with the mandates and the studies to make sure we do everything possible to make the traveling public safe and to let them know we are taking these steps to make them safe and also to let the potential terrorists know we are taking these steps to counter the threats that they might make on our traveling public.

So I am very pleased to have worked with Senator MCCAIN on this bill, to bring what I learned in my days at the National Transportation Safety Board to bear on this, although I must say, when I was on the National Transportation Safety Board terrorism was not the threat. That was in the old days when we were worried about other safety issues, and I think now we do have the safest aviation system in the world, and we are just going to take the next step to make it safer.

I thank the Senator from Arizona and the Senator from Kentucky for their work on this bill. We must pass it, and we will.

I thank the Chair.

Mr. MCCAIN. Mr. President, I wish to take a moment to thank the Senator from Texas. She brings a degree of experience and expertise to the Commerce Committee on aviation issues that no other Member of the Senate has, due to her long involvement with aviation safety as a member of the National Transportation Safety Board. She worked on a special task force on antiterrorism after the TWA 800 tragedy. She has advised the Senator from Kentucky and me, but, more importantly, she has been responsible for specific recommendations that are part of this bill which I think will help us achieve the goal which we all seek, and that is a reduction in the threat to the safety of those American citizens and others who make use of airlines not

only in the United States but throughout the world.

So I extend my deep appreciation to the Senator from Texas. The bill would not be, I believe, as encompassing as it otherwise is without her assistance, and I thank the Senator from Texas.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I wanted to come to the floor to speak about a couple of provisions in this legislation which includes a number of very important provisions that are very important to all parts of America, but especially to rural America. I wanted to make note of a couple of them.

Before I do, I wish to talk generally about what persuaded me to advance an amendment in this legislation dealing with essential air service. This bill contains an amendment I offered in the Commerce Committee dealing with the essential air service program.

I want to go back, as boring as it might be for some, to revisit the decision on deregulating the airlines. We have people here in Congress who still think deregulation was a wonderful thing to do. If they could get pompoms, they would do jumping jacks and wave pompoms, saying airline deregulation was a wonderful thing for our country. Well, it was for some Americans.

If you live in Chicago, I guarantee you grin from ear to ear about deregulation because if you happen to be traveling to Los Angeles, you can go to O'Hare Airport, find many carriers flying to Los Angeles, competing aggressively against each other, providing competitively lower prices. You will find a heck of a bargain if you want to travel from Chicago to Los Angeles. If you want to travel from Chicago to New York, the same deal—a lot of carriers competing aggressively, competing by lowering prices. You get a heck of a deal.

What about people who do not live in the largest cities? What about someone who lives, for example, in a State like North Dakota? Before deregulation, there several major airlines that flew jets in North Dakota: Western Airlines, Frontier Airlines, Republic, formerly North Central Airlines, Delta Airlines, Northwest Airlines, Continental Airlines. Do you know who flies jets in North Dakota today? Northwest Airlines—a good carrier. One jet service carrier servicing our State. It is a good carrier, good company, but our people deserve some competition.

The result of all of this is that in rural parts of the country when you have less service, fewer companies and less competition? Higher prices and less service.

I'll give you an example which I have used before in the Commerce Committee. Let us assume that a Senator from Colorado desired to fly from Washington, DC, to go to Disneyland and see Mickey Mouse and all of the merriment at Disneyland, traveling all the way across the country. And the Senator from Colorado called a travel agent and said, "I want to go see Disneyland in California. What is it going to cost me?" And they would give him a price for a ticket, maybe a 2-week advance, to fly all the way across the country. And then I convinced him you ought not go to Disneyland; you ought to go see the world's biggest cow on a hill overlooking New Salem, ND—Salem Sue, a giant plastic dairy cow that sits on a hill. So he decides he will fly from Washington, DC, to Bismarck; he would be going to see Salem Sue instead of Mickey Mouse. So he calls the same travel agent and says, "Well, you charge $300 for me to fly from Washington, DC, to Disneyland. How much will it cost me to go half as far to see the world's largest cow on a hill outside New Salem, ND?"

Answer, twice as much.

Fly half as far, pay twice as much. Or, said another way, fly twice as far, pay half as much.

What kind of a pricing system is that? Would that be a bureaucratic pricing system? Would that be a function of some bureaucrat in Government who decided let me see if I can mess up our pricing system so we can charge people higher prices to fly fewer miles? No, that is not what this is about. It is about airline deregulation and the lack of competition, which means that rural areas, people who live in smaller States with less population, end up paying higher prices for fewer choices. That is where deregulation has left us.

Some people think that does not mean very much. We still get all this robust competition in the major cities, and that is a good thing for the major cities. Yes, it sure is. It is a good thing for the major cities. But it has been devastating for rural areas of the country.

I could go on at some length but I shall not do that, except to say that, because of our experience, in which deregulation of the airlines has made the rural areas an impoverished area with respect to that part of transportation service we used to expect—some kind of competition with jet service going to some hubs—because of that we have to rely more and more on other kinds of devices. We have become very strong supporters of the Essential Airline Service Program, called EAS. That was a program—when deregulation was enacted—that was advertised as a means to continue to provide some support and help to the smaller areas. That program used to be funded at $80 million a year. Then it went to $40 million a year, then $30 million, then $25 million. Slowly but surely it has been diminishing and many have tried to kill it.

What I did in this bill was offer an amendment that is now part of this legislation that provides a permanence to the Essential Air Service Program by funding it with a fee which this country should attach to foreign carriers overflying America. Every other country assesses this fee. Our country never has. This bill will assess a fee for foreign overflights of our country, just as other countries do, and part of the proceeds of that fee will be used to provide for an Essential Air Service Program that is more robust than the current program is.

Under my amendment, the Essential Air Service will be administered by the FAA; no longer the DOT, as is currently the case. It will be authorized at $50 million a year. This bill passed the Commerce Committee with broad, wide, bipartisan support. I appreciate very much that it is on the floor and likely will pass through the Senate. We expect to keep this in conference and, once and for all, solve this problem. This is a good piece of legislation that addresses a problem that we are stuck with as a result of deregulation in rural areas of the country.

My friend from Arizona is a particularly articulate supporter of deregulation. I understand why, and I do not contest his view of why it has been beneficial to some areas of the country. Nor would I expect he would contest my view that some areas of the country have been hit very, very hard by a theory that says we will create, in our transportation system, networks in which, if you get a decent income stream that supports a service, fine; if not, service is unavailable and unimportant to you.

We have always, in transportation and communications and certain other areas, said let us try to provide broad networks of opportunity. That should be true in air travel. It is true in communications, telephone service, and other areas as well. But deregulation has changed that. We have had an opportunity, now, to sample the bitter fruit of what deregulation does for us in some areas, and do not like it very much. That is why the Essential Air Service Program is increasingly important to us.

I would like to move from that just for a moment to one other item. This piece of legislation is critically important. I commend the Senator from Arizona and the Senator from Kentucky and all others who had a role in bringing it to the floor of the Senate, because this legislation must be enacted by this Congress. We must reauthorize the FAA, provide for some continuity, and we must recognize its new and expanded role in dealing with all of the issues we deal with all throughout the year on air service issues in the Commerce Committee.

But something has happened here that causes me great concern. Let me

explain to the Senator from Arizona. I know he is aware of this and he probably feels the same way I do about this, but it causes me great concern. We have funded most of the FAA through the aviation trust fund, financed, in part, with a 10-percent ticket tax on airline tickets in this country. What happened is that this 104th Congress we got into a wrestling match about a whole range of issues and the ticket tax expired. All those many months the ticket tax has expired the $500 million a month that should have been going into the trust fund to help fund the programs in the FAA, depleting the trust fund.

Then the 10-percent ticket tax was reinstated, but it was not reinstated for the purpose of funding the FAA. It was reinstated for the purpose of paying for a small business tax program that was attached to the minimum wage bill.

I know about double entry bookkeeping, and this truly stretches double entry. Either the 10-percent ticket tax is designed to help fund the functions of the FAA, or it is designed to help pay, as a revenue source, for a range of tax breaks—many of which I supported, many of which I thought were meritorious—tax breaks for small business. But it cannot do both. And the more egregious approach here is that, on December 31, the 10-percent ticket tax will expire again and, on January 1 and 2, there will be no 10-percent ticket tax. The Congress will not be in session. The Congress will come back into session the first week for a day, for swearing in. Then its committees will organize. And, as all of us know, there is not going to be a reattachment of a ticket tax in January; unlikely in February; and we are right back into the same problem that all of us should have learned about in recent months.

This is not being critical of one side or the other. It is saying this is an awful way to do business. I have supported the ticket tax because I think it is an appropriate way to raise the revenue to help pay for the functions of the FAA. We lost $500 million a month, have substantially depleted the trust fund, we reattached the 10-percent ticket tax, not for the purpose of refunding the FAA, but for the purpose of allowing another bill to pass that provides tax cuts for small businesses, some tax help for small businesses, and then attached it only until December 31 when it is certain to expire again and all of us know it.

There is something fundamentally wrong with that happening. The responsibility for us to address that is ours, all of ours, on both sides of this political aisle. We ought to run this place the right way, and the 10-percent ticket tax, if that is the choice to largely fund the FAA functions, let us put it in place and keep it in place and not play games with it. One of the reasons I believe it is extended only by the Finance Committee through December 31 is because I think there is a belief by some that they can use it for the small business tax breaks now, which they have done, and then they can come back on January 1 and use it again because it will be new money. It will not be a tax that exists. It will be a new tax and they can use it for other purposes in January. It is a budget game and everyone in this Chamber knows it.

More important, it is playing a game with the wrong entity. The FAA, for all of the controversy that it seems to receive every time there is a major problem, the FAA is an institution that has an enormous responsibility. I, like my colleagues, have flown in various parts of the world. I tell you, at least with respect to the FAA—and I know we are talking vacuum tubes and all kinds of other issues here—with respect to the FAA, I feel more safe flying in this country than I do anywhere else in the world. Is the FAA perfect? Have we had problems? No, it is not perfect. Yes, we have had problems. But is this the kind of organization that deserves to have this kind of plug-in and pull-out circumstance on the 10-percent ticket tax? I do not think so. It is not a good way to do business. I think my colleague from Arizona would agree with that.

I am not standing here lacing criticism at one person or one committee or one party. I am just saying this is not the way for the Senate to do business and we ought to change it. If we are going to be here a week or two more, the Finance Committee ought to report something out that does this in the right way, and that would be to permanently attach that ticket tax so it does not expire on January 1 and attach it as a permanent funding source to the FAA, as it has been previously. That is what I would expect of this Congress. That is what I think most of the American people would expect of this Congress.

So, that is therapy. I got that off my chest. I have been complaining about that for some while to no avail. You talk to some who say, "this committee has jurisdiction," "this happened," "there are circumstances we cannot always control," "I wish it were different"—the fact is, we can make it different. We run things, all of us together. We in Congress can make our own decisions about what is right or what is wrong and it is fundamentally wrong that we are going to leave here and on January 1 have no ticket tax that is funding the manner the FAA runs, the way you and I and everybody expects it to operate.

Mr. President, I know others may want to speak on this. Having complained now for a bit about this, I do want to come back to say that I appreciate a lot of work that the Senator from Arizona and the Senator from Kentucky have done to bring this to this point. I know there have been a number of fences to climb and a number of fences to get under, even, to get here. I do not expect they will all be recited on the floor of the Senate, but this is the right subject. We need to reauthorize this bill, and the work that these two have done, I think, may allow us to accomplish that in a way that will be helpful to this country. If we will add to it a piece that solves the ticket tax issue in the way that people would expect it to be solved, then I think we will have done something more for this country. I yield the floor.

Mr. McCAIN. First of all, I associate myself with the remarks of the Senator from North Dakota concerning the ticket tax. If, last year at this time, the Senator from North Dakota and I had been told that the ticket tax would have been jerked around in this fashion, I would have just said it is not possible. I mean, aviation in America is too important. We have to have these funds. We know what method of transportation more and more Americans take, and the importance of modernization. We all know the problems with the air traffic control system. We all know the issues that face us. Yet the ticket tax was allowed to lapse for what, 10 months, I ask my colleague from North Dakota? It staggers the imagination. For us to only, as the Senator from North Dakota says, extend that ticket tax to December 31 is really unfair. It is unfair to aviation safety, it is unfair to modernization, it is unfair to the towns and communities that the Senator from North Dakota talked about which have lost air service as a result of deregulation.

I just would like to say now, especially since my friend from Kentucky is here, maybe if the three of us and like-minded Senators got together and just said, "Look, we're not going out of session until we do resolve this ticket tax issue," remembering that in this bill, it does call for at some point a commission report to the Commerce Committee, to the Finance Committee, and then to the floor of the Senate, so we can fundamentally restructure the way the financing is done.

But until there is that kind of agreement, we are stuck with a ticket tax. I don't think it is the fairest kind of tax, I will tell my friend from North Dakota, and I don't think he does either. I think people who use the system are the ones who should be paying. Right now, for example, business jets pay about one-tenth into the system that they use. That is wrong. That is not fair. In all due respect to my friends in the corporate world, they can afford it.

There are significant inequities associated with the ticket tax, but for us to allow the aviation trust fund to become depleted to the point where we

can't carry out our fundamental obligations, in my view, is—the kind of description I would use is inappropriate.

I wonder if the Senator from Kentucky wants to add a comment on that before I also respond on the issue of essential air service, which I think the Senator from North Dakota and I have been debating going on 7 years, and I have no illusion of changing his views tonight.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me thank my friend from North Dakota, Senator DORGAN. You never know when you get up on the floor and make a statement about the way you feel—the response from the Senator from Arizona, chairman of the Aviation Subcommittee, is that he agrees with you. I agree with you. So now we have three. So when you start out, maybe you thought you were by yourself, but you are not.

One item I would like to add to what we expect from FAA is that we put responsibility on those who are operating FAA to do all these great things, and then we don't give them the wherewithal to do it. Think about that. We demand the safest airline service in the world, but yet we say we're going to play Mickey Mouse with your money.

We went 10 months at $19 million a day lost, and now on January 1, we will start losing a similar amount until we wake up and try to fund it. Sure, we have in this bill a study on other ways to finance, but we don't have it yet. That study has to be sent to us for review by the Secretary of Transportation.

What do we do between now and then? We are going to hear some folks, "Where's my money for my airport?" Well, you didn't pay for it. "Where is my help on essential air service?" The Senator from North Dakota made his point.

In the managers' amendment that will be agreed to shortly, the amendment of the Senator from North Dakota, as it relates to small airports, essential air service, all those things will be in this bill. He has made a great contribution.

I say to my friend from Arizona, I know his toughness, I know his ability, and I will be glad to follow his lead in trying to work out something before we leave here to extend the ticket tax until such time as a report comes back under this bill. That would at least give us something to go on.

But I understand the turf around here. I understand we have jurisdictions in our committee. I understand the smoke and mirrors that are being played with the ticket tax. It ought to go to airlines. It ought to go to FAA. It ought to go to safety. It ought to go to small airports. But, no, we play Mickey Mouse, and we then turn around and say, "Where's all our help?" You just can't do it.

So I agree with my friend from Arizona, and, in particular, my friend from North Dakota. I thank him for his statement tonight. I believe if those Senators who didn't hear his statement—their staffs hopefully did—they will have an opportunity to read the RECORD in the morning to see what the Senator said, and he makes sense. There wasn't anything partisan about his statement. There is nothing partisan about the statement of the Senator from North Dakota. He was just spelling out the facts, and when you listen to the facts and you don't respond, as eloquently as he laid them out, then I think we have something more than trying to serve our constituency back home permeating this Chamber.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MCCAIN. Mr. President, I am about to send to the desk a managers' amendment to the bill. These modifications concern sections concerning maintenance program; maximum percentage of amount made available by grants to certain primary airports; discretionary fund; designating current and former military airports; State block grant program; access to airports by intercity buses; report including proposed legislation on funding for airport security; family advocacy; accident and safety data classification; report on effects of publication and automated surveillance targeting system; weapons and explosive detection study; requirement for criminal history records check; interim deployment of commercially available explosive detection equipment; audit of performance of background checks for certain personnel; sense of the Senate on passenger profiling; authority to use certain funds for airport security programs and activities; development of aviation security liaison agreement; regular joint threat assessments; baggage match report; enhanced security programs; report on air cargo; acquisition of housing units; protection of voluntarily submitted information; application of FAA regulations; sense of the Senate regarding funding the Federal Aviation Administration; authorization for State-specific safety measures; sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes; FAA safety mission; carriage of candidates in State and local elections; train whistle requirements; limitation on authority of States to regulate gambling devices on vessels; commercial space launch and other germane amendments.

AMENDMENT NO. 5360

(Purpose: To amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes)

Mr. MCCAIN. Mr. President, I send the managers' amendment to the desk on behalf of Senator PRESSLER, myself, Senator HOLLINGS, Senator FORD, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. PRESSLER, for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. FORD, and Mr. STEVENS, proposes an amendment numbered 5360.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that the amendment be considered as original text for purpose of further amendment.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. MCCAIN. Can we get this accepted first and then return to the Senator from North Dakota?

The PRESIDING OFFICER. The Senator's request with regard to original text is approved by the Senate. Without objection, it is so ordered.

Mr. MCCAIN. We seek adoption of the managers' amendment.

The PRESIDING OFFICER. Is there objection to adoption of the managers' amendment under the conditions that have been stated? Without objection, the amendment is agreed to.

The amendment (No. 5360) was agreed to.

Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me finish with a very brief statement. I do not want people to misunderstand what we are discussing here. This is not myself or others suggesting that we like a 10-percent ticket tax because it has the word "tax" in it. Let me explain exactly what this is.

For some many years we have had a 10-percent tax added to the price of airline tickets for the purpose of funding a wide range of activities in the Federal Aviation Administration, the construction of airports, the purchase of equipment dealing with airline safety, a whole range of things dealing with FAA control towers. We have always funded that with this 10-percent tax on tickets.

To decide that there shall not be a 10-percent tax on tickets means that there is no funding, or at least the major funding for the FAA is not going to be available. That is why I say it

does not make much sense for us to worry about and talk about the FAA and its functions, the critical functions it performs for passengers in our country, and then to allow the disconnection of the major revenue source to fund the FAA.

Not too long ago I asked to tour the FAA control tower at the Minneapolis-Saint Paul Airport. I have been in towers before, but I have not been in very large towers. I have flown an airplane myself and called the tower on approach, so I know a little about the system. But I went up into the tower at Minneapolis-Saint Paul because I was curious how they work on approach control with airplanes coming in and going out, on the ground, in the air, dealing with thunderstorms, and it was really quite remarkable to watch.

The one thing that was interesting to me is they had a very large scope in the middle of this dark room, a very large round scope. When they pushed a button on that scope, which covered a map of the United States and part of Canada on that scope, it would light up with about 4,500 white dots, each of which represented an airplane at that moment aloft being tracked by our system in the FAA.

You could point to any one of these dots on that giant screen with a computer and you could find out instantly what airplane that was, what its call signal was, what kind of plane it was, what direction it was heading, how fast it was going, what altitude it was—every single plane on that screen.

Then they had men and women up and down the row—and many of you have seen this in a control tower—in the dark room with the flow of incoming traffic and the flow of outgoing traffic dealing with that. Then you had the folks up on top who were dealing with the visual aspects of landings and takeoffs and people on the ground. I will tell you, I watched these people for some while. I was enormously impressed. These are skilled, trained, tough professionals who know what they are doing. I came away from that not thinking that this is a system with a lot of worry about it; I came away enormously impressed by the men and women who were running that system at the Minneapolis-Saint Paul Airport. I do not know about all Senators, but I know what I saw that day enormously impressed me. These are very capable people.

Can the system be improved? Yeah, probably.

Mr. MCCAIN. Would the Senator yield just for one additional comment I would like to make?

Mr. DORGAN. Certainly.

Mr. MCCAIN. Now that the managers' amendment has been accepted, we continue to seek any additional amendments that our colleagues may have. The Senator from Rhode Island has, after the Senator from North Dakota is finished with his remarks, an amendment. We will be awaiting or anticipating any additional amendments, again, reminding my colleagues that we will be seeking a unanimous consent agreement tonight to close out further amendments so that we will be able to have votes on pending amendments and final passage at 11 o'clock tomorrow, which is the direction of the leaders on both sides.

Mr. President, I yield the floor back to the Senator from North Dakota.

Mr. DORGAN. I will finish in 1 minute.

Let me say this. The men and women in that tower in Minneapolis and Saint Paul who tonight are working that air traffic control system, and doing it with great skill, deserve a Congress that does right by them. That means reconnecting the revenue source that is going to fund the FAA functions in this country.

Senator MCCAIN invited that maybe some of us ought to decide this Congress ought not adjourn until it resolves that issue. Well, sign me up, count me in. Count me in for maximum trouble and minimum time. I want to find any way possible to deny us from going home and not doing right by the people who are running that FAA system who are in those control towers tonight.

We have an obligation. We have a job to do. All of us understand what it is. We ought to do it. The American people ought to expect that we do it. I am pleased with the support by the Senator from Arizona and the support from the Senator from Kentucky on these issues. I hope in the coming couple of days the three of us, conspiring in a thoughtful and interesting way, can find a way to solve this problem. Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise in support of the managers' amendment, and to express my appreciation to the chairman of the Commerce Committee, Senator PRESSLER, for working with me to ensure that this bill addresses an important issue facing the Federal Aviation Administration [FAA]—the issue of safety.

My language in the managers' amendment responds to the request made by the Secretary of Transportation on June 18, when he called on Congress to: "* * * change the FAA charter to give it a single primary mission: safety and only safety."

In light of the many safety concerns that have become public as a result of the tragic crash of ValuJet flight 592 and TWA flight 800, it is important to restate the commitment of Congress and the FAA to ensuring the safety of air travel in this country. By addressing the issue of the dual and dueling missions of safety and air carrier promotion, as one reporter so accurately put it, there will be no room for doubt in the minds of the traveling public—or the FAA—that safety is its job—first, last and always.

The underlying bill includes the Wyden-Ford amendment, which I supported in committee, that took an important step in the direction requested by the Secretary. That amendment added the word "safety" to the statute outlining the FAA's mission on air commerce promotion, and I agree that it is important to reemphasize safety in this area. This still leaves us with a dual mandate, however.

The Snowe language requires the Management Advisory Council [MAC], created under the bill to provide oversight for management and policy matters to the FAA Administrator, and to review the overall condition of aviation safety and the extent to which the dual mission of the FAA undermines the safety mission. The MAC has 180 days to report back to Congress, in conjunction with the FAA, with its recommendations for necessary changes in the mission.

I would have preferred to simply eliminate the mandate, as I did in the Snowe-Pressler freestanding bill on this issue, S. 1960. But I understand the concern that development and safety issues are closely linked in some cases, and a review is necessary in order to determine the most appropriate distribution of functions between the FAA and other agencies within the Department of Transportation. I believe that this language provides for a process that will allow Congress to put to rest concerns that the FAA is not focused on safety.

We cannot expect the FAA to regain the trust of the traveling public while it maintains its dual mission of both ensuring their safety while at the same time continuing to promote the growth of the carriers. The current mission of the FAA places it in the untenable position of being both the chief enforcer and the best friend of the airlines—no one should be asked to perform both roles, and no one can be expected to do both well.

The dual mandate places the FAA in the position of conflict between the American consumer and the airlines. It has raised questions about the FAA's actions with regard to moving forward in a timely fashion on the safety recommendations made by the National Transportation Safety Board; and most importantly, it has raised questions about whose side the FAA is really on.

As James Burnett, Jr., former Chairman of the National Transportation Safety Board, said "It's as if the FAA acts to protect the airline rather than the consumer until they just can't maintain that position any longer."

I believe that a review of FAA functions by the MAC, as required under my language, and subsequent action by Congress on the MAC's specific recommendations for changes necessary to ensure that safety remains the focal

point of the FAA's mission, will enable us to reassure the American public that the FAA is looking out for their safety at all times.

Mr. THURMOND. Mr. President, I am pleased that included in the amendment offered by the managers is a provision regarding discretionary Airport Improvement Program [AIP] grants to reliever airports. This language would clarify one of the factors that the Federal Aviation Administration [FAA] considers in determining grants from the discretionary fund.

The AIP provides grants to airports which help insure the safety of air travel in this Country. Seventy-five percent of the money distributed annually from the AIP is allocated to primary and reliever airports from the discretionary grant fund. In determining whether to make a grant to improve an airport, the Secretary of Transportation considers three criteria: First, the capacity of the national air transportation system; second, the costs and benefits of a project; and third, the financial commitment to be made from sources other than the Federal Government.

Mr. President, language included in the amendment offered by the managers clarifies the second criteria, the costs-benefit analysis. Currently, the FAA does not consider the cost savings to the primary airport in its analysis of improvements to the reliever airport even though they might be cheaper than expenditures to upgrade the primary airport. In other words, a small investment could be made to upgrade capacity at a reliever airport that would result in very large cost savings at the primary airport. However, this does not qualify as a positive cost-to-benefit comparison under the FAA interpretation.

Mr. President, the Rock Hill-York County Airport, a small facility that serves the north central part of South Carolina, is experiencing difficulties with their grant application due to this interpretation. The Rock Hill Airport is a designated reliever airport to the growing Charlotte/Douglas International Airport. In 1991, the FAA published a Capacity Enhancement Plan for the Charlotte Airport that recommended upgrading the capabilities at the reliever airports serving Charlotte. It was estimated that if the Rock Hill Airport were equipped to handle general and corporate aviation during bad weather, the Charlotte Airport would save $5.6 million per year.

Mr. President, I ask unanimous consent that a copy of a letter from Mr. T. J. Orr, Aviation Director of the Charlotte Airport, that outlines this situation be inserted in the CONGRESSIONAL RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Pursuant to this report, the Rock Hill-York County Airport applied to the FAA for a $350,000 airport improvement grant to install an instrument landing system [ILS]. However, the FAA will not consider the cost savings to Charlotte in the application submitted by Rock Hill. Further, they base their decision solely on the number of flight operations currently at Rock Hill.

Mr. President, this puts Rock Hill in dilemma. They cannot demonstrate the required number of operations to satisfy the FAA because they do not have an ILS and they cannot get the required number of operations without the ILS. While I believe the FAA is wrong, it appears that legislation is needed to correct this problem. I thank the managers for including language in their amendment that will force the FAA to examine this situation.

EXHIBIT 1

CHARLOTTE/DOUGLAS INTERNATIONAL AIRPORT,
Charlotte, NC, October 10, 1995.

MS. CAROLYN BLUM,
Regional Administrator, Federal Aviation Administration, Southern Region, College Park, GA.

DEAR MS. BLUM: The Federal Aviation Administration, airport operators, and the users of the national air transportation system a few years ago initiated Airport Capacity Design Teams to identify, develop and evaluate means of reducing delays at high activity airports, such as Charlotte. Ancillary benefits based upon implementation of a number of these recommendations have resulted in increased air traffic control system safety and efficiency.

In April of 1991, the Charlotte/Douglas International Airport Capacity Enhancement Plan, completed by the Charlotte Capacity Design Team, was published by the Federal Aviation Administration. This plan was the result of a two year collaborative effort by a design team which included representatives from: the FAA System Capacity and Requirements Office; the FAA Technical Center, Aviation Capacity Branch; the FAA Southern Region Air Traffic Division, Airway Facilities Division, Airport District Office, and the Charlotte Tower; USAir, Air Transport Association; Aircraft Owners and Pilots Association; and the City of Charlotte's Aviation Department.

One of the key recommendations of this plan was the upgrade of capabilities and services offered by the reliever airports serving the Charlotte area. In fact, an estimated savings of $5.6 million per year in 1991 dollars was forecast as a result of reducing demand at the Charlotte/Douglas International Airport generated by general aviation, business and corporate aviation demand. Much of this demand at the Charlotte/Douglas International Airport occurs during critical periods of instrument meteorological conditions when reliever airports are simply not equipped to serve aircraft in these weather conditions. The resultant involuntary movement of general aviation, business and corporate aircraft from a reliever airport to a major commercial service airport hub could not come at a worse time or under worse conditions.

In recognition of these critical capacity, efficiency and safety issues, the Rock Hill-York County Airport, an FAA designated reliever airport to the Charlotte/Douglas International Airport, has applied to the FAA Southern Region for approval and funding of an AIP project to upgrade its Runway 02 Localizer to a full Runway 02 ILS by the addition of a glideslope and related improvements. The benefits of lowering the approach minima to Rock Hill Airport, as a result of these improvements, will accrue a substantial benefit to the Charlotte/Douglas International Airport as promised in the Charlotte/Douglas International Airport Capacity Enhancement Plan.

Because of Rock Hill's willingness to fund a major portion of this project's capital, design and maintenance costs from non-FAA funding sources, it appears this is a project of excellent value if the FAA considers its overall infrastructure benefits. I strongly endorse this initiative by Rock Hill and would appreciate your help in assisting Rock Hill in obtaining the necessary project approval and funding on a priority basis.

Thank you for your kind consideration of this matter.

Best personal regards,

T.J. ORR,
Aviation Director.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

AMENDMENT NO. 5361

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. BAUCUS, proposes an amendment numbered 5361.

Mr. CHAFEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 78, line 12, strike "and aircraft engine emissions,".

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

Mr. CHAFEE. Mr. President, this amendment is offered on behalf of myself and Senator BAUCUS. Mr. President, what does this amendment do? This amendment would remove a provision in the bill which gives the Federal Aviation Administration, which sometimes is referred to as the FAA, removes the authority given to the FAA under this legislation to regulate air pollution emissions from aircraft engines.

This new authority—this is not authority that they currently have; this is brand new authority to the FAA. It would duplicate authority which is already assigned to the Environmental Protection Agency under the Clean Air

Act. The amendment that Senator BAUCUS has joined me on would encourage greater cooperation between EPA and FAA in this area, but it would preclude the confusion and waste that would result from two Federal agencies charged to do the same job. That is what this legislation does; it sets up one more agency to do exactly the same thing that the EPA does now.

Mr. President, we object to giving the FAA this authority for three reasons: First, there is no need to duplicate the authority that the EPA already has. There is no evidence, Mr. President—no evidence—that EPA has abused this authority or that it has overregulated aircraft engines. The last time EPA issued regulations for aircraft engines was in 1982. Mr. President, that was 14 years ago. So that is hardly a case of overregulation.

As a practical matter, Mr. President, the way this system works is that the world's three major aircraft engine manufacturers—there are three in the world, Pratt & Whitney, General Electric, and Rolls Royce—comply with emissions standards that are set by an international body, sometimes referred to as ICAO. That international body's regulations cover more pollutants and are more stringent than EPA regulations.

So, Mr. President, to instruct two separate Federal agencies to issue regulations on the same subject is to set the stage for confusion and conflict and wasted resources, both public and private.

Second, the FAA is in no position to regulate aircraft engine emissions as provided in this legislation. The FAA does not have the expertise to know which air pollutants adversely affect human health or the environment. The FAA does not know how emissions from aircraft engines fit into the bigger picture on air quality problems.

In fact, Mr. President, the Commerce Committee has received a letter, dated just 5 days ago, from Secretary Peña of the Department of Transportation asking that this provision, the provision I am referring to, giving the same powers that the EPA has, giving those to the FAA in this bill—Secretary Peña has written asking that this provision be removed from the bill because the FAA does not have that expertise.

Mr. President, I ask unanimous consent that the letter from Secretary Peña be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. CHAFEE. Mr. President, I will read a portion of this letter addressed to the Honorable LARRY PRESSLER, chairman of the Committee on Commerce, dated September 12, 1996. Page 2 reads:

> In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994 entitled, "Aircraft Engine Standards" would impose on the agency. If adopted, this section would vest responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency [EPA] under the Clean Air Act, but would also require the expenditure of substantial resources to develop a level of expertise requisite to environmental rulemaking that already exists at EPA.

What is the third reason that this provision should be stricken? If the provision in the bill has the effect of forestalling any EPA regulation of aircraft engines—which probably is the effort here, to get EPA out of this—the result will not be less regulation or less costly regulation. It will merely mean, and this is important, more regulation for other sources like small businesses and automobile owners and manufacturing facilities.

Airplanes emit hydrocarbons and oxides of nitrogen into the atmosphere where they combine with the air pollutants admitted by thousands of other sources to form what is known as smog. The way the Clean Air Act works, States must adopt regulations reducing pollution from targeted sources until a safety level for smog pollution is attained. In other words, the States have this responsibility. If aircraft engines, the airlines, and air transport companies are not required to reduce their pollution, then somebody else has to do it. It might be the dry cleaner, it might be a small manufacturing company, it might be a bakery. Somebody has to reduce its, his, or her, emissions, and will probably have to do more and do it at a higher cost than if an overall look could be taken and seen where it can be done most economically. That might in certain instances pertain to aircraft engines.

This provision does not reduce regulation. It just shifts the burden to somebody else, somebody else who is not represented by a high-powered lobbyist that can send letters saying, "Take EPA out of this."

Mr. President, for these reasons, Senator BAUCUS and I are offering this amendment to remove the provisions creating duplicative regulatory authority and encouraging more cooperation. What our amendment does is say, yes, there should be more cooperation between the FAA and EPA. The EPA should consult with FAA on these matters.

Now, Mr. President, let me just say the following: I am deeply disturbed by the trend that is taking place in connection with what I believe to be ill-advised efforts to cut back on environmental regulation. Here is one industry attempting to be exempted, then another, then another. We have a bill over in the House of Representatives dealing with immigration. What does it say? You can build a fence to keep out immigrants and you do not have to pay any attention to the Endangered Species Act. But that is not enough. They then go on to say pay no attention to the Endangered Species Act and, indeed, pay no attention to what is known as the National Environmental Policy Act. In other words, forgo all environmental regulations while you are building this fence. Build this fence in California between Mexico and the United States—oh, no, to build any fence anywhere in the United States, dealing with immigration, pay no attention to the National Environmental Policy Act.

Mr. President, this Nation was blessed in the early 1970's by a series of great Senators, and we know who they are. They are Ed Muskie, Jennings Randolph, Howard Baker, Bob Stafford, who in a bipartisan fashion brought forward in this Nation tremendous environmental protection laws, and whether you are talking the Clean Air Act or the Clean Water Act, the Endangered Species Act, the creation of the Environmental Protection Agency or the National Environmental Protection Act, whatever it is, those were the bills that were brought forward. They were brought forward because there was a need for them.

When the Cuyahoga River in Cleveland caught fire, it caught the attention of the people in the United States—something is wrong with the waters of this Nation. So we embarked on a $60 billion program over the course of the years to clean up discharges from municipalities, and the industries, likewise, complied, because we had regulations. Now we have clean waters. At that time, one-third of the waters of the United States' lakes, rivers and streams were fishable and swimmable. Now two-thirds of the lakes, rivers and streams in the United States of America are fishable and swimmable, and every year that percentage increases. So we have been blessed by these laws.

I, Mr. President, find it discouraging and disappointing that constantly there is an effort to nibble away at those statutes. Here in this one, to remove the aircraft engine and the Air Transport Association's aircraft from the restrictions that have been applied, wisely, by the EPA over many years, and give it to another agency where they think they will find a much more sympathetic home.

Therefore, Mr. President, I hope we do not turn our backs on those magnificent achievements that were made in the early 1970's and continued since then, whether it is the control of toxic waste and the manner in which we dispose of them, whether it is what we did in the Clean Air Act in 1991, all of these statutes have been for better health and a better America. I, Mr. President, just hope we will not nip, nip, nip away

at cutting back on these statutes that have meant so much to our Nation and the health of our people.

EXHIBIT 1

THE SECRETARY OF TRANSPORTATION,
Washington, DC, September 12, 1996.

Hon. LARRY PRESSLER,
Chairman, Committee on Commerce, Science and Technology, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I have appreciated your past support for the important work that the Federal Aviation Administration (FAA) does to provide the American traveling public with safe and efficient air travel. I know you agree that a strong, effective FAA is absolutely essential for aviation safety in this country. The safety and security of our air transportation system have always enjoyed bipartisan support in Congress.

It is because of this shared vision that I urge you to enact—before Congress adjourns—the comprehensive FAA reform and reauthorization legislation contained in S. 1994. Without the timely enactment of this legislation, it will be considerably more difficult for the FAA to meet the safety demands of the traveling public.

This legislation will reauthorize funding for critical FAA safety, security, air traffic modernization, and research programs. It will also reauthorize the airport development grant program. In the absence of an extension of the airport grant program, FAA's ability to fund many important airport projects involving capacity, safety, and security will end October 1.

S. 1994 also contains critical provisions to help ensure a better way to finance the FAA. These provisions will help to ensure FAA has adequate resources in the future, but are also designed to provide appropriate incentives to users of the air traffic control system and ensure that the air traffic control system is used in the most cost-effective manner. A bill that does not contain the foundation for meaningful financial reform for the agency will undermine the FAA's ability to meet the safety and security needs of the traveling public, and lessen public confidence in our air transportation system.

Congress has already taken critical steps in the past year to provide FAA with needed acquisitions and personnel reform. It is imperative that Congress stay the course on these reforms and not tie FAA up once again with unnecessary red tape that will impact the efficiency of the air traffic control system and delay air traffic modernization efforts. The most significant step is to pass meaningful financial reform since these reforms will be limited without sufficient resources and budget flexibility for the agency. The lapse of the Airport and Airway Trust Fund taxes this year underscores the need to find a long-term, new funding solution for the FAA.

In consideration of the very significant budget constraints faced by the FAA, I urge the deletion of the new responsibilities that section 631(a)(1) of S. 1994, entitled "Aircraft Engine Standards," would impose on the agency. If adopted, this section would vest responsibility to set aircraft engine emission standards with the FAA. Such responsibility would not only duplicate the responsibility and authority already vested with the Environmental Protection Agency (EPA) under the Clean Air Act, but would also require the expenditure of substantial resources to develop the level of expertise requisite to environmental rulemaking that already exists at EPA. It is our understanding that the Senate will exempt military aircraft from the overflight user fee proposed in section 673, and we do not object to that change.

I urge you to move the legislation to the floor and through conference expeditiously so that we can assure that FAA has the tools and resources necessary to meet its vital responsibilities to the American public. We look forward to working with you on this important effort, and thank you for your continued support of aviation safety and security programs.

Sincerely,

FEDERICO PEÑA.

Mr. CHAFEE. It is my understanding, Mr. President, that there will be set aside tomorrow before we vote, 15 minutes, of which Senator BAUCUS would have 10 minutes and I would have 5 minutes.

Mr. FORD. If it is all right with the Senator, I think I have it cleared with my colleague. I ask unanimous consent this amendment by the Senator from Rhode Island, Mr. CHAFEE, be set aside until tomorrow, and that before the amendment is voted upon, there be 15 minutes of debate, 5 minutes for the Senator from Rhode Island and 10 minutes for Senator BAUCUS of Montana.

Mr. CHAFEE. Mr. President, that is fine.

The PRESIDING OFFICER. Do I understand the Senator's request that all the time reserved would be for the proponents of the amendment?

Mr. CHAFEE. I am agreeable.

Mr. FORD. What I am trying to do is give them 15 minutes. That does not preclude me or anybody else from taking time because they get a minimum of 15 minutes tomorrow.

If I want to oppose the amendment I will oppose it and take 30.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Whatever time we get, perhaps it would be best if it were evenly divided.

Mr. FORD. Mr. President, I withdraw my request.

Mr. CHAFEE. I make the request, if I could. I think it is fair that the opponents get some time. I am not trying to cut anybody out of time.

Mr. FORD. Mr. President, we will just set this amendment aside and take our best hope tomorrow and go.

Mr. CHAFEE. And reach a time agreement tomorrow?

Mr. FORD. That would be fine. I do not know how much time in opposition because I have not had much information tonight relating to the opposition to your amendment.

I suspect, since you have offered the amendment to take it out of the bill, that there will be a lot of work going on tonight and there will be a few people who will want to speak against your amendment tomorrow.

Mr. CHAFEE. Could I ask this, Mr. President: Is there a time certain set to vote tomorrow on this measure?

Mr. FORD. No.

The PRESIDING OFFICER. There is not. There is no time certain set for a vote tomorrow on this measure.

Mr. CHAFEE. It is my understanding since we have not agreed on anything that there is no time agreement.

Mr. FORD. That is correct. The only thing I was attempting to do here—if there are other amendments that come up, we will set yours aside. Once that amendment is taken care of, yours will come back as the pending business. That is what I am trying to do, because there will not be a vote tonight.

Mr. CHAFEE. That is fair enough. We will work it out tomorrow.

Mr. FORD. Sure, we will.

Mr. CHAFEE. I am perfectly prepared, and I want to make sure that the opponents get whatever time they want. Thank you.

Mr. KYL. Mr. President, I rise to comment on the FAA authorization bill. Although I recognize the necessity to authorize certain FAA activities, such as the Airport Improvement Program [AIP], I am concerned with two provisions in the bill. I appreciate the hard work that the managers have put in on this legislation, and I thank them for the opportunity to speak on this bill.

I support the reauthorization of FAA activities, believing that the managers have succeeded in funding the AIP program at the appropriate level. It is important to many airports and travelers around the country that Congress finish its work in this area. For example, in my home State of Arizona, officials from the airports in Phoenix, Chandler, Glendale, Yuma, and Tucson have contacted me in support of the AIP program. The FAA has projected that the number of passengers in the domestic aviation system will reach 800 million annually. The American Association of Airport Executives and the Airports Council International-North America recently completed a comprehensive study on the capital needs of U.S. airports. The study concluded that the Nation's airports have capital needs around $10 billion annually. So I urge my colleagues to support the authorization of the AIP program.

While I support parts of the bill, I must comment on two provisions which I believe Congress must be careful in implementing. First, there is a provision that would set up an independent task force to study how FAA activities may be funded for many years. I am concerned that the task force may be used to implement a user-fee system. I ask that the chairman and the ranking member to work with the task force to ensure that all areas of aviation are heard. Many in my State have expressed concern about funding FAA activities with a user-fee system. I believe it could have a negative effect on such local airlines as America West and Southwest. Arizona is also a State with many citizens who pilot their own planes, and I am advised such a system could harm the general aviation industry. I support the current ticket-tax system and I am glad that Congress approved its temporary extension as part of the small business tax relief bill.

My second concern is that the parts of the bill that address aviation security will not adequately protect us. I know that it is easy to get caught up in the apprehensions created in the wake of the crash of TWA flight 800. We all want to make aviation a safer means of transportation, but we must have the proper priorities. I believe that any changes to aviation security should focus on greater intelligence gathering. If the explosion on TWA flight 800 was a bombing, it was a terrorist attack not on a particular airline but against our whole country. We must take strong and concerted steps as a nation to deal with such heinous attacks. A strong intelligence system is the key here. Recently, the Air Transport Association made several recommendations to the White House Commission on Aviation Safety, chaired by Vice President GORE. I would like to make note of two of ATA's recommendations. First, the association told the Gore Commission that there must be an increase in the amount of funding available to develop the software necessary for automated passenger profiling—that is, profiling of suspects who may be traveling the airways. ATA member airlines, according to the association, are committed to the full implementation of automated passenger profiling through their reservations systems. Second, ATA recommended that the commission should establish strong, new inter-agency coordination requirements to ensure the timely, accurate, and comprehensive communication of detailed intelligence assessment information necessary to permit the informed participation of the aviation industry in responding to identified threats. Mr. President, there will be many antiterrorist initiatives which I believe will help thwart terrorist attacks, such as more advanced detection devices and bomb-sniffing dogs. However, I believe that our priority must be to develop ways to enhance the tracking of those persons already identified as a threat to the general public.

I urge the chairman and ranking member to make note of my concerns, and I thank them for the opportunity to discuss the issues.

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. 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, we are nearing the witching hour of the unanimous-consent agreement on the amendments that will be considered tomorrow. I have proposed to my colleague that even those amendments that we have included in the managers' package be listed, in case there might be some wording change that might be needed. If they are not on the list, therefore, it would be difficult, parliamentary wise, for them to be accommodating. I don't want any of my colleagues not to have the ability to change a word or something like that tomorrow. I don't think we ought to get into a unanimous-consent agreement on changing. Then we get unanimous-consent agreements for additional amendments. Of course, I would like to get them cut off tonight if at all possible.

So we will have at least one more amendment that will be offered. Then we are looking at around 8:15, or somewhere in that neighborhood, for a unanimous-consent agreement on the finite list of amendments for S. 1994.

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

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

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the pending FAA bill, that they be subject to relevant second-degree amendments, and following the disposition of the listed amendment, the bill be advanced to third reading, and the Senate immediately proceed to Calendar No. 588, the House companion bill, all after the enacting clause be stricken, and the text of the Senate bill, as amended, be inserted, and H.R. 3539 be immediately advanced to third reading.

The list is as follows:

Pressler, relevant; Lott, relevant; McCain, relevant; Inhofe, emergency revocation; Warner, PFC; Warner, rapidly growing airports; Santorum, relevant; Brown, bidding; Brown, relevant; Roth, aviation trust fund spending; Roth, task force; Roth, user fees; Roth, committee consultation; Thurmond, reliever airport criteria; D'Amato, relevant; Gorton, relevant; Burns, medical certificates; Domenici, three relevant amendments; Helms, airports; Simpson, airport safety; Jeffords, pension audits; Nickles/Lott, pensions; Baucus, FAA aircraft emissions standards, with Chafee; Breaux, relevant; Boxer, cruise ships; Bryan, two relevant amendments; Byrd, one relevant amendment; Conrad, two relevant amendments; Daschle, two relevant amendments; Dorgan, transportation; Exon, relevant; Ford, two relevant amendments; Graham, relevant; Harkin, slots; Heflin, Alabama Airport; Hollings, relevant; Inouye, relevant; Kerry, relevant; Moseley-Braun, train whistle, with Wyden; Reid, state-supported terrorism; Simon, pensions; Wyden, train whistle, with Moseley-Braun; Wyden, three relevant amendments.

That completes the list.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, reserving the right to object, and I will not object. I would like to make a point here. Many of these amendments are included in the managers' amendment to the bill. This is so that there will be no problem tomorrow with our colleagues coming in and saying we did not get the right language or the right words, they are covered under this situation. If the managers' amendments are all right, we will strike them off. I think you will find that about two-thirds of these will be gone; at least two-thirds of the relevants will be gone. So when you get right down to how many amendments we will have tomorrow, it will be very few.

I hope we can expedite the passage of this legislation. I wanted my colleagues to be sure that we are trying to protect them, so that they won't come in here tomorrow and say we have done something wrong and words were left out.

I wanted to be sure that everybody understood that. And that is one reason that the list is so long because we have basically taken care of most of them.

So I thank my friend for what he is attempting to do here. I think it is the right thing to do.

Mr. President, I do not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

Mr. LAUTENBERG. Mr. President, I rise because I want to support this legislation to reauthorize many of the FAA programs and to do what we can to improve our Nation's system of aviation security, a subject I have had a longtime interest in. I did serve on the Pan Am 103 Commission that reviewed what took place there and was one of the authors of the recommendations that were submitted in 1990.

First, I commend my colleague, my friend from Kentucky, Senator FORD, and my colleague, the Senator from Arizona, Mr. MCCAIN, for their work on this issue. It is not only a critical issue, but the timing certainly is critical in terms of some response that we have to have to what has been taking

place. Terrorist threats to our aviation system as well as our general living in this country certainly call for a response from this body and from our colleagues across the Capitol to try to do something to improve a system that is fundamentally pretty good. As a matter of fact, it is very good.

I could not have faced, as I have in the State of New Jersey, people who lost loved ones on Pan Am 103 in 1988 nor those who lost family members, friends, loved ones on TWA 800—I was in Long Island shortly after that plane went down. I was out there a couple of weeks ago with the Secretary of Transportation, met with the FBI, people from the NTSB, people from the Bureau of Alcohol, Tobacco and Firearms. I could not have faced any of the surviving families and said to them, be assured; the system is safe. The fact that they lost a son, a daughter, a mother, a father, a brother, a sister, a child is enough to say the system is not safe enough, that regardless of how efficient the system is, it is not efficient or sufficient as we see it in our family's grief and our family's emptiness.

And so, Mr. President, it is not simply, although a critical part of the issue, aviation security, safety overall, a necessity to bring the system up to the capacity the public currently demands. The projected figures of growth in aviation travel are almost exponential in terms of the size of the base; over 500 million people a year enplane to go different places from within the States and from the United States to other airports—but to make sure that not only can they travel safely but efficiently, with airplanes leaving on time, with the investments in the system being made in a timely and business-like fashion to make certain that the taxpayers' money, the travelers' taxes or fees are invested in a way that reflects serious interest in getting this system up to the capacity that is presently there and ultimately will be demanded.

Mr. President, this legislation is essential to our Nation's aviation system. Importantly, the bill would extend the authorization for the Airport Improvement Program, what we affectionately refer to as the AIP. We will make some reference to that. Without that authorization, critical infrastructure funding for airports will just not be available. At the same time, it is important to emphasize that this authorization is not sufficient, as I said earlier, to keep up with our Nation's airport needs.

In addition to enacting an authorization bill, the aviation trust fund needs to be adequately financed and the expenditures to be replenished, and that is going to require either an extension of the existing ticket tax, as we heard from our colleague from North Dakota some moments ago, and we heard from the two managers of the bill, or some other financing mechanism. Otherwise, even if the bill before us is enacted, the trust fund will run out of money next year.

To some who may be listening, that would sound like an abstraction—the trust fund runs out of money. But if it does run out of money, and if we are unable to make the improvements that are required, the public can look forward to further delays, to further inconvenience, and to increased costs substantially for the improvements we ultimately must make. We cannot let that happen. I strongly urge my colleagues, especially those who serve on the Finance Committee, to act before December 31, when the existing tax will expire, to address this problem.

I would like to turn for a moment to the provisions in this legislation that are of particular interest to me and on which I have worked fairly extensively, and that is aviation security.

This legislation does not represent a comprehensive aviation security plan. However, in conjunction with the ongoing efforts of the Gore Commission and the Aviation Security Advisory Committee, it will help to tighten aviation security at our airports and on our airways.

When I say it is not a comprehensive aviation security plan, I do not want any misinterpretation to occur. I do not want to suggest that my colleagues who brought this bill to the floor have been less than diligent. They have been. They have surmounted enormous obstacles to get the bill to this point on this night. The provisions in this bill are needed to enhance the aviation security system, but by themselves they are not sufficient. They are a significant beginning.

Two months ago today for us here, an eternity for those who lost family members on TWA flight 800, it hardly seems that enough has happened since that airliner was destroyed and fell into the waters just south of the Long Island seashore. Still, at this time, with the most diligent effort, painstaking work, having created a record number of dives into the sea of any Navy mission ever undertaken—over 2,000 dives were taken to try to pick up the remnants of TWA 800 off the sea floor—we still have no conclusive evidence.

But, regardless of what the cause was, we know that we have to do something to improve the safety of the traveling public, even though, as I said earlier, the system is fundamentally very safe. When my children or my grandchildren, the members of my family, fly, I send them off with full confidence that the system is working well. And, Lord grant us, I hope that always proves to be the case. But we can always make it a notch safer.

Unfortunately, the definitive proofs may lie yet on the ocean floor. It still appears that terrorism is the likely cause of the disaster, but we dare not draw conclusions until the evidence is clearly at hand.

The crash of TWA flight 800 reminded me of a similar tragedy almost 8 years ago. I have exceptionally vivid memories of the downing of Pan Am flight 103 over Lockerbie, Scotland. After that crash, I helped to create, with President Bush's encouragement and that of others here, the President's Commission on Aviation Security and Terrorism. I sponsored the Aviation Improvement Act of 1990, with others, which was enacted into law. There is no question that, as a result of the work done at that time, that security was improved. But the world has changed. This latest tragedy has focused renewed national attention on the terrorist threat to American aviation and to the American traveler. It is a threat that will continue to increase in scope and sophistication. No one here believes that we are doing all we can to fight the ongoing expanding threat of terrorism. It has become, for us, one of the most difficult situations that we as a free society and other free democratic countries face.

The growth of terrorism is an enormous threat because, not only is it the work of madmen who, at times, are willing to give their lives or to recommend that their sons give their lives to be martyred in some fashion, but the sophistication of the weapons, bombs in containers the size of a watch with the impact of TNT—it is an enormous threat and it is a threat that we have to work ever harder to contain. No aviation security system is foolproof, we know that. But we also know that we can do much more to deter the terrorist threat.

TWA 800, like Pan Am 103, was a wake-up call, and we need to respond as quickly as we can. Shortly after the TWA crash, I introduced the Aviation Security Act. My bill, S. 2037, would enhance security at domestic airports by instituting a truly comprehensive security system. The legislation calls for tightened security to check baggage, cargo and mail, and increase screening, training and job performance measures for security personnel at our airports. My bill also requires that passenger profiles be undertaken on a routine basis and that state-of-the-art explosive detection devices be installed in those airports that have the greatest security risk.

To address the needs of families of victims and survivors, the bill establishes an Office of Family Advocate, an office that would be responsible for developing standards for informing, supporting, and counseling the families of victims of airline disasters.

Finally, I suggested the increased security measures be funded by a fee of not more than $4 per round trip ticket, a figure that was recommended by those responsible for aviation security working in the Department of Transportation. It was believed that, with

that investment and other sources of revenue, we could do a lot more to preserve the safety of our airplanes and to deter the threat of a terrorist attack. I am pleased that many of the ideas contained in my legislation have already been adopted by the administration and are included in recommended rules and regulations. Shortly after the TWA crash, President Clinton established the White House Commission on Aviation Safety and Security. That commission, now known as the Gore Commission, worked with the already-established Aviation Security Advisory Committee to develop a plan to meet the challenges posed by the proliferation of terrorist groups.

The Gore Commission issued its recommendations last week, and the President moved immediately to implement them. They are a good first step toward strengthening aviation security. The bill before us includes many of the commission's recommendations. I am pleased that the legislation was worked out in a cooperative, positive, bipartisan manner, and that is as it should be when it comes to something as important as keeping our airlines and our people safe.

This bill directs the FAA to begin deploying state-of-the-art explosive detection devices, ensuring that the flying public is protected by the most technologically advanced system. It also requires that personnel who operate security screeners be subjected to background checks, as are most other airport security employees. It requires that the NTSB and the FAA begin developing a "right to know" program which would let consumers know about the airlines' accident and safety records. The bill also directs the FAA to continue working with the airlines in developing programs identifying high-risk passengers and high-risk destinations.

In addition, this legislation recognizes that aviation security needs are constantly evolving. The best laid plans are worthless if they are not implemented in a timely fashion and monitored regularly. The bill requires that each airport and each air carrier conduct vulnerability assessments on their own, or comprehensive self-audits of their entire security systems. These assessments will enable both the airport and the air carriers to know their own systems and their weaknesses and will encourage them to make the needed changes over time.

Because terrorists look for cracks in the security systems, the bill would require the FAA to stay one step ahead by finding those breaches first. Under the bill, the FAA could conduct periodic, unannounced, and sometimes anonymous tests of airport and air carriers' security systems. This would keep the airports and air carriers on their toes and provide the oversight needed.

Both of these provisions were addressed in the bill I introduced in August. Other provisions of the bill require the administration to issue reports to Congress on their implementation of a number of the Gore Commission's recommendations. For example, the President ordered heightened security measures for air cargo, and the Gore Commission recommended a pilot program to ensure that checked baggage is matched with passengers who actually board the plane. We will need to know the results of these initiatives so Congress can evaluate the need to do more.

One thing we do know. The Nation's aviation system is in need of change, in need of improvement. We have waited too long to implement the reforms. This legislation makes an important contribution to that effort.

Mr. President, our work cannot stop there. We need to ensure that all promised reforms are appropriately implemented and in the spirit in which they were intended.

So I express my appreciation, once again, to Senator HOLLINGS, Senator FORD, Senator PRESSLER, Senator MCCAIN, and Senator HUTCHISON for their cooperation on this legislation.

I also thank the many aviation security advocates, the families of the victims of airline disasters, airports, air carriers and many others to implement sound and secure reforms.

It is obvious, Mr. President, this legislation will not solve all of our problems. However, as I earlier mentioned, this is an important step that will make our skies safer for the public, make a meaningful contribution in our battle against terrorism, and will indicate to the public that the U.S. Government is interested in what I will call their plight, their concerns, their anxiety. We have to put those to rest, and the best way to do it is to do something about it, as we are with the bill before us.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from New Jersey, Senator LAUTENBERG, for his work on this bill, along with Senator HUTCHISON. He is one who is very knowledgeable on aviation issues and has been involved for many years.

I express the appreciation of all of us who have been involved in this legislation for Senator LAUTENBERG and the efforts he made which dramatically improved this legislation.

Mr. President, I ask unanimous consent that all relevant amendments be filed by 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. SIMON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, just so I understand the procedure, does that mean we will not go through the amendments this evening necessarily?

Mr. MCCAIN. We will try to dispense of as many amendments as we can this evening. What I was going to say, after gaining a unanimous-consent agreement, is that the majority leader and the Democratic leader have said that they won't spend more than an hour or so additional time after 11 o'clock tomorrow. If we cannot get these amendments resolved and taken care of within an hour or so, the bill will be pulled. I think that would be a terrible thing to happen, given the absolute urgency of this legislation, not only funding the aviation system but many of the issues that the Senator from New Jersey propounded.

So we are trying to get the amendments disposed of as quickly as possible, and after 11 tomorrow, when all amendments are going to need to be filed, if the unanimous consent request is agreed to, we do not anticipate being on the bill more than an hour or so.

Mr. SIMON. I would like to accommodate the Senator from Arizona. So your preference would be that I go ahead with this amendment this evening?

Mr. MCCAIN. That would be my preference.

Mr. SIMON. I have no objection.

Mr. MCCAIN. If the Senator from Illinois would show his usual courtesy which he is known for throughout this body, I would very much appreciate it.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, would it be in order for the managers to receive the amendment of the Senator from Virginia?

Mr. MCCAIN. All amendments listed must be filed.

Mr. WARNER. That is correct. I am prepared briefly to handle two amendments, I say to my distinguished colleague.

Mr. MCCAIN. I say to the Senator from Virginia, I appreciate that, but that would not affect this unanimous-consent agreement.

Mr. WARNER. I did not mean to interrupt. I did not realize we had not achieved it.

Mr. FORD. Reserving the right to object, Mr. President, I regret I have to do this. We have a call in, in fact two of them. I will have to object to the unanimous-consent request at this time, and I will have to get on the phone to see if I can straighten this out.

Mr. MCCAIN. Very briefly, I ask my colleagues, especially the objections that just came in, I do not believe that it is unreasonable to ask the amendments be filed by 11 o'clock tomorrow.

I hope that we can resolve those objections. It is agreed to on both sides that we need to get this legislation passed. I hope that the Senator from Kentucky can use his usual powers of persuasion and get this resolved so that I can propound, again, this unanimous-consent request, and we can get it accomplished tonight. Until such time as that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished Senator from Arizona and the Senator from Kentucky. I will proceed with two amendments. I have discussed this with the managers, and we are prepared to handle both. Before doing so, I noted that our distinguished colleague from Arizona recognized the Senator from Illinois and made specific mention of his reputation in the Senate for courtesy. We shall dearly miss him when he departs because, indeed, he is an example of senatorial courtesy.

AMENDMENT NO. 5362

(Purpose: To provide for the use of passenger facility fees for a debt financing project)

Mr. WARNER. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5362.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

"(B) by striking subparagraph (F) and inserting the following:

"'(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

"'(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

"'(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.'".

Mr. WARNER. Mr. President, I rise today in support of a provision contained in the House-passed Federal Aviation Administration Reauthorization Act which would make a very narrow change, referred to as a PFC; that is passenger facility charge. This is a measure put in the House legislation by my distinguished colleague and personal friend, Congressman BLILEY. Congressman BLILEY, as we know, is chairman of the House Committee on Commerce. I join him in this effort.

This provision would allow a nonhub airport in my State, Charlottesville—that is Albemarle—to be eligible to use its own PFC passenger facility charge authority for debt service associated with its passenger terminal project. They just completed a very fine modernization program.

The FAA's PFC regulations have always allowed eligible projects to be refinanced with PFC dollars after—after, Mr. President—they have been completed, provided only that the notice to proceed with construction was given after November 5, 1990. These are highly technical provisions.

The House bill has the Bliley provision which relates only to the date—and I urge my colleagues to take note of that—the date when construction of an otherwise eligible PFC project was begun and should not adversely affect any other airport in the United States.

I have discussed this with the managers, and I rely on the judgment of both managers that this matter will be addressed with fairness and objectivity in the conference. And at the specific request of the managers, and to accommodate this with the understanding this will be addressed in conference, Mr. President, I ask at this time that the amendment be withdrawn.

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

The amendment (No. 5362) was withdrawn.

AMENDMENT NO. 5363

(Purpose: To provide for additional considerations for the selection of projects for grants from the discretionary fund)

Mr. WARNER. Mr. President, I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 5363.

Mr. WARNER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 10, line 23, strike "(4)" and insert "(5)".

On page 11, line 4, strike "and';".

On page 11, between lines 4 and 5, insert the following:

"(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and;"

Mr. WARNER. Mr. President, I further thank my colleagues for the inclusion of this amendment for high-growth airports. These are the commercial airports which logically would be experiencing infrastructure and facilities problems as a result of their rapid growth, making the adoption of this amendment, I think, in the interest of all parties.

At this time, I urge the adoption.

Mr. MCCAIN. Mr. President, the managers of the bill—and I have discussed this with Senator FORD—have no objection and we appreciate, by the way, Senator WARNER's agreement to withdraw his previous amendment, given the fact that it would have been somewhat controversial. I do assure him that proposal of his will be treated with utmost concern and scrutiny in the conference.

We have no objection to the amendment, Mr. President, and I yield the floor.

Mr. WARNER. Mr. President, if I might ask my colleague, I thank him very much for the first amendment. There is a second amendment pending. I urge its adoption. I presume it is acceptable to the managers.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendment is agreed to.

The amendment (No. 5363) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I would like to engage the Senate for just a few more minutes with regard to a second matter.

Mr. President, I have been involved for many years in seeking to devise a legislative solution to the constitutional issues that exist due to the decisions of the Congressional Board of Review, as that board has jurisdiction over Dulles and National airports.

Mr. President, the Senate may recall that many years ago I introduced a bill, together with my then-colleague from Virginia, Senator Trible, by which these airports became subject to this particular board of review. It enabled these airports then to begin to proceed to get the needed dollars and financing to modernize both Dulles International and Washington National Airports.

This amendment, S. 1994, the Federal Aviation Reauthorization Act of 1996, which is almost identical to S. 288, as reported out of the Senate Committee on Commerce, Science, and Transportation, provides a necessary cure to a constitutional deficiency, as defined by the Federal courts, in the structure of the Airports Authority. The Airports Authority is involved in the operations and improvements of our two airports that serve the Nation's Capital and the Washington region, again, Washington National and Washington Dulles International.

In April 1994, the Court of Appeals for the District of Columbia Circuit found that the Board of Review, made up of

current and former Senators and Members of Congress, violated constitutional separation of powers principles. This was the second time the Federal courts struck down the Board of Review, which was designed to represent users of the airports and to preserve some Federal control over them.

The Court of Appeals stayed its decision until the Supreme Court had time to consider the issue. The Supreme Court decided not to hear the case in January, and the stay expired March 31, 1995.

At this juncture, all Congress is required to do to keep the airports in operation is to pass this legislation. Such continued uninterrupted operations are essential to the travel requirements of Members of Congress as well as all people in the greater metropolitan Washington area. It is essential to the economy of this area, Mr. President; and, therefore, I am pleased to submit this.

We are at a point in the current and projected operations of Washington National Airport and Washington Dulles International Airport whereby if we do not act promptly, the Airports Authority board of directors will lose its power to take basic critical actions, including, most importantly, Mr. President, the ability to award contracts, issue more bonds—that is the financing structure—amend its regulations, change its master plans or adopt an annual budget. In other words, it really is brought to an end in its operations. And this is not the intention of the Congress.

For this reason, I find it necessary to offer this amendment today, despite my own personal objections—I must say on behalf of myself and my distinguished Governor, George Allen—to the addition of two new Federal appointees to the Metropolitan Washington Airports Authority to keep our Washington National and Dulles International operational and functional.

Mr. President, I thank my colleagues for the inclusion, and acceptance by the managers, of this amendment in S. 1994, the pending measure. Mr. President, I thank again the managers, and yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I would like to make a few comments on this piece of legislation, the Federal Aviation Administration Reauthorization Act of 1996, which I introduced. I believe it represents a solid legislative accomplishment for this Congress and for air service to small cities, such as those located in my home State of South Dakota.

This bill, which I commend the leadership on both sides of the aisle for who have worked on it, must pass the Congress before the end of this session. Otherwise, we will not be able to provide Airport Improvement Program [AIP] grants to our airports across the country.

The bill will more than double the size of the Essential Air Service [EAS] program to $50 million per year. That will directly help cities, such as Yankton, Mitchell, and Brookings in my State. The EAS program was the result of an agreement when we deregulated the airline industry and Congress wanted to ensure our smaller cities did not lose air service altogether.

It also will protect small airports and the way AIP funds are allocated. Let us remember that we depend heavily on our major airport hubs, but we also depend on a lot of smaller cities to feed passengers into those hubs to make our national air system work. And it is not just in South Dakota, it is also in California—Fresno or Sacramento—or upstate New York.

We must remember that small cities such as Aberdeen, South Dakota, which recently received a grant to repair its main runway, and others depend heavily on AIP funds. This bill has a fairer formula to protect small airports if AIP funds decline.

Mr. President, this bill also requires a study be prepared on air fares to rural and small communities. The price of flying to and from some of these small airports are just astronomically high. For example, if you travel from Rapid City to Denver, and then go on to your destination, your flight from Rapid City to Denver may be the most expensive part of your trip.

Throughout my State I hear complaints about the cost of airline travel. In some cases, it can cost as much to get to the hub airport as it does to fly from the hub to London. I believe this study will be very helpful in assisting Congress in its understanding of what is going on with the cost of air travel to and from small communities.

This bill will also improve aviation security in our small cities without unfairly imposing burdens and expensive requirements on small airports and small airlines.

Let me briefly address each of these benefits for small community air service.

In 1978, Congress recognized that all cities would not participate equally in the benefits of airline deregulation. In fact, Congress realized some of our smallest cities might lose air service altogether. To address this threat, Congress wisely put in place the EAS program to ensure our smallest cities would continue to have air service. Without such service, communities such as Brookings, Mitchell, and Yankton in my home State, would be virtually cut off from the national air service network.

It is very important to these smaller towns that they be a part of the national air service network. With air service as well as telecommunications capability, small communities can grow and be dynamic contributors to our national economy. In fact, with the advances in telecommunications, smaller cities are now on an equal footing with bigger cities in terms of attracting industry. Small hospitals can do as sophisticated procedures as big hospitals by using telecommunications; and smaller universities can share in research projects with larger universities. Telecommunications capability alone, however, is not enough. It is critical that small cities also have reliable and affordable air service. And that is what this is all about. Make no mistake about it, the EAS program—since it ensures air service to our smallest and most underserved cities—is absolutely critical to the economic vitality of many small communities.

Mr. President, I am delighted that this bill, S. 1994, will more than double the size of the EAS program. The $50 million EAS program this bill would create will safeguard air service in some small communities and permit an expansion of flights in others. It is a solid legislative accomplishment for economic development in numerous small communities.

S. 1994 also will help promote and maintain some of our smallest airports which are critical to adequate air service in small cities. The AIP program has been under significant budget pressure. The amount of AIP appropriations have fallen significantly since 1992, and our small airports have shouldered the unfair, disproportionate burden of these budget cuts. Since AIP funds are often the only source of funding for repairs and safety improvements at small airports, our small airports have suffered significantly as a result.

I am pleased that this bill will correct this problem. We worked long and hard on this formula. The bill ensures that if AIP funding declines, our small airports will be protected and will continue to receive their historic share of AIP funds. This is good policy. It is fair policy. And it is very important to small city air service.

In addition to expanding the EAS program, and protecting the AIP funding of our small airports, S. 1994 will require a study of air fares to small communities. This is very welcome news for South Dakotans and other small city passengers who unfairly pay exorbitant air fares. We need more air service competition in small city air markets. Hopefully, in addition to highlighting the extent of the high air fare problems in small communities, this study will offer new insights on how air service competition in small communities can be enhanced.

Finally, S. 1994 resisted the temptation to impose expensive security measures on our small airports and small communities. In contrast, the House recently passed a provision based on the erroneous premise that

one size fits all in aviation security. The Senate, however, correctly recognized there are thoughtful ways to ensure travelers to and from small cities have the same level of safety and security without imposing the identical, expensive security measures required for international airlines and major hub airports.

A one size fits all approach to aviation security undoubtedly would lead to a further deterioration of small city air service. I am pleased S. 1994 will improve aviation security for small city travelers without having the unintended consequence of driving air service out of some of our smaller cities.

Mr. President, let me make some additional general observations about air service. Somehow all this gets tied together.

We have on the international front this past year had great struggles in helping our major airlines fly beyond Tokyo by ensuring the Government of Japan recognizes their beyond rights. Similarly, our major carriers continue to be blocked out of serving London's Heathrow Airport and points beyond the United Kingdom. We did, however, secure a truly historic open skies agreement with Germany which is great news for the United States economy and our carriers. The United States/German open skies agreement will put competitive pressure on the United Kingdom and France and ultimately should help to force both countries to agree to open skies accords in the future. We must continue to put competitive pressure on the British and the French by fully utilizing our liberalized aviation agreement with Germany.

Let me underscore my great concern with the current impasse in our aviation relations with Japan. The Japanese continue to wrongly block our carriers from serving the United States/Asia air service market via Japan. This continues to be a significant problem for Jerry Greenwald of United Airlines and Fred Smith of Federal Express. It also is a major problem for Northwest Airlines, the largest carrier in South Dakota. I have led efforts by the Commerce Committee to help correct this totally unacceptable situation. Along with my colleagues, we have sent letters to the President urging that the Administration stand firm in our aviation dispute with the Japanese and accept nothing less than fair treatment for our carriers in the area of aviation trade.

I intend to continue pressing for fair aviation trade with the Japanese. The United States/Asia air service market, as well as the intra-Asian air service market, is far too valuable to concede to Japanese carriers. It is vitally important to our balance of trade that our airlines can use Japanese airports to serve countries throughout Asia such as China, Indonesia and Malaysia. Make no mistake about it, international aviation is an important component of U.S. trade. Our negotiators must continue to treat it as nothing less. It is completely unacceptable that our carriers, both passenger and cargo, continue to be blocked out of lucrative air service markets beyond Japan and the United Kingdom by unfair trade practices.

Even when our large airlines are operating thousands of miles away from the United States, their ability to successfully compete abroad has an indirect impact on their financial ability to serve some domestic markets. In fact, large and small airlines work synergistically to provide air service through code-sharing agreements. For instance, I have had an excellent experience with Doug Voss of Great Lakes Aviation which is a key regional carrier in my home state of South Dakota. Great Lakes operates as United Express in South Dakota and the success of United abroad has a bearing on the service United Express can provide in small city air service markets such as the route between Sioux Falls and Rapid City in my state.

I have had discussions with airline executives where they say, "Senator PRESSLER, as chairman of the Commerce Committee, can you help us gain access to Heathrow or assist us with our beyond Tokyo problem?" And I say, "Yes, I will try to help but I have problems between Sioux Falls and Rapid City where I would like help, and I have problems between Huron and Denver and problems between Yankton and Minneapolis," and so forth. The more successful our carriers are in lucrative international markets, the better able they are to serve less profitable small city air service markets. The international picture is tied into the local picture in our country.

As far as the national air service picture in this country is concerned, we have only built one new airport since 1974—Denver International Airport. Even that airport is struggling to complete all of its planned runways. Capacity in many airports is nearly full. Regrettably, a lack of airport capacity is a barrier to entry for new airlines. There are only so many slots and so many gates at our airports. Chicago has tried to build a new airport but because of environmental concerns, neighborhood concerns, and noise concerns it has almost given up. Minneapolis-St. Paul thought about building a new airport but got so much local resistance that they have given up.

The point is our airports are crowded. They are pressing up against their capacity. It is true advanced air traffic control technology will help move commercial airliners more efficiently from point to point. However, airplanes need adequate runway capacity. Also, airplanes need adequate access to gates. Without either, the benefit of air traffic control improvements will be lessened. The point is we have to make some decisions in our country about building infrastructure or we will have our airlines in a stalemate and not being able to expand. Significantly, newer competitive entrants will be blocked out of markets and consumers will be deprived of the benefits vigorous air service competition brings.

Our airport capacity challenges are not going to go away. In fact, they clearly will escalate as more and more people fly. Currently, more than 1.5 million people board commercial airplanes in the United States each and every day. Within the next four years, the number of daily boardings is forecast to climb to almost 2 million. We cannot ignore our airport infrastructure challenges. We should meet our long-term transportation infrastructure challenges head-on.

Airport capacity is but one of many challenges. Aviation is another critically important challenge. Our people expect the finest aviation safety system in the world. I am committed to working to ensure our travelling public receives nothing less than that. Currently, I serve as a representative to the Gore Commission on Aviation Safety and Security. As Chairman of the Commerce Committee, I have held numerous safety oversight hearings this Congress. In fact, we held a closed hearing on aviation security just this morning which included FAA Administrator David Hinson. In the past, on numerous occasions we have heard testimony from the National Transportation Safety Board, and its Chairman Jim Hall, who is doing an outstanding job.

The point I am making is that all these problems of aviation —international, national, and local—tie together. We have a very challenging situation to meet the aviation needs of our country both locally, nationally and internationally. This bill before the Senate which reauthorizes the FAA is a step forward. It is a good bill. It has been worked out carefully and in a bipartisan manner. It is a key part of that big picture that I covered so briefly here. I am proud to have worked with Senators MCCAIN, FORD, STEVENS and many others. I am glad to enthusiastically support this bill and urge my colleagues to do so as well.

I yield the floor.

AMENDMENT NO. 5364

(Purpose: To amend the Employee Retirement Income Security Act of 1974 with respect to the auditing of employee benefit plans)

Mr. SIMON. Mr. President, I offer an amendment on behalf of Senator JEFFORDS and myself.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself and Mr. JEFFORDS proposes an amendment numbered 5364.

Mr. SIMON. 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:

At the appropriate place in the bill, insert the following new section:

SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

Mr. SIMON. It will be a great disappointment but I will only speak about 5 minutes on this amendment. I offer this amendment on behalf of Senator JEFFORDS and myself, an amendment that does not have anything to do with aviation, but we need a vehicle on a bill that is eminently sound and is really needed.

Mr. President, we have right now $3 trillion worth of pension funds that are backed by ERISA. Of those $3 trillion, better than $2 billion, almost $2.1 billion, are adequately audited.

The GAO and the inspector general of the Department of Labor say that we should do away with what is called the limited scope audit. Now, what is a limited scope audit? A limited scope audit permits a bank or an insurance company simply to sign a statement to a pension fund, saying we have $300 million in assets, period. This bill does away with that because we have $950 billion worth of taxpayer funds at risk if we do not modify this. That is what GAO tells us and this bill is what GAO has recommended.

Let me just add, this does not require the pension fund to go in an audit. I assume a bank or an insurance company will have their own auditor. This simply says we need an audit report, not simply a one-line statement saying that they have so many million dollars in assets.

Let me just read one section here: "If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic"—and so forth.

So we permit those institutions to use their own audits.

I was stunned, frankly, when I heard that we do not have adequate auditing on $950 billion worth of employee pension funds. That is what this takes care of. The accounting profession is for it. People who have examined this are astounded that we have not done it before. I understand the reluctance on the part of the Senator from Arizona to take an amendment that has nothing to do with aviation. But if we are going to protect the taxpayers on this—and I know my friend from South Dakota, the Presiding Officer, wants to protect the taxpayers, the Senator from Kentucky does, and all of us do—this is a chance to do it.

I hope that this will be accepted when we vote tomorrow.

Mr. President, unless anyone has any questions or anyone seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, at this time, I ask unanimous consent that all amendments that are on the list submitted earlier under a unanimous-consent agreement be filed by 11 o'clock tomorrow.

Mr. President, before you rule on that, I want to point out that that does not preclude extended debate. There are no time limits involved in that. It simply requires that the amendments on the list be filed by the hour of 11 a.m. tomorrow morning.

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

Mr. MCCAIN. Mr. President, again, I remind my colleagues that there are still a number of these amendments on the list. I believe that a large number of them have been taken care of in the managers' amendment. But both the majority leader and the Democratic leader have stated that we won't stay on this bill more than an hour or so in order to dispense with it and get final passage.

I want to also thank, again, my dear friend from Kentucky for all of his help tonight, and, hopefully, he and I will be able to conclude this legislation tomorrow at a very early time.

Mr. FORD. Mr. President, I am glad to cooperate with my friend in getting any kind of objections to his unanimous-consent agreement worked out. I think we are at a position where, if we just sit down and be reasonable tomorrow, we can move very quickly. I hope that the majority leader will not entertain the notion to pull this bill down if we can't finish it in an hour or so tomorrow. I think there is too much in this bill, and we have worked too hard and come too far for that even to be considered.

I hope that we can go ahead and move this bill and move it expeditiously, and that we are not in a position where we have to do it in an hour or hour and a half or 2 hours. On the other hand, I think as amendments are offered we should attempt to try to limit each of those amendments by some time agreement as it relates to the amendment being considered at the time. Or we might work our list. We could work our list tomorrow and see how much time would be needed by each presenter, and maybe we could have a time agreement or a UC early tomorrow.

I will attempt to look at these amendments and see if there is a time agreement. I am going to call some of the Senators and say, "Your amendment is in the managers' amendment. There was nothing wrong with it, so your name gets scratched." So I am going to proceed on that basis and attempt to help my friend and see if we can't secure some time agreements prior to 11 o'clock tomorrow.

Mr. MCCAIN. I thank my friend. Mr. President, just to clarify, there is also permitted under this UC—because it is not precluded—second-degree amendments that are relevant. So my colleagues, I hope, will not make use of that.

MORNING BUSINESS

Mr. MCCAIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

HONORING THE EKENS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death do us part seriously, demonstrating successfully the

timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Truman and Dorothy Eken of Sedalia, MO, who on August 25, 1996 celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Truman and Dorothy's commitment to the principles and values of their marriage deserves to be saluted and recognized.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 16, the Federal debt stood at $5,217,327,143,659.08.

Five years ago, September 16, 1991, the Federal debt stood at $3,624,324,000,000.

Ten years ago, September 16, 1986, the Federal debt stood at $2,106,332,000,000.

Fifteen years ago, September 16, 1981, the Federal debt stood at $981,709,000,000.

Twenty-five years ago, September 16, 1971, the Federal debt stood at $415,132,000,000. This reflects an increase of more than $4 trillion ($4,802,195,143,659.08) during the 25 years from 1971 to 1996.

TRIBUTE TO SENATOR HANK BROWN

Mr. HEFLIN. Mr. President, our friend and colleague from Colorado, Senator HANK BROWN, will be leaving at the end of the 104th Congress after only one term in the Senate. But, he will nevertheless leave a lasting legacy of accomplishment that matches that of others who have served here for far longer periods. I have had the pleasure of serving with HANK on the Judiciary Committee during the last few years. His leadership on that committee and his contributions to our sometimes controversial debates were always thoughtful, analytical, fair, and respectful. He has been firm in his beliefs and opinions, but never failed to listen and consider those of the other members of the committee.

Senator BROWN has also been an outstanding leader on military, foreign policy, trade, budgetary, and a host of other issues. I was especially impressed with his efforts to resolve the dispute with Pakistan over certain weapons transfers. He was able to forge a compromise between the administration and Congress which serves our national interests as well as those of India and Pakistan. He has covered a great deal of public policy territory during his relatively short tenure in the Senate.

HANK BROWN was born in Denver, CO, on February 12, 1940. He received his bachelor's degree from the University of Colorado in 1961 and his law degree from there in 1969. He began his career as an accountant. He received a master of tax law degree from the George Washington University here in Washington in 1986, while serving in the House of Representatives.

The future Senator from Colorado served as a lieutenant in the U.S. Navy from 1962 to 1966, including service as a forward air controller in Vietnam. He was awarded the Air Medal with two gold stars, the Vietnam Service Medal, Naval Unit Citation, and National Defense Medal. He served in the Colorado State Senate from 1972 to 1976, where he was the assistant majority leader for 2 years. In 1973, he was named "Outstanding Young Man of Colorado."

In 1980, he was elected to the House of Representatives, serving there until his election to the Senate in 1990. While he was in the House, he sponsored the first wild and scenic river designation for the Cache La Poudre River, and worked to expand the Rocky Mountain National Park. He also sought tougher child support enforcement mechanisms and specialized in ethics issues as a member of the House Ethics Committee. Likewise, he has been an outspoken leader in urging Congress to be covered by the civil rights and labor laws it imposed on others. The Congressional Accountability Act, which passed the Congress and was signed into law in early 1995, was due in large measure to his efforts on this issue.

Senator HANK BROWN has been a true friend to the people of Colorado and an outstanding legislator who consistently strived to do what was best for the Nation. His presence will be sorely missed when the next Congress convenes early next year, but I join my colleagues in congratulating and commending him for his public service and in wishing him and his family well as he moves on to the next phase of his life.

TRIBUTE TO SENATOR WILLIAM S. COHEN

Mr. HEFLIN. Mr. President, our distinguished colleague from Maine, Senator WILLIAM COHEN, will be leaving the Senate at the end of the 104th Congress. His departure will leave a void for his State of Maine and for the Nation that will be extremely difficult to fill. We were both first elected to the Senate in 1978 and will now be leaving together. He has been a true friend and a wonderful colleague to serve with over these last 18 years.

In addition to being an outstanding Senator and leader on a wide range of issues, Senator COHEN is an accomplished poet and spy novelist in his own right. Among his books are: "Of Sons and Seasons," "Roll Call," "Getting the Most Out of Washington," "The Double Man," which he wrote with former Senator Gary Hart, "A Baker's Nickel," "Men of Zeal," which he wrote with former Maine Senator and Majority Leader George Mitchell, "One-Eyed Kings," and "Murder in the Senate."

Altogether, Senator COHEN will have served for 25 years in Congress when he retires. Born in 1940, his father was a baker in Bangor, ME. He received his bachelor of arts degree from Bowdoin College in 1962 and his law degree from Boston University 3 years later. He later became the assistant county attorney for Maine's Penobscot County and was elected vice president of the Maine Trial Lawyers Association in the early 1970's. He was the mayor of Bangor, ME and a fellow at the John F. Kennedy Institute of Politics. He was elected to the 93d Congress on November 7, 1972, and served in the House until his election to the Senate 6 years later.

As a Member of Congress, WILLIAM COHEN has not been afraid to break with his party when his conscience dictated it. Overall, he has been a leading advocate of a more assertive American defense posture. This was his view long before the defense build-up of the 1980's. As a Senate candidate in 1978, his platform was military preparedness and when he arrived here, he immediately got a seat on the Armed Services Committee. He opposed the SALT II Treaty, strongly supported President Reagan's defense build-up, and spoke out against the nuclear freeze. He condemned Saddam Hussein's regime in Iraq for using chemical weapons long before the invasion of Kuwait in August 1990 and in July of that year was instrumental in the debate over sanctions against Iraq. He served as vice chairman of the Senate Intelligence Committee during the late 1980's, working closely with its chairman, Senator David Boren. He also served on the Iran-contra committee, on which I served as well.

On trade issues, he has been for free but fair trade. He has worked to ban the import of underweight lobsters and opposed the American-Canadian Free Trade Agreement.

Senator COHEN is known as somewhat of a maverick, but there is no question that he put the concerns of his country and State at the top of his agenda. There is a great need for mavericks—really, I should call them independents. There is also no question that his sincere interest and leadership in public policy issues at the national level has led to many benefits for the American people in general. He will be sorely missed after he leaves the Senate early next year, but I join my colleagues in wishing him and his lovely wife, Janet Langhart-Cohen, well as he embarks on a new phase of his life. I also look forward to reading more of his novels in the years to come.

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 7:53 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment.

S. 677. An act to repeal a redundant venue provision, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2679) to revise the boundary of the North Platte National Wildlife Refuge.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1997" (Rept. No. 104–370).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officers for promotion in the line in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Daniel R. Bowler, [redacted] U.S. Navy.
Capt. John E. Boyington, Jr. [redacted] U.S. Navy.
Capt. John T. Byrd [redacted] U.S. Navy.
Capt. John V. Chenevey [redacted] U.S. Navy.
Capt. Ronald L. Christenson [redacted] U.S. Navy.
Capt. Albert T. Church, III [redacted] U.S. Navy.
Capt. John P. Davis [redacted] U.S. Navy.
Capt. Thomas J. Elliott, Jr. [redacted] U.S. Navy.
Capt. John B. Foley, III [redacted] U.S. Navy.
Capt. Kevin P. Green, [redacted] U.S. Navy.
Capt. Alfred G. Harms, Jr., [redacted] U.S. Navy.
Capt. John M. Johnson, [redacted] U.S. Navy.
Capt. Herbert C. Kaler [redacted] U.S. Navy.
Capt. Timothy J. Keating [redacted] U.S. Navy.
Capt. Gene R. Kendal [redacted]
Capt. Timothy W. LaFleur [redacted]
Capt. Arthur N. Langston, III [redacted]
Capt. James W. Metzger, [redacted]
Capt. David P. Polatty, III [redacted]
Capt. Ronald A. Route [redacted]
Capt. Steven G. Smith [redacted]
Capt. Thomas W. Steffens, [redacted]
Capt. Ralph E. Suggs, [redacted]
Capt. Paul F. Sullivan [redacted]

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Roland B. Knapp, [redacted] U.S. Navy.
Capt. Kathleen K. Paige [redacted] U.S. Navy.

SPECIAL DUTY OFFICER (INTELLIGENCE)

To be rear admiral (lower half)

Capt. Perry M. Ratliff, [redacted] U.S. Navy.

The following named officer for reappointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a) and 3036:

To be chief of engineers

To be lieutenant general

Maj. Gen. Joe N. Ballard [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. Edward G. Anderson, III [redacted] United States Army.

The following named officer for appointment in the Reserve of the Air Force, to the grade indicated, under the provisions of title 10, U.S.C., sections 8374, 12201, 12204, and 12212:

To be brigadier general

Brig. Gen. Dwight M. Kealoha, USAF (Retired), [redacted] Air National Guard.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a);

To be lieutenant general

Maj. Gen. Normand G. Lezy [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be lieutenant general

Maj. Gen. William P. Hallin [redacted]

The following named officer for reappointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601;

To be lieutenant general

Lt. Gen. George T. Babbitt, Jr. [redacted]

The following named officer for promotion in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

MEDICAL CORPS

To be rear admiral (lower half)

Capt. Bonnie B. Potter, [redacted] U.S. Navy

The following named Judge Advocate General's Corps Competitive Category officers for promotion in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., section 611(a) and 624(c):

To be brigadier general

Col. Joseph R. Barnes [redacted]
Col. Michael J. Marchand [redacted]

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. John A. Gordon, [redacted] United States Air Force.

The following named officer for promotion in the Naval Reserve of the United States to the grade indicated under title 10, U.S.C., section 5912:

CIVIL ENGINEER CORPS OFFICER

To be rear admiral

Read Adm. (1h) Thomas Joseph Gross, [redacted] U.S. Naval Reserve.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. William J. Donahue [redacted]

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 8374, 12201 and 12212:

To be brigadier general

Col. Gerald W. Wright [redacted] Air National Guard of the United States.

The following named officer for appointment to the grade of lieutenant general in the United States Air Force while assigned to a position of importance and responsibility under title 10, U.S.C. section 8036:

SURGEON GENERAL OF THE AIR FORCE

To be lieutenant general

Maj. Gen. Charles H. Roadman, II [redacted]

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, U.S.C. sections 3385, 3392 and 12203(a):

To be major general

Brig. Gen. Carroll D. Childers [redacted]
Brig. Gen. Cecil L. Dorton [redacted]
Brig. Gen. Clyde A. Hennies [redacted]
Brig. Gen. Warren L. Freeman [redacted]

To be brigadier general

Col. John E. Barnette [redacted]
Col. Roberto Benavides, Jr. [redacted]
Col. Ernest D. Brockman, Jr. [redacted]
Col. Danny B. Callahan [redacted]
Col. Reginald A. Centracchio [redacted]
Col. Terry J. Dorenbush [redacted]
Col. Thomas W. Eres [redacted]
Col. Edward A. Ferguson, Jr. [redacted]
Col. Gary L. Franch [redacted]
Col. Peter J. Gravett [redacted]
Col. Robert L. Halverson [redacted]
Col. Joseph G. Labrie [redacted]
Col. Bennett C. Landreneau [redacted]
Col. John W. Libby [redacted]
Col. Marianne Mathewson-Chapman [redacted]
Col. Edmond B. Nolley, Jr. [redacted]
Col. James F. Reed, III [redacted]
Col. Darwin H. Simpson [redacted]
Col. Allen E. Tackett [redacted]
Col. Michael R. Van Patten [redacted]

The following United States Army National Guard officers for promotion in the Reserve of the Army to the grades indicated

under title 10, U.S.C. sections 3385, 3392 and 12203(e):

To be major general

Brig. Gen. Frank A. Catalano, Jr. [redacted]

To be brigadier general

Col. Clarence E. Bayless, Jr [redacted]
Col. John D. Bradberry [redacted]
Col. Roger B. Burrows [redacted]
Col. William G. Butts, Jr. [redacted]
Col. Dalton E. Diamond [redacted]
Col. George T. Garrett [redacted]
Col. Larry E. Gilman [redacted]
Col. John R. Groves, Jr. [redacted]
Col. Hugh J. Hall [redacted]
Col. Elmo C. Head, Jr.
Col. Willie R. Johnson [redacted]
Col. Stephen D. Korenek [redacted]
Col. Bruce N. Lawlor [redacted]
Col. Paul M. Majerick [redacted]
Col. Timothy E. Neel [redacted]
Col. Jeff L. Neff [redacted]
Col. Anthony L. Oien [redacted]
Col. Terry L. Reed [redacted]
Col. Michael H. Taylor [redacted]
Col. Edwin H. Wright [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. Frederick E. Vollrath [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 3036:

TO BE SURGEON GENERAL, UNITED STATES ARMY

To be lieutenant general

Maj. Gen. Ronald R. Blanck [redacted]

The following named officers for promotion in the line in the Navy of the United States to the grade indicated under title 10, U.S.C., section 624:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Harry M. Highfill, [redacted] U.S. Navy.
Capt. Richard J. Naughton, [redacted] U.S. Navy.
Capt. William G. Sutton, [redacted] U.S. Navy.

The following named officer for reappointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under the provisions of Section 601, Title 10, United States Code:

To be lieutenant general

Lt. Gen. Anthony C. Zinni, [redacted]

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. William J. Hancock, [redacted]

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. William J. Fallon, [redacted]

The following named officer for reappointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Vice Adm. Conrad C. Lautenbacher, Jr., [redacted]

The following named officer for appointment to the grade of lieutenant general in the United States Army while assigned to a position of importance and responsibility under title 10, U.S.C., section 601(a):

To be lieutenant general

Maj. Gen. George A. Crocker, [redacted]

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 29 nomination lists in the Air Force, Army, Marine Corps and Navy which were printed in full in the CONGRESSIONAL RECORDS of December 11, 1995, May 22, 1996, July 11, 17, 19, and 29, 1996, September 3, and 9, 1996, 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 December 11, 1995, May 22, 1996, July 11, 17, 19, 29, September 3, and 9, 1996, at the end of the Senate proceedings.)

In the Air Force there is one promotion to the grade of lieutenant colonel (Edgar W. Hatcher) (Reference No. 1267).

In the Air Force and Air Force Reserve there are 11 appointments to the grade of colonel and below (list begins with Malcolm N. Joseph III) (Reference No. 1268).

In the Army there is one appointment as permanent professor at the United States Military Academy (Colonel George B. Forsythe) (Reference No. 1269).

In the Marine Corps there are four promotions to the grade of major (list begins with Gary J. Couch) (Reference No. 1270).

In the Marine Corps there are two promotions to the grade of major (list begins with Ralph P. Dorn) (Reference No. 1271).

In the Marine Corps there is one promotion to the grade of lieutenant colonel (George W. Simmons) (Reference No. 1111).

In the Army there are 1,576 promotions to the grade of major (list begins with Anthony J. Abati) (Reference No. 1198).

In the Air Force and Air Force Reserve there are 22 appointments to the grade of colonel and below (list begins with Jeffrey I. Roller) (Reference No. 1202).

In the Army Reserve there is one appointment to the grade of lieutenant colonel (Donald G. Higgins) (Reference No. 1203).

In the Army Reserve there are 13 promotions to the grade of colonel and below (list begins with Robert M. Carrothers) (Reference No. 1206).

In the Army Reserve there are 37 promotions to the grade of colonel and below (list begins with James R. Barr) (Reference No. 1207).

In the Air Force there are 12 appointments to the grade of second lieutenant (list begins with Michael P. Allison) (Reference No. 1220).

In the Marine Corps there are five promotions to the grade of lieutenant colonel and below (list begins with Robert E. Carney) (Reference No. 1221).

In the Marine Corps Reserve there are 34 promotions to the grade of colonel (list begins with Craig T. Boddington) (Reference No. 1222).

In the Air Force there are 66 promotions to the grade of major (list begins with John W. Baker) (Reference No. 1223).

In the Navy there are two promotions to the grade of lieutenant commander (list begins with Aaron C. Flannery) (Reference No. 768).

In the Marine Corps there is one promotion to the grade of lieutenant colonel (John C. Sumner) (Reference No. 1272).

In the Navy there is one promotion to the grade of captain (John L. Willson) (Reference No. 1273).

In the Navy there is one promotion to the grade of lieutenant commander (Eric L. Pagenkopf) (Reference No. 1274).

In the Marine Corps there are 58 appointments to the grade of captain (list begins with Michael G. Alexander) (Reference No. 1275).

In the Marine Corps Reserve there are 150 promotions to the grade of lieutenant colonel (list begins with James R. Adams) (Reference No. 1276).

In the Navy there are 427 promotions to the grade of commander (list begins with Daniel C. Alder) (Reference No. 1277).

In the Naval Reserve there are 768 promotions to the grade of commander (list begins with James C. Ackley) (Reference No. 1278).

In the Navy there are 774 promotions to the grade of lieutenant commander (list begins with Gregorio A. Abad) (Reference No. 1279).

In the Air Force Reserve there are 26 promotions to the grade of lieutenant colonel (list begins with John W. Amshoff, Jr.) (Reference No. 1282).

In the Marine Corps there are three appointments to the grade of lieutenant colonel and below (list begins with Timothy Foley) (Reference No. 1283).

In the Naval Reserve there are 153 promotions to the grade of captain (list begins with Robert E. Aquirre) (Reference No. 1284).

In the Naval Reserve there are 382 promotions to the grade of commander (list begins with David W. Anderson) (Reference No. 1285).

In the Air Force there are 1,609 promotions to the grade of colonel and below (list begins with Johnny R. Almond) (Reference No. 1296).

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. HARKIN:

S. 2080. A bill to save taxpayer money by reducing the unnecessary increase in Pentagon spending in fiscal year 1997; to the Committee on Armed Services.

S. 2081. A bill to limit Department of Defense payments to contractors for restructuring costs associated with business combinations; to the Committee on Armed Services.

By Mr. DORGAN (for himself and Mr. ROBB):

S. 2082. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 2083. A bill to amend title 18, United States Code, to set forth the civil jurisdiction of the United States for crimes committed by persons accompanying the Armed

Forces outside of the United States, and for other purposes; to the Committee on Armed Services.

S. 2084. A bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. FORD):

S. 2085. A bill to authorize the Capitol Guide Service to accept voluntary services; considered and passed.

By Mr. PRESSLER (for himself, Mr. LOTT, Mr. BAUCUS, Mr. HATCH, Mr. D'AMATO, Mr. NICKLES, Mr. GORTON, Mr. HATFIELD, Mr. BURNS, and Mrs. MURRAY):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States business operating abroad, and for other purposes; to the Committee on Finance.

By Mr. KERRY:

S. 2087. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S.J. Res. 60. A joint resolution to disapprove the rule submitted by the Health Care Financing Administration on August 30, 1996, relating to hospital reimbursement under the medicare program; read twice.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FORD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. GRASSLEY, Mr. COVERDELL, and Mr. FRIST):

S. Res. 293. A resolution saluting the service of Howard O. Greene, Jr. to the United States Senate; considered and agreed to.

By Mr. STEVENS:

S. Res. 294. A resolution to provide for severance pay; considered and agreed to.

By Mr. NICKLES (for himself, Mr. NUNN, Mr. COATS, Mr. ASHCROFT, and Mr. HELMS):

S. Con. Res. 71. A concurrent resolution expressing the sense of the Senate with respect to the persecution of Christians worldwide; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN:

S. 2080. A bill to save taxpayer money by reducing the unnecessary increase in Pentagon spending in fiscal year 1997; to the Committee on Armed Services.

PENTAGON BUDGET REQUEST LEGISLATION

• Mr. HARKIN. Mr. President, we must maintain a strong national defense. There can be no question about that. I believe part of that strength comes from wise use of taxpayer dollars. The $265.6 billion authorized by this Congress is $11.3 billion more than the Pentagon requested. I am offering this bill today to roll back this addon and restore the Pentagon's requested level. It directs the Secretary of Defense to achieve this goal by making adjustments that do not jeopardize our military readiness or the quality of life of our military personnel.

The Secretary of Defense should not have trouble finding areas to trim. This budget adds less than $1 billion for readiness and quality-of-life issues. Too much of the rest is for gold-plated hardware and questionable weapons development.

Some star wars items, like the space-based laser system at an additional $70 million, or the kinetic energy antisatellite program at an additional $75 million, are expensive, destabilizing, and probably won't work. Other items, like the Kiowa helicopter, at an additional $190 million have missions that can be filled by other weapons at less cost. In this era of tight budgets, when we are slashing other programs, I don't see how we can justify these unwise, unwanted, unnecessary and untimely expenditures.

Mr. President, this simply defies common sense. The cold war is over.

The proposed increase, by itself, is only slightly smaller than the combined defense budgets of North Korea, Iraq, Syria, Iran, and Cuba. I think the American taxpayers are owed an explanation of this excessive spending.

I would like to know how my colleagues plan to pay for such extravagance in this time of constrained spending. This bill will either steal from parts of government that are already doing their part to reduce the deficit, or it will add billions of dollars to the deficit. We simply can't avoid one of these consequences.

Mr. President, let me put the magnitude of this fiscal irresponsibility into perspective. The $11.3 billion bonus is almost equal to the budgets of the National Institutes of Health and the Transportation Department. It's about twice the budget of the Interior Department and the Environmental Protection Agency, and it's almost four times larger than the budget of the National Science Foundation. Furthermore, for this amount of money we could fund the Pell Grant Program for 2 years or we could fund the Head Start Program for over 2½ years.

To look at it in terms of my State of Iowa, this addon of $11.3 billion is almost three times the budget for the entire State of Iowa. Iowans could fund their K–12 education system, some 500,000 pupils in about 380 school districts, for 5 years. At the current spending and enrollment levels, the $11.3 billion could fund Iowa State University for 94 years, the University of Iowa for 99 years, the University of Northern Iowa for 166 years, or all three together for 38 years.

We simply can't justify this excessive spending, we shouldn't ask our constituents to fork over $11.3 billion for programs the Pentagon does not need or could safely delay.

It's time for some fairness. It's time for some common sense. And fairness tells us that the Pentagon shouldn't be exempt from our efforts to balance the budget. Common sense dictates that we can't afford $11.3 billion in addons over what the Pentagon and the Joint Chiefs of Staff say we need to maintain a strong national defense. I urge my colleagues to join me in support of this commonsense bill to cut the deficit and put our priorities back in order.•

By Mr. HARKIN:

S. 2081. A bill to limit Department of Defense payments to contractors for restructuring costs associated with business combinations; to the Committee on Armed Services.

CORPORATE MERGERS LEGISLATION

• Mr. HARKIN Mr. President, I introduce a bill that will put a moratorium on taxpayer subsidies for mergers between defense contractors, and give the Government the tools to monitor these deals and recoup any overpayments.

To quote Lawrence Korb, Assistant Secretary of Defense under President Reagan in a recent article in the Brookings Review, "Remember the $600 toilet seats and the $500 hammers that had taxpayers up in arms during the mid-1980s? Today's subsidized mergers are going to make them look like bargains."

Here is what some public interest groups say about the policy:

The CATO Institute—"The costs associated with mergers should not be absorbed by federal taxpayers. This is a egregious example of unwarranted corporate welfare in our budget."

Taxpayers for Common Sense—"It's time for the Pentagon to drop this ridiculous 'money for nothing' policy."

Project on Government Oversight—"The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars."

In 1993 then Undersecretary of Defense John Deutch made a major policy change with regard to Defense Department acquisition practices. His decision allowed the DOD to start subsidizing defense contractor mergers.

The taxpayers have already paid $300 million to wealthy defense contractors and the GAO estimates that they will pay another $2 billion or more in the next few years.

If Deutch's decision was a policy change, as I believe, then the proper procedures were not followed. The new policy was never printed in the Federal Register and there was no opportunity for public comment on it, so the contracts written under this policy may be invalid.

If it was a clarification of policy, as the proponents claim, then the taxpayers may be liable for paying restructuring costs on mergers all the way back to the 1950's. The cost to American taxpayers could be staggering.

In either case, the decision involves an interpretation of the Federal Acquisition Regulations [FAR] and may allow contractors for all Federal agencies and departments to collect such costs. Imagine Medicare paying restructuring costs for all Federal agencies and departments to collect such costs. Imagine Medicare paying restructuring costs for all major hospital mergers. This could add billions of taxpayers dollars to the total cost of this policy.

Proponents claim the subsidies save taxpayers money, but the record on these savings is spotty at best. According GAO studies of two business combinations the measured savings are far less than the amount promised. In one case the GAO found that "the net cost reduction certified by DOD represents less than 15 percent of the savings . . . projected to the DOD 2 years earlier when they sought support for the proposed partnership."

Moreover, the cost accounting is incomplete and there is no way for taxpayers to recoup the costs when the amount paid to contractors exceeds the actual benefit received. The current practice is to measure only costs to the Department of Defense when contractors merge and give thousands of hard-working Americans the boot. The costs associated with Government subsidized social services like worker retraining are not tallied. Neither are the costs associated with lost payroll tax revenue. My bill would fix these deficiencies.

Although I believe this practice must stop, I realize that is too new for most to make an informed decision about. That is why I am offering this very moderate bill. It will merely put a 1-year moratorium on these payments so that the Comptroller General can give us the tools we need to take a close look at the policy and ensure that the taxpayers recoup any payments in excess of realized benefits. It will also allow us to have hearings on this far-reaching policy change.

So, again Mr. President, this modest bill will give us the time and tools we need to thoroughly examine this policy. I urge my colleagues to support this common sense bill so that we can study this issue with all the care that it deserves.●

By Mr. DORGAN (for himself and Mr. ROBB):

S. 2082. A bill to amend title 18, United States Code, to eliminate good-time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the committee on the Judiciary.

THE 100 PERCENT TRUTH IN SENTENCING ACT

● Mr. DORGAN. Mr. President, last Friday I spoke on the Senate floor about legislation that I am proposing to make Americans safer in their homes and communities. Today I am formally introducing that legislation, and I wanted to take a few moments to describe in further detail what my bill would do and why it is needed.

All of us who are concerned about violent crime in this country know that the causes of crime are complex and difficult. I certainly do not pretend to have all the answers. But there are some basic, commonsense steps we can take to reduce the amount of violent crime in this country—the first of which is to keep those people that we know are violent criminals off the streets.

My bill, the 100 Percent Truth in Sentencing Act, will eliminate the award of good-time credits for violent offenders in the Federal prisons and require violent offenders to serve 100 percent of their sentences. This is not a punitive action against criminals; it is a preventive action against violent crime.

Let me tell you why my bill will save lives and prevent violent crime. It does not take a genius to know who will commit the next crime—likely, it will be someone who already committed a crime. One-third of all violent crime is committed by someone who is already know to the criminal justice system and is "under supervision"—that is, out on the streets because of parole, probation, or pretrial release.

This frightening statistic is not the result of actions by just a few hardened criminals. Rather, the majority of violent offenders will be rearrested for another crime within 3 years of their release. Fully one-third of all violent criminals released from prison will be rearrested for another violent crime within that timeframe.

These statistics are well known and undisputed, yet more than 90 percent of violent criminals are released early from prison. Back in 1984, we acknowledged that early release leads to more violent crime and, as a result, we abolished parole in the Federal system. But our system continues to award "good-time" credits—essentially, time off for good behavior—to the most violent felons in the system. The reason is that good time credits are awarded automatically to almost every inmate. In the Federal prison system, every prisoner—regardless of how brutal their crime—receives 54 days of good time per year unless they violate significant prison rules.

I could spend hours telling you about violent offenders who were released early from Federal prisons, but let me tell you about just one of them. Martin Link has a long history of brutal, violent crime. In 1982, he grabbed a 15-year-old girl in an alley in south St. Louis, sodomized her, and tried to rape her. In 1983, he forced another young girl into his car, took her to East St. Louis, and raped her. Although he was sentenced to 20 years in Federal prison, he was released in 6 years because of combined good time credits and parole. Soon afterward, he got a year's probation for soliciting sex from an undercover agent.

The next year, in 1990, he stole a car, but was still on the streets in 1991 when he murdered 11-year-old Elissa Self-Braun while she was walking home from her schoolbus. The same month that he murdered Elissa, according to the St. Louis Post-Dispatch, Link robbed, sodomized, and tried to rape a woman he grabbed at a self-service laundry, snatched another woman's purse, tried to rape another woman at knifepoint, almost abducted an 8-year-old girl, and held up an ice cream shop. If Link had served his full sentence for an earlier abduction and rape, none of these crimes would have been committed and Elissa would be alive today.

Link is now serving a sentence of life in prison without parole. But in my view, the death of little Elissa was completely preventable and inexcusable. We know that violent criminals often repeat their crimes. At a minimum, we must take steps to keep violent offenders behind bars for the full terms of their sentences.

This bill is not my first attempt to end good time for violent offenders. In 1994, I offered an amendment to the Violent Crime Control and Law Enforcement Act of 1994 designed to eliminate good time for all violent offenders unless they exhibited "exemplary" behavior while in prison. My intent was that only those violent offenders who demonstrated that they were rehabilitated would be released from Federal prison before the end of their sentences.

That amendment was accepted and is now law. Unfortunately, the Justice Department has interpreted that provision to mean that violent offenders will continue to receive automatic good time credits unless they break significant prison rules. This was not the intent of my amendment in 1994, and the bill I am now offering clarifies my position: violent offenders should remain in jail until they have completed their court-imposed sentences.

Prison officials tell me that they rely on good time credits as a disciplinary tool. On a recent visit to a Federal prison, officials told my staff that Federal inmates are increasingly young, undisciplined, violent, and unpredictable. "Without good time to use as an incentive to control inmates," one official confided, "we would fear for the lives of our prison guards!"

I am very sympathetic to the arguments they raise. It is the job of prison

administrators to control inmate populations and ensure a safe, orderly prison atmosphere. I would not take unnecessary risks with that important goal. However, it is our job, as United States senators, to secure the safety of those who live outside the prison walls—law-abiding citizens taking an evening stroll, or stopping at the ATM machine, or, like Elissa Self-Braun, walking to a school bus from our home. To argue that inmates are too dangerous to keep in jail is outrageous and unacceptable.

I am also skeptical that good time is a necessary or effective disciplinary tool in most cases. Prison officials have a broad range of disciplinary tools at their disposal, including visitation and telephone privileges, recreation time, commissary privileges, and work opportunities. Most of these incentives provide an immediate reward, while the reward of good time credits is not realized for many months, and often years, after the desired behavior. I am not a psychologist, but it seems to me that young, impetuous criminals are more likely to appreciate an immediate, rather than a long delayed, reward.

In fact, statistics compiled by the Office of Justice Statistics seem to support this theory. Over the last few years, the incidence of violent misconduct in federal prisons has declined by more than 30 percent, even though prison officials no longer have parole as an incentive and the amount of allowable good time has decreased from as much as 120 days per year (prior to 1984) to 54 days.

The bottom line is this: early release for violent offenders costs lives. Today, there are more than 100,000 inmates in nearly 90 federal prisons and in contract facilities across the country. About 20,000 of these inmates are serving time for a violent offense. If they are released early from prison, 7,200 will be re-arrested for a violent crime within 3 years of their release.

My bill, the 100 Percent Truth In Sentencing Act, is the most straightforward, common sense approach that I have seen for putting violent criminals behind bars and keeping them there. Senator ROBB already has agreed to join me in co-sponsoring this legislation, and I hope all my colleagues will do the same.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 2082

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 "100 Percent Truth in Sentencing Act".

SEC. 2. ELIMINATION OF CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.

Section 3624(b) of title 18, United States Code, is amended—

(1) by striking "(1) A prisoner" and inserting "(1)(A) Subject to subparagraph (B), a prisoner";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(B) A prisoner who is serving a term of imprisonment of more than 1 year for a crime of violence shall not be eligible for credit toward the service of the prisoner's sentence under subparagraph (A).".●

By Mr. DEWINE:

S. 2083. A bill to amend title 18, United States Code, to set forth the civil jurisdiction of the United States for crimes committed by persons accompanying the Armed Forces outside of the United States, and for other purposes; to the Committee on Armed Services.

THE MILITARY AND CIVILIAN LAW COORDINATION ACT

● Mr. DEWINE. Mr. President, I believe certain elements of the U.S. military justice system need to be reformed. For example, current conditions contain loopholes that allow military criminals to receive pay—even after conviction. They allow nonmilitary personnel residing on military bases who commit crimes to escape criminal prosecution. And they allow military personnel who have committed crimes to be discharged without their criminal records being included in the FBI's National Crime Information Center system.

I believe we must close these loopholes.

Mr. President, under current law, a soldier sentenced to and awaiting dishonorable discharge, remains on the taxpayer's payroll, unless otherwise ordered by the military court. While in military custody, that lawbreaker continues to collect a paycheck from the rest of tax-paying America.

Mr. President, this simply should not be the case, in the streets of Cleveland, Seattle, or Denver, when a criminal breaks the law, he is removed from those streets. When he is allowed to return to those streets, his time in jail will have cost him a few things. Of course, chief among these things is his loss of freedom for the period of confinement. But he will also not collect a paycheck while incarcerated. We do not pay and should not pay our prisoners for serving their time in jail.

A Cincinnati man, convicted of rape, burglary, and assault by a military tribunal, later collected something on the order of $40,000, after taxes, for serving out his sentence. A Wright-Patterson Air Force Base airman, convicted of molesting a 4-year-old girl, has collected an average of $4,700 per month while serving out his sentence. Three years after his confession, he had received $148,616 from the U.S. taxpayers. He even received raises while behind bars.

There are many such stories, Mr. President.

This bill addresses that injustice to the taxpayer. This bill makes that lawbreaker serve out the sentence he has earned—at his own expense. It is already enough of a burden that the taxpayer has to pay for the room and board of that prisoner during the sentence, after he or she already paid more than enough to train and keep that soldier.

The loss of opportunity and earnings should be something the criminal pays for himself, the taxpayer should not pay for it. When that soldier breaks the law—and in doing so, breaks his agreement with the taxpayer—that should be the end of the taxpayer's responsibilities.

Once that soldier decides he no longer wants to be a law-abiding citizen, he is on his own, financially and otherwise. Mr. President, again, we should not pay our criminals for serving out their sentences.

My bill addresses another important gap in the law. Under current law, many illegal acts committed abroad by U.S. soldiers or accompanying civilians go unaddressed by the military courts. The prosecution of these crimes is left to the discretion of a military court, which often decides to do no more than hand down a dishonorable discharge, unleashing that criminal on civilian society. This should not be the case. Mr. President, there should be no geographical limits to the law.

This bill guarantees that a soldier or accompanying civilian abroad, committing an illegal act punishable under the United States Code by more than a year's imprisonment, will be handed over to civilian authorities for prosecution under the United States Code. The military should not be able to rid itself of its criminals at the expense of law abiding civilians. These criminals belong behind bars, not just out of the service and back in our streets. This bill will keep them out of our streets.

There is a final aspect of this bill intended to protect civilian Americans from the actions of enlisted criminals. This bill also mandates that when an enlisted criminal is discharged from the service, the military Secretary will turn over to the FBI all the criminal records of that soldier for inclusion in the FBI criminal records system. It also requires sex offenders who are discharged from the military to submit a DNA sample before discharge so that that sample can be included in the FBI's CODIS system.

Again, Mr. President, this is another way to protect the tax-paying, law-abiding American from dishonorably discharged criminals. Under current law, the criminal histories of these military personnel do not become part of the National Crime Information Center database and the FBI's CODIS system. This bill will ensure that they do.●

By Mr. PRESSLER (for himself, Mr. LOTT, Mr. BAUCUS, Mr. HATCH, Mr. D'AMATO, Mr. NICKLES, Mr. GORTON, Mr. HATFIELD, Mr. BURNS and Mrs. MURRAY):

S. 2086. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of U.S. business operating abroad, and for other purposes; to the Committee on Finance.

THE INTERNATIONAL TAX SIMPLIFICATION FOR AMERICAN COMPETITIVENESS ACT

• Mr. PRESSLER. Mr. President, I am pleased to introduce a bill today that would provide much-needed relief to American-owned companies that are struggling to compete in the world marketplace. This bill is an attempt to simplify the overly complex international tax rules. I wish to thank my fellow cosponsors for their support—Senators LOTT, BAUCUS, BURNS, D'AMATO, HATCH, HATFIELD, GORTON, MURRAY, and NICKLES.

America's economy is more and more linked to the success of our businesses in the international economy. That's not a surprise to any of us. As the economies of previously less-developed countries around the world begin to expand, and the economic boundaries between our countries become more blurred, it is increasingly important for our businesses to be able to operate abroad from their most competitive position. Restraining our own companies through redundant and unnecessary complexities in our own Tax Code dampens their ability to compete for foreign business. In the end, it only hurts our own economy.

There are many factors that affect U.S. world competitiveness—factors over which we have little control. I know our international trade negotiators labor hard to change those factors we can control, such as barriers to foreign markets and existing agreements designed to keep trade free and fair. This is an issue of importance to me. I have sought to open markets for many South Dakota products—wheat in Africa, beef in Asia, and pork products in the former Soviet Union.

While we have had some successes in opening markets, barriers remain. And I intend to push for open and fair trade among all of our trading partners. However, we can do more than just open barriers. We can reform our tax code in a way that will ensure continued U.S. success in the world economy. If we miss this opportunity, we risk the erosion of U.S. international competitiveness as countries with simple, favorable tax treatment of businesses lure away American businesses.

This is a risk that is very real. A recent report by the Financial Executives Research Foundation found some rather shocking declines in U.S. competitiveness. This report found that over the last three decades, the global economy has grown more rapidly than our own economy. This is due, in part, to the recovery of Japan and Europe from the aftermath of World War II, and as a consequence, the United States presence in global markets has become less prominent. Their findings comparing the first half of the 1990's with the 1960's found the U.S. share of world GDP has declined to 26 percent—from 40 percent; the U.S. share of cross-border investment has fallen to 25 percent—from 50 percent; and the U.S. share of world exports has dropped to 12 percent—from 17 percent. In 1960, 18 of the world's 20 largest corporations were headquartered in the U.S. Today, that number is a mere eight.

There is a strong correlation between American corporate competitiveness overseas and the ability of those companies to continue to provide jobs at home. A 1991 Council of Economic Advisors Economic Report to the President explained:

> In most cases, if U.S. multinational corporations did not establish affiliates abroad to produce for the local market, they would be too distant to have an effective presence in that market. In addition, companies from other countries would either establish such facilities or increase exports to that market. In effect, it is not really possible to sustain exports to such markets in the long run. On a net basis, it is highly doubtful that U.S. direct investment abroad reduces U.S. exports or displaces U.S. jobs. Indeed, U.S. direct investment abroad stimulates U.S. companies to be more competitive internationally, which can generate U.S. exports and jobs. Equally important, U.S. direct investment abroad allows U.S. firms to allocate their resources more efficiently, thus creating healthier domestic operations, which, in turn tend to create jobs.

Overseas operations are frequently necessary to reduce costs of production and transportation, and locating facilities abroad increases brand familiarity. Within the United States, export related jobs pay on average a significantly higher wage than non-export related jobs. All of these factors combine to strengthen the U.S. parent company and bolster our economy here at home.

The compliance costs associated with filing a tax return for overseas business operations of a U.S.-based company are staggering. My state of South Dakota is home to the credit card headquarters of Citibank. In its printed form, the Federal income tax return form for Citibank stands over 9 feet high—taking tens of thousands of hours to complete. The compliance cost burden associated with the foreign source income taxation rules is disproportionate to the amount of tax raised by these sections. For example, a 1989 study by the University of Michigan Office of Tax Policy Research, quoted in recent Financial Executives Research Foundation report, states that 39.2 percent of Federal income tax costs are attributable to foreign source income, while foreign operations represent only 21 percent of assets, 24 percent of sales, and 18 percent of employment. And a 1993 survey of 17 large multinationals indicates an even higher percentage of Federal income tax compliance costs are attributable to foreign source income (51 percent)—indicating that compliance costs associated with foreign source income amount to 8.5 percent of the Federal income tax collected from this source. In comparison, a European Commission report found that among European multinational corporations, there is no evidence that compliance costs are higher for foreign than domestic source income.

The bill I am introducing today seeks to simplify and correct various areas in the Code that are unnecessarily restraining U.S. businesses. Some changes are areas in need of repair, and some changes are to take into consideration international business operations that exist today, but which were domestic-only or nonexistent businesses when the 1986 tax reform laws were implemented.

One of the most substantive and important changes included in the bill would repeal the so-called 10/50 foreign tax credit basket rules that force U.S. corporations to calculate separate foreign tax credit limitations for each of its foreign joint venture businesses—foreign business operations in which it holds at least 10 percent but no more than 50 percent of the stock. Along with creating administrative nightmares for U.S. companies that may have hundreds of such foreign joint venture operations, these rules impede the ability of U.S. companies to compete in foreign markets.

Today, United States businesses find it necessary to operate in joint ventures overseas, particularly in emerging markets such as the People's Republic of China and the former Soviet Union. Such joint ventures are necessary often times because U.S. investors face significant local country legal and political obstacles to taking a controlling interest in foreign companies. This is particularly the case for telecommunications companies and other regulated businesses. While such joint ventures are thus necessary for U.S. companies to enter and compete in foreign markets, our current tax law acts to discourage such operations.

Our bill would eliminate the needless administrative hassles of current law and put U.S.-backed joint ventures on equal footing with competitors from other countries by replacing the 10–50 separate foreign tax credit limitation. The proposal would provide for so-called look-through treatment. That is, income from such entities would be computed for purposes of the foreign tax credit limitation based on the underlying character of the income earned by such corporations, as is the case for income earned through controlled foreign corporations.

Another important correction to current rules relates to Foreign Sales Corporation [FSC] treatment for software.

Ten years ago we did not have the level of software exports that we do today, and because the tax laws have not kept up with the changes in the high-technology business world, software exports are currently discriminated against by our own Tax Code. This bill would provide a legislative modification to the FSC statute to provide the same tax benefits for licenses of computer software as are currently available for films, records, and tapes. The United States is currently the world leader in software development, employing approximately 400,000 people in high-paying software development and servicing jobs. Much of the growth experienced by this industry is due to increased exports. The denial of the benefits of the FSC rules to software sold overseas ultimately harms the U.S. economy by constructing an impediment to the competitiveness of U.S. manufactured software. If theses exports are not given FSC benefits, many of these jobs could eventually move to other countries. The potential loss of these jobs would hurt our economy. My bill corrects this inequity.

The goal of the international tax simplification for American competitiveness bill is to give fair tax treatment to American companies who operate abroad. This bill is truly a technical correction and simplification bill designed to correct inequities in our Code and to help place U.S. companies on a level playing field with their foreign competitors. Without these corrections, American companies will lose ground vis-a-vis their foreign counterparts, which will weaken their ability to operate successfully at home and harm our Nation's economic potential. Americans are the most creative and competitive workers in the world, and releasing them from unnecessary constraints at home will help us maintain our economic lead in the world marketplace—guaranteeing quality, high-paying jobs at home and a stronger national economy.•

• Mr. D'AMATO. Mr. President, today I am pleased to join my friend and colleague, Senator PRESSLER, as an original cosponsor of the International Tax Simplification for American Competitiveness Act. This important bill will begin the process of dismantling tax barriers that hinder American businesses who find themselves in an increasingly competitive global marketplace. Although American firms have succeeded to date in spite of the current complexity and unfairness of our international tax regime, the added costs imposed by our tax rules take their toll. We must move to identify and eliminate those harmful and unnecessary provisions that stand in the way of a continuing leadership role for American business in world markets.

New York is home to many industries that are driven by global competition. Industries like the securities and banking industries, computer and other high technology firms, and countless other businesses in my State must have fair treatment at home in order to compete effectively abroad. For example, during the last decade the securities industry has been transformed from a largely domestic-oriented industry to an industry in which U.S. and international financial institutions compete against each other in the principal capital markets around the world. U.S.-based securities firms are recognized leaders in their industry worldwide. Maintaining this position is important not only for these firms, but also for their U.S. employees and for their U.S. customers who benefit from the innovative products and services offered by U.S.-based securities firms.

Unfortunately, Mr. President, U.S. tax law has failed to keep pace with the rapid changes in the world economy. The international provisions of the Internal Revenue Code were last substantially debated and revised in 1986. And in many cases, our foreign competitors operate under simpler, fairer, and more logical tax regimes. This mismatch between commercial reality and the U.S. Tax Code creates a structural bias against the international activities of U.S. companies. This cannot and should not be allowed to continue.

The International Tax Simplification for American Competitiveness Act acknowledges and addresses a number of problems our tax laws create for American businesses facing increasing global competition. This bill represents an important step toward correcting complexities of the antideferral rules under subpart F, including their inappropriate application to active financing income of bona fide financial institutions and the current definition of investment in U.S. property, and excessive limitations on the use of foreign tax credits.

Mr. President, the U.S. business community has had significant input in the development of this bill. This proposed legislation now will be evaluated and studied, and I welcome suggestions for its further improvement. It is my intention, as our analysis progresses, that we include other important issues not currently addressed in the bill, such as the appropriate allocation of interest expenses for foreign tax credit purposes, particularly for highly leveraged entities such as securities firms.

I look forward to working with Senator PRESSLER on this important bill, and urge my colleagues on both sides to become cosponsors.•

• Mr. BAUCUS. Mr. President, I am pleased to be a co-sponsor of the bipartisan "International Tax Simplification for American Competitiveness Act."

In 1997, Congress will take up tax reform. Discussions will range from replacing the current system to fixing what we have. Many Montanans ask me: How should we make taxes fairer for parents who are raising and educating their children, encourage our entrepreneurs to create and expand their businesses, and encourage all citizens to save?

Our international tax provisions also need reform. The bill we introduce today is a placeholder to keep international tax reform on the legislative radar screen.

As you can tell from the list of cosponsors, Mr. President, a number of Members have made contributions to the bill before us. Am I comfortable with every provision in the bill as written? No, I'm not. But I am comfortable every provision in the bill merits our consideration.

The Finance Committee will take up tax reform next year. We will consider simplification of the international tax provisions in that context. I hope that the bill we introduce today will establish the parameters from which the Finance Committee addresses the need to simplify our international tax provisions. We will hear from a number of witnesses ranging from the business community to the Department of Treasury and, no doubt, the language before us will undergo change.

We live in a global economy, Mr. President. Many businesses in Montana sell products directly or indirectly into that global economy. The international tax provisions should be simplified to make American companies competitive in the global economy while fairly taxing their profits.

I look forward to working with the cosponsors of this bill and with the members of the Finance Committee and ultimately with all of my colleagues in restructuring and simplifying the Tax Code to benefit all of our citizens.•

By Mr. KERRY:

S. 2087. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Commerce, Science, and Transportation.

THE RESCUE DIVER TRAINING ACT OF 1996

Mr. KERRY. Mr. President, today I am introducing the Rescue Diver Training Act of 1996. This bill would provide required Congressional authorization for the Coast Guard to expand its current use of Coast Guard divers to form a broader search and rescue mission application.

I want to acknowledge my distinguished colleague from Massachusetts, Congressman GERRY STUDDS, who is the author of the Coast Guard Rescue Swimmer Training Program which this legislation amends and with whom I have worked in developing this legislation which he will introduce in the House.

The Coast Guard has used its divers, trained at the Naval Diving School in Panama City, FL, only for salvage operations associated with Coast Guard aids to navigation and ice-breaking missions. This bill would authorize the Coast Guard to develop and implement a program to extend the use of these highly trained divers to search and rescue efforts.

Under current search and rescue procedures, the Coast Guard will dispatch a helicopter when a ship is reported to be in distress or a marine accident is reported. When it is anticipated that a diver may be needed to assist in a rescue, the Coast Guard uses contract personnel who usually are volunteer policemen, firemen, or local State marine policemen who have had specialized diver training. A call will be made to secure the services of a diver, and the helicopter will wait to depart until the diver reaches its station, or it will fly to another location to pick up the diver—all before it flies to the rescue scene. This often results in the helicopter being delayed—even if only a few minutes—in reaching the rescue scene. Sometimes no diver is available within a reasonable period of time, in which case the helicopter proceeds to the scene with no diver on board.

The program that this legislation will establish is designed both to speed this process in the realization that, in rescue situations, minutes and even seconds can mean life or death—especially in the waters off our northern coasts, and to provide a pool of divers within the Coast Guard. Where a qualified diver is available at a Coast Guard station, a rescue helicopter can load that diver and immediately depart for the rescue situation without any delay.

A recent episode in the North Atlantic off Massachusetts amply illustrates how the program this legislation would establish could make a vital contribution. In the early hours of September 5, the fishing vessel *Heather Lynne II* carrying a crew of three capsized. The rescue helicopter was unable to bring a diver with it because none was available when the emergency call was received. After reaching the site of the capsized vessel, and determining that a diver was needed, the helicopter had to return to the mainland to pick up a diver. A considerable amount of time was lost in this process.

The Coast Guard is charged with maintaining constant vigilance—to protect lives and property on our waterways and to enforce our maritime, immigration, antidrug, and other laws. In my judgment, it has performed capably and honorably throughout its history, and Americans should take both considerable pride and comfort in that knowledge.

It is the Congress' responsibility to provide the Coast Guard with the resources it needs to perform its missions. This legislation will enhance the service's resources for its search and rescue mission, and increase its ability to save lives and property. All who use our waterways and oceans will be safer as a result.

Mr. President, this legislation should be approved by the Congress as soon as possible—I hope it will be this year.

I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 2087

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 "Rescue Diver Training Act of 1996.".

SEC. 2. RESCUE DIVER TRAINING FOR SELECTED COAST GUARD PERSONNEL.

The Secretary of the department in which the Coast Guard is operating may provide rescue diver training to selected Coast Guard personnel, under the helicopter rescue swimming program conducted under section 9 of the Coast Guard Authorization Act of 1984 (14 U.S.C. 88 note).

ADDITIONAL COSPONSORS

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 953

At the request of Mr. CHAFEE, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1220

At the request of Mrs. BOXER, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1220, a bill to provide that Members of Congress shall not be paid during Federal Government shutdowns.

S. 1675

At the request of Mr. BIDEN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the names of the Senator from Idaho [Mr. CRAIG] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 1963, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for Medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 1978

At the request of Mr. DORGAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1978, a bill to establish an Emergency Commission To End the Trade Deficit.

S. 2034

At the request of Mr. BREAUX, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 2034, a bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program.

S. 2040

At the request of Mr. HATCH, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 2040, a bill to amend the Controlled Substances Act to provide a penalty for the use of a controlled substance with the intent to rape, and for other purposes.

S. 2053

At the request of Mr. GRASSLEY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 2053, a bill to strengthen narcotics reporting requirements and to require the imposition of certain sanctions on countries that fail to take effective action against the production of and trafficking in illicit narcotics and psychotropic drugs and other controlled substances, and for other purposes.

SENATE RESOLUTION 274

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington [Mrs. MURRAY], the Senator from North Dakota [Mr. DORGAN], the Senator from Connecticut [Mr. DODD], the Senator from Kentucky [Mr. FORD], the Senator from Montana [Mr. BURNS], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of Senate Resolution 274, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay96.

SENATE CONCURRENT RESOLUTION 71—RELATIVE TO THE PERSECUTION OF CHRISTIANS WORLDWIDE

Mr. NICKLES (for himself, Mr. NUNN, Mr. COATS, Mr. ASHCROFT, and Mr. HELMS) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 71

Whereas oppression and persecution of religious minorities around the world has emerged as one of the most compelling human rights issues of the day. In particular, the worldwide persecution and martyrdom of Christians persists at alarming levels. This is an affront to the international moral community and to all people of conscience.

Whereas in many places throughout the world, Christians are restricted in or forbidden from practicing their faith, victimized by a "religious apartheid" that subjects them to inhumane, humiliating treatment, and in certain cases are imprisoned, tortured, enslaved, or killed;

Whereas severe persecution of Christians is also occurring in such countries as Sudan, Cuba, Morocco, Saudi Arabia, China, Pakistan, North Korea, Egypt, Laos, Vietnam, and certain countries in the former Soviet Union, to name merely a few;

Whereas religious liberty is a universal right explicitly recognized in numerous international agreements, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas Pope John Paul II recently sounded a call against regimes that "practice discrimination against Jews, Christians, and other religious groups, going even so far as to refuse them the right to meet in private for prayer," declaring that "this is an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly," stating that this is for human beings "their reason for living";

Whereas the National Association of Evangelicals in January 1996 issued a "Statement of Conscience and Call to Action," subsequently commended or endorsed by the Southern Baptist Convention, the Executive Council of the Episcopal Church, and the General Assembly of the Presbyterian Church, U.S.A. They pledged to end their "silence in the face of the suffering of all those persecuted for their religious faith" and "to do what is in our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths";

Whereas the World Evangelical Fellowship has declared September 29, 1996, and each annual last Sunday in September, as an international day of prayer on behalf of persecuted Christians. That day will be observed by numerous churches and human rights groups around the world;

Whereas the United States of America since its founding has been a harbor of refuge and freedom to worship for believers from John Winthrop to Roger Williams to William Penn, and a haven for the oppressed. To this day, the United States continues to guarantee freedom of worship in this country for people of all faiths;

Whereas as a part of its commitment to human rights around the world, in the past the United States has used its international leadership to vigorously take up the cause of other persecuted religious minorities. Unfortunately, the United States has in many instances failed to raise forcefully the issue of anti-Christian persecution at international conventions and in bilateral relations with offering countries; now, therefore, be it

Resolved, That the Senate, the House of Representatives concurring—

(1) unequivocally condemns the egregious human rights abuses and denials of religious liberty to Christians around the world, and calls upon the responsible regimes to cease such abuses; and

(2) strongly recommends that the President expand and invigorate the United States' international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States' policies that affect persecuted Christians; and

(3) encourages the President to proceed forward as expeditiously as possible in appointing a White House Special Advisor on religious persecution; and

(4) recognizes and applauds a day of prayer on Sunday, September 29, 1996, recognizing the plight of persecuted Christians worldwide.

SENATE RESOLUTION 293—SALUTING THE SERVICE OF HOWARD O. GREENE, JR. TO THE U.S. SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. STEVENS, Mr. BYRD, Mr. WARNER, Mr. SIMPSON, Mrs. KASSEBAUM, Mr. FORD, Mr. ROCKEFELLER, Mr. LEVIN, Mr. GRASSLEY, Mr. COVERDELL, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 293

Whereas Howard O. Green, Jr. has served the United States Senate since January 1968.

Whereas Mr. Greene has during his Senate career served in the capacities of Doorkeeper, Republican Cloakroom Assistant, Assistant Secretary for the Minority, Secretary for the Minority, Secretary for the Majority, culminating in his election as Senate Sergeant-at-Arms during the 104th Congress.

Whereas throughout his Senate career Mr. Greene has been a reliable source of advice and counsel to Senators and Senate staff alike.

Whereas Mr. Greene's institutional knowledge and legislative skills are well known and respected.

Whereas Mr. Greene's more than 28 years of service have been characterized by a deep and abiding respect for the institution and customs of the United States Senate: Therefore, be it

Resolved, That the Senate salutes Howard O. Greene, Jr. for his career of public service to the United States Senate and its members.

Section 2. The Secretary of the Senate shall transmit a copy of this resolution to Howard O. Greene, Jr.

SENATE RESOLUTION 294—TO PROVIDE FOR SEVERANCE PAY

Mr. STEVENS submitted the following resolution; which was considered and agreed to:

S. RES. 294

Resolved, (a) That the individual who was the Sergeant at Arms and Doorkeeper of the Senate on September 1, 1996, and whose service as the Sergeant at Arms and Doorkeeper of the Senate terminated on or after September 1, 1996 but prior to September 6, 1996, shall be entitled to one lump sum payment consisting of severance pay in an amount equal to two months of the individual's basic pay at the rate such individual was paid on September 1, 1996.

(b) The Secretary of the Senate shall make payments under this resolution from funds appropriated for fiscal year 1996 from the appropriation account "Miscellaneous Items" within the contingent fund of the Senate.

(c) A payment under this resolution shall not be treated as compensation for purposes of any provision of title 5, United States Code, or of any other law relating to benefits accruing from employment by the United States, and the period of entitlement to such pay shall not be treated as a period of employment for purposes of any such provision of law.

AMENDMENTS SUBMITTED

THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1997

SPECTER (AND KERREY) AMENDMENT NO. 5355

Mr. SPECTER (for himself and Mr. KERREY) proposed an amendment to the bill (S. 1718) to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

On page 72 strike out line 14 and all that follows through page 73, line 9.

THURMOND (AND NUNN) AMENDMENT NO. 5356

Mr. SPECTER (for Mr. THURMOND, for himself and Mr. NUNN) proposed an amendment to the bill, S. 1718, supra; as follows:

On page 52, beginning on line 18, strike out "shall manage" and all that follows through page 52, line 23, and insert in lieu thereof "shall assist the Director of Central Intelligence in carrying out the Director's collection responsibilities in order to ensure the efficient and effective collection of national intelligence.'".

THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

BAUCUS AMENDMENT NO. 5357

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill (H.R. 3662) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in title I, insert the following:

SEC. 1. KERR HYDROELECTRIC PROJECT.

For fiscal year 1997 and each fiscal year thereafter, the Secretary of the Interior shall not recommend that the Federal Energy Regulatory Commission impose, and

the Commission shall not impose, as a condition to the modification of the Kerr Hydroelectric Project (FERC Project No. 5-021), a requirement to construct offshore revetment structures in Flathead Lake, Montana.

• Mr. BAUCUS. Mr. President; I submit an amendment to H.R. 3662, the fiscal year 1997 Interior appropriations bill.

From 1961 to his retirement from the Senate in 1977, Montana's Mike Mansfield served as Senate majority leader. It was the longest term as majority leader in American history.

During these years, the Senate passed the Voting Rights Act, created Medicare, passed the Clean Air and Clean Water Acts, debated the Cuban missile crisis and the war in Vietnam. On all these issues and more, Mike was a respected national leader.

Yet when Mike was asked to reflect back on his years in the Senate and identify his single proudest accomplishment, he responded, "saving Flathead Lake from the Army Corps of Engineers."

If you don't know Montana; and you don't know Flathead Lake; and you don't know Mike Mansfield, this answer may come as a surprise. But for those of us who know all three, this is perfectly easy to understand.

Located in western Montana, between Missoula and Kalispell, Flathead Lake is the largest fresh water lake in the United States, outside of the Great Lakes. Surrounded by the Mission Mountains and the Swan Range to the west, it is a place of spectacular beauty.

And it is also a place that is very much a part of so many Montanans—including this Senator. From boating, water skiing, fishing, or just sitting around a bonfire along the Lake's shore, Flathead Lake is a very special Montana place.

The corps had a plan to radically raise the level of this lake, transforming it forever and drowning many of the coves, shorelines, and fishing spots Montanans know so well. Montanans liked it just the way it was—and we still do today.

Yet some folks outside Montana just don't get it. They think they can improve Flathead Lake. And that brings me to the amendment now before us.

The U.S. Fish and Wildlife Service has asked the Federal Energy Regulatory Commission for approval to construct an 8,700-foot-long retaining wall, at the cost of $10 to $14 million, near the north shore of the lake.

In theory, this great wall would prevent shore erosion and restore waterfowl habitat. These are commendable goals. But the cost of this proposal outweighs any possible benefits.

The view of the lake from the town of Bigfork, for example, would be ruined. Boaters would see a neo-industrial monstrosity instead of a peaceful shore. It is a bad idea, and my amendment would nip this weed in the bud by prohibiting construction of this wall.

Frankly, the Fish and Wildlife Service doesn't need to mandate lowering the level of Flathead Lake. And it doesn't need to mandate a big concrete slab in the lake to stem shoreline erosion. If erosion is proven to be an ongoing and significant problem, the Fish and Wildlife Service needs to find unobtrusive remedial measures that respect Flathead Lake and the people who enjoy it.

I believe this is just simple common sense. One Great Wall of China is plenty. None of us will ever improve on what the Good Lord did when he created Flathead Lake. Let us admit that right now and pass this amendment. •

THE FEDERAL AVIATION REAUTHORIZATION ACT OF 1996

HEFLIN AMENDMENT NO. 5358

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill (S. 1994) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 409. GADSDEN AIR DEPOT, ALABAMA.

(a) AUTHORITY TO GRANT WAIVERS.—Notwithstanding section 16 of the Federal Airport Act (as in effect on May 4, 1949), the Secretary is authorized, subject to the provisions of section 47153 of title 49, United States Code, and the provisions of subsection (b) of this section, to waive any of the terms contained in the deed of conveyances dated May 4, 1949, under which the United States conveyed certain property to the city of Gadsden, Alabama, for airport purposes.

(b) CONDITIONS.—Any waiver granted under subsection (a) shall be subject to the following conditions:

(1) The city of Gadsden, Alabama, shall agree that, in conveying any interest in the property which the United States conveyed to the city by a deed described in subsection (a), the city will receive an amount for such interest which is equal to the fair market value (as determined pursuant to regulations issued by the Secretary).

(2) Any such amount so received by the city shall be used by the city for the development, improvement, operation, or maintenance of (A) a public airport, or (B) lands (including any improvements thereto) which produce revenues that are used for airport development purposes.

Conform the table of contents of the bill accordingly.

REID AMENDMENT NO. 5359

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1994, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) there has been an intensification in the oppression and disregard for human life among nations that are willing to export terrorism:

(2) there has been an increase in attempts by criminal terrorists to murder airline passengers through the destruction of civilian airliners and the deliberate fear and death inflicted through bombings of buildings and the kidnapping of tourists and Americans residing abroad; and

(3) information widely available demonstrates that a significant portion of international terrorist activity is state-sponsored, -organized, -condoned, or -directed.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that if evidence establishes beyond a clear and reasonable doubt that any act of hostility towards any United States citizen was an act of international terrorism sponsored, organized, condoned, or directed by any nation, a state of war should be considered to exist or to have existed between the United States of America and that nation, beginning as of the moment that the act of aggression occurs.

PRESSLER (AND OTHERS) AMENDMENT NO. 5360

Mr. MCCAIN (for Mr. PRESSLER, for himself, Mr. MCCAIN, Mr. HOLLINGS, Mr. FORD, and Mr. STEVENS) proposed an amendment to the bill, S. 1994, supra; as follows:

Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Aviation Reauthorization Act of 1996".

(b) TABLE OF CONTENTS.

Sec. 1. Short title; Table of contents.
Sec. 2. Amendments to title 49, United States Code.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

Sec. 101. Federal Aviation Administration operations.
Sec. 102. Air navigation facilities.
Sec. 103. Research and development.
Sec. 104. Airport improvement program.
Sec. 105. Interaccount flexibility.

TITLE II—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

Sec. 201. Pavement maintenance program.
Sec. 202. Maximum percentages of amount made available for grants to certain primary airports.
Sec. 203. Discretionary fund.
Sec. 204. Designating current and former military airports.
Sec. 205. State block grant program.
Sec. 206. Access to airports by intercity buses.

TITLE III—AIRPORT SAFETY AND SECURITY

Sec. 301. Report including proposed legislation on funding for airport security.
Sec. 302. Family advocacy.
Sec. 303. Accident and safety data classification; report on effects of publication and automated surveillance targeting systems.
Sec. 304. Weapons and explosive detection study.
Sec. 305. Requirement for criminal history records checks.
Sec. 306. Interim deployment of commercially available explosive detection equipment.

Sec. 307. Audit of performance of background checks for certain personnel.
Sec. 308. Sense of the Senate on passenger profiling.
Sec. 309. Authority to use certain funds for airport security programs and activities.
Sec. 310. Development of aviation security liaison agreement.
Sec. 311. Regular joint threat assessments.
Sec. 312. Baggage match report.
Sec. 313. Enhanced security programs.
Sec. 314. Report on air cargo.

TITLE IV—MISCELLANEOUS POVISIONS

Sec. 401. Acquisition of housing units.
Sec. 402. Protection of voluntarily submitted information.
Sec. 403. Application of FAA regulations.
Sec. 404. Sense of the Senate regarding the funding of the Federal Aviation Administration.
Sec. 405. Authorization for State-specific safety measures.
Sec. 406. Sense of the Senate regarding the air ambulance exemption from certain Federal excise taxes.
Sec. 407. FAA safety mission.
Sec. 408. Carriage of candidates in State and local elections.
Sec. 409. Train whistle requirements.
Sec. 410. Limitation on authority of States to regulate gambling devices on vessels.

TITLE V—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS

Sec. 501. Commercial space launch amendments.

TITLE VI—AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT

Sec. 601. Short title.
Sec. 602. Definitions.
Sec. 603. Effective date.

Subtitle A—General Provisions

Sec. 621. Findings.
Sec. 622. Purposes.
Sec. 623. Regulation of civilian air transportation and related services by the Federal Aviation Administration and Department of Transportation.
Sec. 624. Regulations.
Sec. 625. Personnel and services.
Sec. 626. Contracts.
Sec. 627. Facilities.
Sec. 628. Property.
Sec. 629. Transfers of funds from other Federal agencies.
Sec. 630. Management Advisory Council.
Sec. 631. Aircraft engine standards.
Sec. 632. Rural air fare study.

Subtitle B—Federal Aviation Administration Streamlining Programs

Sec. 651. Review of acquisition management system.
Sec. 652. Air traffic control modernization reviews.
Sec. 653. Federal Aviation Administration personnel management system.
Sec. 654. Conforming amendment.

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

Sec. 671. Findings.
Sec. 672. Purposes.
Sec. 673. User fees for various Federal Aviation Administration services.
Sec. 674. Independent assessment and task force to review existing and innovative funding mechanisms.
Sec. 675. Procedure for consideration of certain funding proposals.
Sec. 676. Administrative provisions.
Sec. 677. Advance appropriations for Airport and Airway Trust Fund activities.
Sec. 678. Rural Air Service Survival Act.

TITLE VII—PILOT RECORDS

Sec. 701. Short title.
Sec. 702. Employment investigations of pilot applicants.
Sec. 703. Study of minimum standards for pilot qualifications.

TITLE VIII—ABOLITION OF BOARD OF REVIEW

Sec. 801. Abolition of Board of Review and related authority.
Sec. 802. Sense of the Senate.
Sec. 803. Conforming amendments in other law.
Sec. 804. Definitions.
Sec. 805. Increase in number of Presidentially appointed members of Board.
Sec. 806. Reconstituted Board to function without interruption.
Sec. 807. Operational slots at National Airport.
Sec. 808. Airports authority support of Board.

TITLE IX—AIRPORT REVENUE PROTECTION

Sec. 901. Short title.
Sec. 902. Findings; purpose.
Sec. 903. Definitions.
Sec. 904. Restriction on use of airport revenues.
Sec. 905. Regulations; audits and accountability.
Sec. 906. Conforming amendments to the Internal Revenue Code of 1986.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision of law, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

TITLE I—REAUTHORIZATION OF FAA PROGRAMS

SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FROM GENERAL FUND.—Section 106(k) is amended—

(1) by striking "and" after "1995,"; and

(2) by inserting before the period at the end the following: ", and $5,000,000,000 for fiscal year 1997.".

(b) AUTHORIZATION OF APPROPRIATIONS FROM TRUST FUND.—Section 48104(b) is amended—

(1) in the subsection heading by striking "FOR FISCAL YEARS 1993"; and

(2) by striking the phrase "for fiscal year 1993".

(c) CLERICAL AMENDMENT.—Section 48108 is amended by striking subsection (c).

SEC. 102. AIR NAVIGATION FACILITIES.

Section 48101(a) is amended by adding at the end the following:

"(5) For the fiscal years ending September 30, 1991–1997, $17,929,000,000.".

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102(a) is amended by striking "title:" and all that follows through the end of the subsection, and inserting the following: "title, $206,000,000 for fiscal year 1997.".

SEC. 104. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103 is amended—

(1) by striking "and $21,958,500,000" and inserting "$19,200,500,000"; and

(2) by inserting before the period at the end the following: ", $21,480,500,000 for fiscal years ending before October 1, 1997."

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking "1996" and inserting "1997".

SEC. 105. INTERACCOUNT FLEXIBILITY.

Section 106 is amended by adding at the end the following new subsection:

"(1) INTERACCOUNT FLEXIBILITY.—

"(1) Except as provided in paragraph (2), the Administrator may transfer budget authority derived from trust funds among appropriations authorized by subsection (k) and sections 48101 and 48102, if the aggregate estimated outlays in such accounts in the fiscal year in which the transfers are made will not be increased as a result of such transfer.

"(2) The transfer of budget authority under paragraph (1) may be made only to the extent that outlays do not exceed the aggregate estimated outlays.

"(3) A transfer of budget authority under paragraph (1) may not result in a net decrease of more than 5 percent, or a net increase of more than 10 percent, in the budget authority available under any appropriation involved in that transfer.

"(4) Any action taken pursuant to this section shall be treated as a reprogramming of funds that is subject to review by the appropriate committees of the Congress.

"(5) The Administrator may transfer budget authority pursuant to this section only after—

"(A) submitting a written explanation of the proposed transfer to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate; and

"(B) 30 days have passed after the explanation is submitted and none of the committees notifies the Administrator in writing that it objects to the proposed transfer within the 30 day period.".

TITLE II—AIRPORT IMPROVEMENT PROGRAM MODIFICATIONS

SEC. 201. PAVEMENT MAINTENANCE PROGRAM.

(a) PAVEMENT MAINTENANCE.—Chapter 471 is amended by adding the following section at the end of subchapter I:

"§ 47132. Pavement maintenance

"(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall issue guidelines to carry out a pavement maintenance pilot project to preserve and extend the useful life of runways, taxiways, and aprons at airports for which apportionments are made under section 47114(d). The regulations shall provide that the Administrator may designate not more than 10 projects. The regulations shall provide criteria for the Administrator to use in choosing the projects. At least 2 such projects must be in States without a primary airport that had 0.25 percent or more of the total boardings in the United States in the preceding calendar year. In designating a project, the Administrator shall take into consideration geographical, climatological, and soil diversity.

"(b) EFFECTIVE DATE.—This section shall be effective beginning on the date of enactment of the Federal Aviation Reauthorization Act of 1996 and ending on September 30, 1999.".

(b) COMPLIANCE WITH FEDERAL MANDATES.—

(1) USE OF AIP GRANTS.—Section 47102(3) is amended—

(A) in subparagraph (E) by inserting "or under section 40117" before the period at the end; and

(B) in subparagraph (F) by striking "paid for by a grant under this subchapter and".

(2) USE OF PASSENGER FACILITY CHARGES.—Section 40117(a)(3) is amended—

(A) by inserting "and" at the end of subparagraph (D);

(B) by striking "; and" at the end of subparagraph (E) and inserting a period; and

(C) by striking subparagraph (F).

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 471 is amended by inserting after the item relating to section 47131 the following new item:

"47132. Pavement maintenance.".

SEC. 202. MAXIMUM PERCENTAGES OF AMOUNT MADE AVAILABLE FOR GRANTS TO CERTAIN PRIMARY AIRPORTS.

Section 47114 is amended by adding at the end thereof the following:

"(g) SLIDING SCALE.—

"(1) Notwithstanding any other provision of this title, of the amount newly made available under section 48103 of this title for fiscal year 1997 to make grants, not more than the percentage of such amount newly made available that is specified in paragraph (2) shall be distributed in total in such fiscal year for grants described in paragraph (3).

"(2) If the amount newly made available is—

"(A) not more than $1,150,000,000, then the percentage is 47.0;

"(B) more than $1,150,000,000 but not more than $1,250,000,000, then the percentage is 46.0;

"(C) more than $1,250,000,000 but not more than $1,350,000,000, then the percentage is 45.4;

"(D) more than $1,350,000,000 but not more than $1,450,000,000, then the percentage is 44.8; or

"(E) more than $1,450,000,000 but not more than $1,550,000,000, then the percentage is 44.3.

"(3) This subsection applies to the aggregate amount of grants in a fiscal year for projects at those primary airports that each have not less than 0.25 per centum of the total passenger boardings in the United States in the preceding calendar year.".

SEC. 203. DISCRETIONARY FUND.

Section 47115 is amended—

(1) by striking "and" at the end of subsection (d)(2); and inserting a comma and the following: ", including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to that reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system; and".

(2) by redesignating paragraph (3) of subsection (d) as paragraph (4), and by inserting after paragraph (2) of that subsection the following:

"(3) the airport improvement priorities of the States, and regional offices of the Administration, to the extent such priorities are not in conflict with paragraphs (1) and (2) of this subsection; and";

(3) by redesignating the second subsection (f) as subsection (g); and

(4) by adding at the end the following:

"(h) PRIORITY FOR LETTERS OF INTENT.—In making grants in a fiscal year with funds made available under this section, the Secretary shall fulfill intentions to obligate under section 47110(e)."

SEC. 204. DESIGNATING CURRENT AND FORMER MILITARY AIRPORTS.

(a) GENERAL REQUIREMENTS.—Section 47118(a) is amended to read as follows:

"(a) GENERAL REQUIREMENTS.—The Secretary of Transportation shall designate current or former military airports for which grants may be made under section 47117(e)(1)(E) of this title. The maximum number of airports bearing such designation at any time is 12. The Secretary may only so designate an airport (other than an airport so designated before August 24, 1994) if—

"(1) the airport is a former military installation closed or realigned under—

"(A) section 2687 of title 10;

"(B) section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note); or

"(C) section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

"(2) the Secretary finds that such grants would—

"(A) reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings; or

"(B) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.".

(b) ADDITIONAL DESIGNATION PERIODS.—Section 47118(d) is amended by striking "designation." and inserting "designation, and for subsequent 5-fiscal-year periods if the Secretary determine that the airport satisfies the designation criteria under subsection (a) at the beginning of each such subsequent 5-fiscal-year period.".

(c) PARKING LOTS, FUEL FARMS, AND UTILITIES.—Subsection (f) of section 47118 is amended by striking "the fiscal years ending September 30, 1993–1996," and inserting "for fiscal years beginning after September 30, 1992,".

(d) ONE-YEAR EXTENSION.—Section 47117(e)(1)(E) is amended by striking "and 1996," and inserting "1996, and 1997,".

SEC. 205. STATE BLOCK GRANT PROGRAM.

(a) PARTICIPATING STATES.—Section 47128(b) is amended—

(1) by striking paragraph (2);

(2) by redesignating subparagraphs (A) through (E) of paragraph (1) as paragraphs (1) through (5), respectively; and

(3) by striking "(1) A State" and inserting "A State".

(b) USE OF STATE PRIORITY SYSTEM.—Section 47128(c) is amended by adding at the end the following: "In carrying out this subsection, the Secretary shall permit a State to use the priority system of the State if such system is not inconsistent with the national priority system.".

(c) CHANGE OF EXPIRATION DATE.—Section 47128(d) is amended by striking "1996" and inserting "1997".

SEC. 206. ACCESS TO AIRPORTS BY INTERCITY BUSES.

Section 47107(a) is amended—

(1) by striking "and" at the end of paragraph (18);

(2) by striking the period at the end of paragraph (19) and inserting "; and"; and

(3) by adding at the end the following:

"(20) the airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport, but the sponsor does not have any obligation under this paragraph, or because of it, to fund special facilities for intercity bus service or for other modes of transportation.".

TITLE III—AIRPORT SAFETY AND SECURITY

SEC. 301. REPORT INCLUDING PROPOSED LEGISLATION ON FUNDING FOR AIRPORT SECURITY.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Administrator shall conduct a study and submit to the Congress a report on whether, and if so, how to transfer certain responsibilities of air carriers under Federal law for security activities conducted onsite at airports to airport operators who are subject to section 44903 of title 49, United States Code, or to the Federal Government or providing for shared responsibilities between air carriers and airport operators or the Federal Government.

(b) CONTENTS OF REPORT.—The report submitted under this section shall—

(1) examine potential sources of Federal and non-Federal revenue that may be used to fund security activities including but not limited to providing grants from funds received as fees collected under a fee system established under subpart C of this title and the amendments made by that subpart; and

(2) provide legislative proposals, if necessary, for accomplishing the transfer of responsibilities referred to in subsection (a).

(c) CERTIFICATION OF SCREENING COMPANIES.—The Federal Aviation Administration is directed to certify companies providing security screening and to improve the training and testing of security screeners through development of uniform performance standards for providing security screening services.

SEC. 302. FAMILY ADVOCACY.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 1136. Family advocacy

"(a) IN GENERAL.—The National Transportation Safety Board shall establish a program consistent with its existing authority to provide family advocacy services for aircraft accidents described in subsection (b)(1) and serve as the lead agency in coordinating the provision of the services described in subsection (b). The National Transportation Safety Board shall, as necessary, in carrying out the program, cooperate with the Secretary of Transportation, the Administrator of the Federal Aviation Administration, and such other public and private organizations as may be appropriate.

"(b) FAMILY ADVOCACY SERVICES.—

"(1) IN GENERAL.—The National Transportation Safety Board shall work with an air carrier involved in an accident in air commerce and facilitate the procurement by that air carrier of the services of family advocates who are not otherwise employed by an air carrier and who are not employed by the Federal Aviation Administration to, in the event of an accident in air commerce—

"(A) apply standards of conduct specified by the National Transportation Safety Board;

"(B) to the extent practicable, direct and facilitate all communication among air carriers, surviving passengers, families of passengers, news reporters, the Federal Government, and the governments of States and political subdivisions thereof;

"(C) coordinate with a representative of the air carrier to jointly direct the notification of the next of kin of victims of the accident; and

"(D) carry out such other related duties as the National Transportation Safety Board determines to be appropriate.

"(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

"(A) AIR CARRIER.—The term 'air carrier' has the meaning provided that term in section 40102(a)(2).

"(B) FAMILY ADVOCATE.—The term 'family advocate' shall have the meaning provided that term by the National Transportation Safety Board by regulation.".

(b) GUIDELINES.—Not later than 90 days after the date of enactment of this Act, the National Transportation Safety Board shall issue guidelines for the implementation of the program established by the Board under section 1136 of title 49, United States Code, as added by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

"1136. Family advocacy.".

SEC. 303. ACCIDENT AND SAFETY DATA CLASSIFICATION; REPORT ON EFFECTS OF PUBLICATION AND AUTOMATED SURVEILLANCE TARGETING SYSTEMS.

(a) ACCIDENT AND SAFETY DATA CLASSIFICATION.—

(1) IN GENERAL.—Subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 1119. Accident and safety data classification and publication

"(a) IN GENERAL.—Not later then 90 days after the date of enactment of this section, the National Transportation Safety Board (hereafter in this section referred to as the 'Board') shall, in consultation and coordination with the Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator'), develop a system for classifying air carrier accident and pertinent safety data maintained by the Board.

"(b) REQUIREMENTS FOR CLASSIFICATION SYSTEM.—

"(1) IN GENERAL.—The system developed under this section shall provide for the classification of accident and safety data in a manner that, in comparison to the system in effect on the date of enactment of this section, provides for—

"(A) safety-related categories that provide clearer descriptions of the passenger safety effects associated with air transportation;

"(B) clearer descriptions of passenger safety concerns associated with air transportation accidents; and

"(C) a report to the Congress by the Board that describes methods for accurately informing the public of the concerns referred to in subparagraph (B) through regular reporting of accident and safety data obtained through the system developed under this section.

"(2) PUBLIC COMMENT.—Upon developing a system of classification under paragraph (1), the Board shall provide adequate opportunity for public review and comment.

"(3) FINAL CLASSIFICATION.—After providing for public review and comment, and after consulting with the Administrator, the Board shall issue final classifications. The Board shall ensure that air travel accident and safety data covered under this section is classified in accordance with the final classifications issued under this section for data for calendar year 1997, and for each subsequent calendar year.

"(4) REPORT ON THE EFFECTS ASSOCIATED WITH PUBLICATION OF AIR TRANSPORTATION ACCIDENT AND SAFETY INFORMATION.—

"(A) IN GENERAL.—Not later than the date specified in subsection (a), the Board shall prepare and submit to the Congress a report on the effects and potential of the publication of air transportation accident safety information.

"(B) CONTENT AND FORM OF REPORT.—The report prepared under this paragraph shall include recommendations concerning the adoption or revision of requirements for reporting accident and safety data.

"(5) RECOMMENDATIONS OF THE ADMINISTRATOR.—The Administrator may, from time to time, request the Board to consider revisions (including additions to the classification system developed under this section). The Board shall respond to any request made by the Administrator under this section not later than 90 days after receiving that request.

"(c) PRESENTATION OF FINAL CLASSIFICATIONS TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.—Not later than 90 days after final classifications are issued under subsection (b)(3), the Administrator shall—

"(1) present to the International Civil Aviation Organization the final classification system developed under this section; and

"(2) seek the adoption of that system by the International Civil Aviation Organization.".

(2) CONFORMING AMENDMENT.—The chapter analysis for subchapter II of chapter 11 of title 49, United States Code, is amended by adding at the end the following new item:

"1119. Accident and safety data classification and publication.".

(b) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—Section 44713 is amended by adding at the end the following new subsection:

"(e) AUTOMATED SURVEILLANCE TARGETING SYSTEMS.—

"(1) IN GENERAL.—The Administrator shall give high priority to developing and deploying a fully enhanced safety performance analysis system that includes automated surveillance to assist the Administrator in prioritizing and targeting surveillance and inspection activities of the Federal Aviation Administration.

"(2) DEADLINES FOR DEPLOYMENT.—

"(A) INITIAL PHASE.—The initial phase of the operational deployment of the system developed under this subsection shall begin not later than December 31, 1997.

"(B) FINAL PHASE.—The final phase of field deployment of the system developed under this subsection shall begin not later than December 31, 1999. By that date, all principal operations and maintenance inspectors of the Administration, and appropriate supervisors and analysts of the Administration shall have been provided access to the necessary information and resources to carry out the system.

"(3) INTEGRATION OF INFORMATION.—In developing the system under this section, the Administration shall consider the near-term integration of accident and incident data into the safety performance analysis system under this subsection.".

SEC. 304. WEAPONS AND EXPLOSIVE DETECTION STUDY.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration (hereafter in this section referred to as the "Administrator") shall enter into an arrangement with the Director of the National Academy of Sciences (or if the National Academy of Sciences is not available, the head of another equivalent entity) to conduct a study in accordance to this section.

(b) PANEL OF EXPERTS.—

(1) IN GENERAL.—In carrying out a study under this section, the Director of the National Academy of Sciences (or the head of another equivalent entity) shall establish a panel (hereinafter in this section as the "panel").

(2) EXPERTISE.—Each member of the panel established under this subsection shall have expertise in weapons and explosive detection technology, security, air carrier and airport operations, or another appropriate area. The Director of the National Academy of Sciences (or the head of another equivalent entity) shall ensure that the panel has an appropriate number of representatives of the areas specified in the preceding sentence.

(c) STUDY.—The panel established under subsection (b), in consultation with the National Science and Technology Council, representatives of appropriate Federal agencies, and appropriate members of the private sector, shall—

(1) assess the weapons and explosive detection technologies that are available at the time of the study that are capable of being effectively deployed in commercial aviation;

(2) determine how the technologies referred to in paragraph (1) may more effectively be used for promotion and improvement of security at airport and aviation facilities and other secured areas; and

(3) on the basis of the assessments and determinations made under paragraphs (1) and (2), identify the most promising technologies for the improvement of the efficiency and cost-effectiveness of weapons and explosive detection.

(d) COOPERATION.—The National Science and Technology Council shall take such action as may be necessary to facilitate, to the maximum extent practicable and upon request of the Director of the National Academy of Sciences (or the head of another equivalent entity), the cooperation of representatives of appropriate Federal agencies, as provided for in subsection (c), in providing the panel, for the study under this section—

(1) expertise; and

(2) to the extent allowable by law, resources and facilities.

(e) REPORTS.—The Director of the National Academy of Sciences (or the head of another equivalent entity) shall, pursuant to an arrangement entered into under subsection (a), submit to the Administrator such reports as the Administrator considers to be appropriate. Upon receipt of a report under this subsection, the Administrator shall submit a copy of the report to the appropriate committees of the Congress.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each of fiscal years 1997 through 2001, such sums as may be necessary to carry out this section.

SEC. 305. REQUIREMENT FOR CRIMINAL HISTORY RECORDS CHECKS.

(a) IN GENERAL.—Section 44936(a)(1) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) by striking "(1)" and inserting "(1)(A)"; and

(3) by adding at the end the following:

"(B) The Administrator shall require by regulation that an employment investigation (including a criminal history record check in any case described in subparagraph (C) be conducted for—

"(i) individuals who will be responsible for screening passengers or property under section 44901 of this title;

"(ii) supervisors of the individuals described in clause (i); and

"(iii) such other individuals who exercise security functions associated with baggage or cargo, as the Administrator determines is necessary to ensure air transportation security.

"(C) Under the regulations issued under subparagraph (B), a criminal history record check shall, as a minimum, be conducted in any case in which—

"(i) an employment investigation reveals a gap in employment of 12 months or more

that the individual who is the subject of the investigation does not satisfactorily account for;

"(ii) that individual is unable to support statements made on the application of that individual;

"(iii) there are significant inconsistencies in the information provided on the application of that individual; or

"(iv) information becomes available during the employment investigation indicating a possible conviction for one of the crimes listed in subsection (b)(1)(B).".

(b) APPLICABILITY.—The amendment made by subsection (a)(3) shall apply to individuals hired to perform functions described in section 44936(a)(1)(B) of title 49, United States Code, after the date of the enactment of this Act, except that the Administrator may, as the Administrator determines to be appropriate, require such employment investigations or criminal history records checks for individuals performing those functions on the date of enactment of this Act. Nothing in section 44936 of title 49, United States Code, as amended by subsection (a) precludes the Administration from permitting the employment of an individual on an interim basis while employment or criminal history record checks required by that section are being conducted.

SEC. 306. INTERIM DEPLOYMENT OF COMMERCIALLY AVAILABLE EXPLOSIVE DETECTION EQUIPMENT.

Section 44913(a) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) Until such time as the Administrator determines that equipment certified under paragraph (1) is commercially available and has successfully completed operational testing as provided in paragraph (1), the Administrator shall facilitate the deployment of such approved commercially available explosive detection devices as the Administrator determines will enhance aviation security significantly. The Administrator shall require that equipment deployed under this paragraph be replaced by equipment certified under paragraph (1) when equipment certified under paragraph (1) becomes commercially available. The Administrator is authorized, based on operational considerations at individual airports, to waive the required installation of commercially available equipment under paragraph (1) in the interests of aviation security.".

SEC. 307. AUDIT OF PERFORMANCE OF BACKGROUND CHECKS FOR CERTAIN PERSONNEL.

Section 44936(a) is amended by adding at the end the following:

"(3) The Administrator shall provide for the periodic audit of the effectiveness of criminal history record checks conducted under paragraph (1) of this subsection.".

SEC. 308. SENSE OF THE SENATE ON PASSENGER PROFILING.

It is the sense of the Senate that the Administrator of the Federal Aviation Administration, in consultation with the intelligence and law enforcement communities, should continue to assist air carriers in developing computer-assisted and other appropriate passenger profiling programs which should be used in conjunction with other security measures and technologies.

SEC. 309. AUTHORITY TO USE CERTAIN FUNDS FOR AIRPORT SECURITY PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds referred to in subsection (b) may be used to expand and enhance air transportation security programs and other activities (including the improvement of facilities and the purchase and deployment of equipment) to ensure the safety and security of passengers and other persons involved in air travel.

(b) COVERED FUNDS.—The following funds may be used under subsection (a):

(1) Project grants made under subchapter 1 of chapter 471 of title 49, United States Code.

(2) Passenger facility fees collected under section 40117 of title 49, United States Code.

SEC. 310. DEVELOPMENT OF AVIATION SECURITY LIAISON AGREEMENT.

The Secretary of Transportation and the Attorney General, acting through the Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation, shall enter into an interagency agreement providing for the establishment of an aviation security liaison at existing appropriate Federal agencies' field offices in or near cities served by a designated high-risk airport.

SEC. 311. REGULAR JOINT THREAT ASSESSMENTS.

The Administrator of the Federal Aviation Administration and the Director of the Federal Bureau of Investigation shall carry out joint threat and vulnerability assessments on security every 3 years, or more frequently, as necessary, at airports determined to be high risk.

SEC. 312. BAGGAGE MATCH REPORT.

Within 30 days after the completion of the passenger bag match pilot program recommended by the Vice President's Commission on Aviation Security, the Administrator shall submit a report to Congress on the safety effectiveness and operational effectiveness of the pilot program. The report shall also assess the extent to which implementation of baggage match requirements, coupled with the best available technologies and methodologies, such as passenger profiling, enhance domestic aviation security.

SEC. 313. ENHANCED SECURITY PROGRAMS.

(a) IN GENERAL.—Chapter 449 is amended by adding at the end of subchapter I the following:

"§ 44916. Assessments and evaluations

"(a) IN GENERAL.—

"(1) PERIODIC ASSESSMENTS.—The Administrator shall require each air carrier and airport (including the airport owner or operator in cooperation with the air carriers and vendors serving each airport) that provides for intrastate, interstate, or foreign air transportation to conduct periodic vulnerability assessments of the security systems of that air carrier or airport, respectively. The Administration shall perform periodic audits of the assessments referred to in paragraph (1).

"(2) INVESTIGATIONS.—The Administrator shall conduct periodic and unannounced inspections of security systems of airports and air carriers to determine the effectiveness and vulnerabilities of such systems. To the extent allowable by law, the Administrator may provide for anonymous tests of those security systems.".

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 44915 the following:

"44916. Assessments and evaluations.".

SEC. 314. REPORT ON AIR CARGO.

Within——days after the date of enactment of this Act, the Secretary of Transportation shall prepare a report for the Congress on any changes recommended and implemented as a result of the Vice President's Commission on Aviation Security to enhance and supplement screening and inspection of cargo, mail, and company-shipped materials transported in air commerce. The report shall include an assessment of the effectiveness of such changes, any additional recommendations, and, if necessary, any legislative proposals necessary to carry out additional changes.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. ACQUISITION OF HOUSING UNITS.

Section 40110 is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) ACQUISITION OF HOUSING UNITS.—

"(1) AUTHORITY.—In carrying out this part, the Administrator may acquire interests in housing units outside the contiguous United States.

"(2) CONTINUING OBLIGATIONS.—Notwithstanding section 1341 of title 31, United States Code, the Administrator may acquire an interest in a housing unit under paragraph (1) even if there is an obligation thereafter to pay necessary and reasonable fees duly assessed upon such unit, including fees related to operation, maintenance, taxes, and insurance.

"(3) CERTIFICATION TO CONGRESS.—The Administrator may acquire an interest in a housing unit under paragraph (1) only if the Administrator transmits to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before completing the acquisition a report containing—

"(A) a description of the housing unit and its price; and

"(B) a certification that acquiring the housing unit is the most cost-beneficial means of providing necessary accommodations in carrying out this part.

"(4) PAYMENT OF FEES.—The Administrator may pay, when due, fees resulting from the acquisition of an interest in a housing unit under this subsection from any amounts made available to the Administrator.".

SEC. 402. PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.

(a) IN GENERAL.—Chapter 401 is amended by redesignating section 40120 as section 40121 and by inserting after section 40119 the following:

"§ 40120. Protection of voluntarily submitted information

"(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Administrator of the Federal Aviation Administration, nor any agency receiving information from the Administrator, shall disclose voluntarily-provided safety or security related information if the Administrator finds that—

"(1) the disclosure of the information would inhibit the voluntary provision of that type of information and that the receipt of that type of information aids in fulfilling the Administrator's safety and security responsibilities; and

"(2) withholding such information from disclosure would be consistent with the Administrator's safety and security responsibilities.

"(b) REGULATIONS.—The Administrator shall issue regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 401 is amended by striking the item relating to section 40120 and inserting the following:

"40120. Protection of voluntarily submitted information.

"40121. Relationship of other laws.".

SEC. 403. APPLICATION OF FAA REGULATIONS.

In revising title 14, Code of Federal Regulations, in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator deems appropriate.

SEC. 404. SENSE OF THE SENATE REGARDING THE FUNDING OF THE FEDERAL AVIATION ADMINISTRATION.

(a) FINDINGS.—The Senate finds that—

(1) the Congress is responsible for ensuring that the financial needs of the Federal Aviation Administration, the agency that performs the critical function of overseeing the Nation's air traffic control system and ensuring the safety of air travelers in the United States, are met;

(2) the number of air traffic control equipment and power failures is increasing, which could place at risk the reliability of our Nation's air traffic control system;

(3) aviation excise taxes that constitute the Airport and Airway Trust Fund, which provides most of the funding for the Federal Aviation Administration

(4) the surplus in the Airport and Airway Trust Fund will be spent by the Federal Aviation Administration by December 1996;

(5) the existing system of funding the Federal Aviation Administration will not provide the agency with sufficient short-term or long-term funding;

(6) this Act creates a sound process to review Federal Aviation Administration funding and develop a funding system to meet the Federal Aviation Administration's long-term funding needs; and

(7) without immediate action by the Congress to ensure that the Federal Aviation Administration's financial needs are met, air travelers' confidence in the system could be undermined.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that there should be an immediate enactment of an 18-month reinstatement of the aviation excise taxes to provide short-term funding for the Federal Aviation Administration.

SEC. 405. AUTHORIZATION FOR STATE-SPECIFIC SAFETY MEASURES.

There are authorized to be appropriated to the Federal Aviation Administration not more than $10,000,000 for fiscal year 1997 for the purpose of addressing State-specific aviation safety problems identified by the National Transportation Safety Board.

SEC. 406. SENSE OF THE SENATE REGARDING THE AIR AMBULANCE EXEMPTION FROM CERTAIN FEDERAL EXCISE TAXES.

It is the sense of the Senate that, if the excise taxes imposed by section 4261 or 4271 of the Internal Revenue Code of 1986 are reinstated, the exemption from those taxes provided by section 4261(f) of such Code for air transportation by helicopter for the purpose of providing emergency medical services should be broadened to include air transportation by fixed-wing aircraft for that purpose.

SEC. 407. FAA SAFETY MISSION.

(a) IN GENERAL.—Section 40104 is amended—

(1) by inserting "safety of" before "air commerce" in the section caption;

(2) by inserting "SAFETY OF" before "AIR COMMERCE" in the caption of subsection (a); and

(3) by inserting "safety of" before "air commerce" in subsection (a).

(b) CLERICAL AMENDMENT.—The table of sections for chapter 401 is amended by striking the item relating to section 40104 and inserting:

"40104. Promotion of civil aeronautics and air commerce safety.".

SEC. 408. CARRIAGE OF CANDIDATES IN STATE AND LOCAL ELECTIONS.

The Administrator of the Federal Aviation Administration shall revise section 91.321 of the Administration's regulations (14 CFR 91.321), relating to the carriage of candidates in Federal elections, to make the same or similar rules applicable to the carriage of candidates for election to public office in State and local government elections.

SEC. 409. TRAIN WHISTLE REQUIREMENTS.

The Secretary of Transportation may not implement regulations issued under section 20153(b) of title 49, United States Code, requiring audible warnings to be sounded by a locomotive horn at highway-rail grade crossings, unless—

(1) in implementing the regulations or providing an exception to the regulations under section 20158(c) of such title, the Secretary of Transportation takes into account, among other criteria—

(A) the interest of the communities that, as of July 30, 1996—

(i) have in effect restrictions on sounding of a locomotive horn at highway-rail grade crossings; or

(ii) have not been subject to the routine (as the term is defined by the Secretary) sounding of a locomotive horn at highway-rail grade crossings; and

(B) the past safety record at each grade crossing involved; and

(2) whenever the Secretary determines that supplementary safety measures (as that term is defined in section 20153(a) of title 49, United States Code) are necessary to provide an exception referred to in paragraph (1), the Secretary—

(A) having considered the extent to which local communities have established public awareness initiatives and highway-rail crossing traffic law enforcement programs allows for a period of not to exceed 3 years, beginning on the date of that determination, for the installation of those measures; and

(B) works in partnership with affected communities to provide technical assistance and to develop a reasonable schedule for the installation of those measures.

SEC. 410. LIMITATION ON AUTHORITY OF STATES TO REGULATE GAMBLING DEVICES ON VESSELS.

Subsection (b)(2) of section 5 of the act of January 2, 1951 (commonly referred to as the "Johnson Act") (64 Stat. 1135, chapter 1194; 15 U.S.C. 1175), is amended by adding at the end the following:

"(C) EXCLUSION OF CERTAIN VOYAGES AND SEGMENTS.—Except for a voyage or segment of a voyage that occurs within the boundaries of the State of Hawaii, a voyage or segment of a voyage is not described in subparagraph (B) if such voyage or segment includes or consists of a segment—

"(i) that begins and ends in the same State;

"(ii) that is part of a voyage to another State or to a foreign country; and

"(iii) in which the vessel reaches the other State or foreign country within 3 days after leaving the State in which such segment begins.".

TITLE V—COMMERCIAL SPACE LAUNCH ACT AMENDMENTS

SEC. 501. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting "reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4)

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer

space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact."; and

(E) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting "; reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(G) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(E) by striking ", Space, and Technology" in subsection (d)(1);

(F) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(G) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears; and

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2).

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B)";

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof ";and";

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(G) by inserting ", or the requirement to obtain a license," after "waive a requirement" in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;".

(4) Section 70102(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "AND STATE SPONSORED SPACEPORTS" after "AND REENTRIES"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector".

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection,".

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.".

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1)A"; and

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

(c) REGULATIONS.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

§ 70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

"(4) procedures for the application of government indemnification.".

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

"70120. Regulations.".

TITLE VI—AIR TRAFFIC MANAGEMENT SYSTEM PERFORMANCE IMPROVEMENT ACT

SEC. 601. SHORT TITLE.

This title may be cited as the "Air Traffic Management System Performance Improvement Act of 1996".

SEC. 602. DEFINITIONS.

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

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

SEC. 603. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle A—General Provisions

SEC. 621. FINDINGS.

The Congress finds the following:

(1) In many respects the Administration is a unique agency, being one of the few non-defense government agencies that operates 24 hours a day, 365 days of the year, while continuing to rely on outdated technology to carry out its responsibilities for a state-of-the-art industry.

(2) Until January 1, 1996, users of the air transportation system paid 70 percent of the budget of the Administration, with the remaining 30 percent coming from the General Fund. The General Fund contribution of the years is one measure of the benefit received by the general public, military, and other users of Administration's services.

(3) The Administration must become a more efficient, effective, and different organization to meet future challenges.

(4) The need to balance the Federal budget means that it may become more and more difficult to obtain sufficient General Fund contributions to meet the Administration's future budget needs.

(5) Congress must keep its commitment to the users of the national air transportation system by seeking to spend all moneys collected from them each year and deposited into the Airport and Airway Trust Fund. Existing surpluses representing past receipts must also be spent for the purposes for which such funds were collected.

(6) The aviation community and the employees of the Administration must come together to improve the system. The Administration must continue to recognize who its customers are and what their needs are, and to design and redesign the system to make safety improvements and increase productivity.

(7) The Administration projects that commercial operations will increase by 18 percent and passenger traffic by 35 percent by the year 2002. Without effective airport expansion and system modernization, these needs cannot be met.

(8) Absent significant and meaningful reform, future challenges and needs cannot be met.

(9) The Administration must have a new way of doing business.

(10) There is widespread agreement within government and the aviation industry that reform of the Administration is essential to safely and efficiently accommodate the projected growth of aviation within the next decade.

(11) To the extent that the Congress determines that certain segments of the aviation community are not required to pay all of the costs of the government services which they require and benefits which they receive, the Congress should appropriate the difference between such costs and any receipts received from such segment.

(12) Prior to the imposition of any new charges or user fees on segments of the industry, an independent review must be performed to assess the funding needs and assumptions for operations, capital spending, and airport infrastructure.

(13) An independent, thorough, and complete study and assessment must be performed of the costs to the Administration and the costs driven by each segment of the aviation system for safety and operational services, including the use of the air traffic control system and the Nation's airports.

(14) Because the Administration is a unique Federal entity in that it is a participant in the daily operations of an industry, and because the national air transportation system faces significant problems without significant changes, the Administration has been authorized to change the Federal procurement and personnel systems to ensure that the Administration has the ability to keep pace with new technology and is able to match resources with the real personnel needs of the Administration.

(15) The existing budget system does not allow for long-term planning or timely acquisition of technology by the Administration.

(16) Without reforms in the areas of procurement, personnel, funding, and governance, the Administration will continue to experience delays and cost overruns in its major modernization programs and needed improvements in the performance of the air traffic management system will not occur.

(17) All reforms should be designed to help the Administration become more responsive to the needs of its customers and maintain the highest standards of safety.

SEC. 622. PURPOSES.

The purposes of this title are—

(1) to ensure that final action shall be taken on all notices of proposed rulemaking of the Administration within 18 months after the date of their publication;

(2) to permit the Administration, with Congressional review, to establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to establish a more autonomous and accountable Administration within the Department of Transportation; and

(4) to make the Administration a more efficient and effective organization, able to meet the needs of a dynamic, growing industry, and to ensure the safety of the traveling public.

SEC. 623. REGULATION OF CIVILIAN AIR TRANSPORTATION AND RELATED SERVICES BY THE FEDERAL AVIATION ADMINISTRATION AND DEPARTMENT OF TRANSPORTATION.

(a) IN GENERAL.—Section 106 is amended—

(1) by striking "The Administrator" in the fifth sentence of subsection (b) and inserting "Except as provided in subsection (f) of this section or in other provisions of law, the Administrator"; and

(2) by striking subsection (f) and inserting the following:

"(f) AUTHORITY OF THE SECRETARY AND THE ADMINISTRATOR.—

"(1) AUTHORITY OF THE SECRETARY.—Except as provided in paragraph (2), the Secretary of Transportation shall carry out the duties and powers of the Administration.

"(2) AUTHORITY OF THE ADMINISTRATOR.—The Administrator—

"(A) is the final authority for carrying out all functions, powers, and duties of the Administration relating to—

"(i) except as otherwise provided in paragraph (3), the promulgation of regulations, rules, orders, circulars, bulletins, and other official publications of the Administration; and

"(ii) any obligation imposed on the Administrator, or power conferred on the Administrator, by the Air Traffic Management System Performance Improvement Act of 1996 (or any amendment made by that Act);

"(b) shall offer advice and counsel to the President with respect to the appointment and qualifications of any officer or employee of the Administration to be appointed by the President or as a political appointee;

"(C) may delegate, and authorize successive redelegations of, to an officer or employee of the Administration any function, power, or duty conferred upon the Administrator, unless such delegation is prohibited by law; and

"(D) except as otherwise provided for in this title, and notwithstanding any other provision of law to the contrary, shall not be required to coordinate, submit for approval or concurrence, or seek the advice or views of the Secretary or any other officer or employee of the Department of Transportation on any matter with respect to which the Administrator is the final authority.

"(3) DEFINITION OF POLITICAL APPOINTEE.—For purposes of this subsection, the term 'political appointee' means any individual who—

"(A) is employed in a position on the Executive Schedule under sections 5312 through 5316 of title 5;

"(B) is a limited term appointee, limited emergency appointee, or noncareer appointee in the Senior Executive Service as defined under section 3132(a) (5), (6), and (7) of title 5, respectively; or

"(C) is employed in a position in the executive branch of the Government of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.".

(b) PRESERVATION OF EXISTING AUTHORITY.—Nothing in this title or the amendments made by this title limits any authority granted to the Administrator by statute or by delegation that was in effect on the day before the date of enactment of this Act.

SEC. 624. REGULATIONS.

Section 106(f), as amended by section 623, is further amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) REGULATIONS.—

"(A) IN GENERAL.—In the performance of the functions of the Administrator and the Administration, the Administrator is authorized to issue, rescind, and revise such regulations as are necessary to carry out those functions. The issuance of such regulations shall be governed by the provisions of chapter 5 of title 5. The Administrator shall act upon all petitions for rulemaking no later than 6 months after the date such petitions are filed by dismissing such petitions, by informing the petitioner of an intention to dismiss, or by issuing a notice of proposed rulemaking or advanced notice of proposed rulemaking. The Administrator shall issue a final regulation, or take other final action, not later than 18 months after the date of publication in the Federal Register of a notice of proposed rulemaking or, in the case of an advanced notice of proposed rulemaking, if issued, not later than 24 months after that date.

"(B) APPROVAL OF SECRETARY OF TRANSPORTATION.—

"(i) The Administrator may not issue a proposed regulation or final regulation that is likely to result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $50,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996) in any 1 year, or any regulation which is significant, unless the Secretary of Transportation approves the issuance of the regulation in advance. For purposes of this paragraph, a regulation is significant if it is likely to—

"(I) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

"(II) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

"(III) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

"(IV) raise novel legal or policy issues arising out of legal mandates.

"(ii) In an emergency, the Administrator may issue a regulation described in clause (i) without prior approval by the Secretary, but any such emergency regulation is subject to ratification by the Secretary after it is issued and shall be rescinded by the Administrator within 5 days (excluding Saturdays, Sundays, and legal public holidays) after issuance if the Secretary fails to ratify its issuance.

"(iii) Any regulation that does not meet the criteria of clause (i), and any regulation or other action that is a routine or frequent action or a procedural action, may be issued by the Administrator without review or approval by the Secretary.

"(iv) The Administrator shall submit a copy of any regulation requiring approval by the Secretary under clause (i) to the Secretary, who shall either approve it or return it to the Administrator with comments within 45 days after receiving it.

"(C) PERIODIC REVIEW.—(i) Beginning on the date which is 3 years after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall review any unusually burdensome regulation issued by the Administrator after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 beginning not later than 3 years after the effective date of the regulation to determine if the cost assumptions were accurate, the benefit of the regulations, and the need to continue such regulations in force in their present form.

"(ii) The Administrator may identify for review under the criteria set forth in clause (i) unusually burdensome regulations that were issued before the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 and that have been in force for more than 3 years.

"(iii) For purposes of this subparagraph, the term 'unusually burdensome regulation' means any regulation that results in the annual expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $25,000,000 or more (adjusted annually for inflation beginning with the year following the date of enactment of the Air Traffic Management System Performance Act of 1996) in any year.

"(iv) The periodic review of regulations may be performed by advisory committees and the Management Advisory Council established under subsection (p).".

SEC. 625. PERSONNEL AND SERVICES.

Section 106 is amended by adding at the end the following new subsection:

"(1) PERSONNEL AND SERVICES.—

"(1) OFFICERS AND EMPLOYEES.—Except as provided in section 40121(a) of this title and section 347 of Public Law 104–50, the Administrator is authorized, in the performance of the functions of the Administrator, to appoint, transfer, and fix the compensation of such officers and employees, including attorneys, as may be necessary to carry out the functions of the Administrator and the Administration. In fixing compensation and benefits of officers and employees, the Administrator shall not engage in any type of bargaining, except to the extent provided for in section 40121(a), nor shall the Administrator be bound by any requirement to establish such compensation or benefits at particular levels.

"(2) EXPERTS AND CONSULTANTS.—The Administrator is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5.

"(3) TRANSPORTATION AND PER DIEM EXPENSES.—The Administrator is authorized to pay transportation expenses, and per diem in lieu of subsistence expenses, in accordance with chapter 57 of title 5.

"(4) USE OF PERSONNEL FROM OTHER AGENCIES.—The Administrator is authorized to utilize the services of personnel of any other Federal agency (as such term is defined under section 551(1) of title 5).

"(5) VOLUNTARY SERVICES.—

"(A) IN GENERAL.—(i) In exercising the authority to accept gifts and voluntary services under section 326 of this title, and without regard to section 1342 of title 31, the Administrator may not accept voluntary and uncompensated services if such services are used to displace Federal employees employed on a full-time, part-time, or seasonal basis.

"(ii) the Administrator is authorized to provide for incidental expenses, including transportation, lodging, and subsistence for volunteers who provide voluntary services under this subsection.

"(iii) An individual who provides voluntary services under this subsection shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, relating to compensation for work injuries, and chapter 171 of title 28, relating to tort claims.".

SEC. 626. CONTRACTS.

Section 106(l), as added by section 625 of this title, is amended by adding at the end the following new paragraph:

"(6) CONTRACTS.—The Administrator is authorized to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary to carry out the functions of the Administrator and the Administration. The Administrator may enter into such contracts, leases, cooperative agreements, and other transactions with any Federal agency (as such term is defined in section 551(1) of title 5) or any instrumentality of the United States, any State, territory, or possession, or political subdivision thereof, any other governmental entity, or any person, firm, association, corporation, or educational institution, on such terms and conditions as the Administrator may consider appropriate.".

SEC. 627. FACILITIES.

Section 106, as amended by section 625 of this title, is further amended by adding at the end the following new subsection:

"(m) COOPERATION BY ADMINISTRATOR.—With the consent of appropriate officials, the Administrator may, with or without reimbursement, use or accept the services, equipment, personnel, and facilities of any other Federal agency (as such term is defined in section 551(1) of title 5) and any other public or private entity. The administrator may also cooperate with appropriate officials of other public and private agencies and instrumentalities concerning the use of services, equipment, personnel, and facilities. The head of each Federal agency shall cooperate with the Administrator in making the services, equipment, personnel, and facilities of the Federal agency available to the Administrator. The head of a Federal agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Administration, without reimbursement, supplies and equipment other than administrative supplies or equipment.".

SEC. 628. PROPERTY.

Section 106, as amended by section 627 of this title, is further amended by adding at the end the following new subsection:

"(n) ACQUISITION.—

"(1) IN GENERAL.—The Administrator is authorized—

"(A) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain—

"(i) air traffic control facilities and equipment;

"(ii) research and testing sites and facilities; and

"(iii) such other real and personal property (including office space and patents), or any interest therein, within and outside the continental United States as the Administrator considers necessary;

"(B) to lease to others such real and personal property; and

"(C) to provide by contract or otherwise for eating facilities and other necessary facilities for the welfare of employees of the Administration at the installations of the Administration, and to acquire, operate, and maintain equipment for these facilities.

"(2) TITLE.—Title to any property or interest therein acquired pursuant to this subsection shall be held by the Government of the United States.".

SEC. 629. TRANSFERS OF FUNDS FROM OTHER FEDERAL AGENCIES.

Section 106, as amended by section 628 of this title, is further amended by adding at the end the following new subsection:

"(o) TRANSFERS OF FUNDS.—The Administrator is authorized to accept transfers of unobligated balances and unexpended balances of funds appropriated to other Federal agencies (as such term is defined in section 551(1) of title 5) to carry out functions transferred by law to the Administrator or functions transferred pursuant to law to the Administrator on or after the date of the enactment of the Air Traffic Management System Performance Improvement Act of 1996.".

SEC. 630. MANAGEMENT ADVISORY COUNCIL.

Section 106, as amended by section 629 of this title, is further amended by adding at the end the following new subsection:

"(p) MANAGEMENT ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—Within 3 months after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996, the Administrator shall establish an advisory council which shall be known as the Federal Aviation Management Advisory Council (in this subsection referred to as the 'Council'). With respect to Administration management, policy, spending, funding, and regulatory matters affecting the aviation industry, the Council may submit comments, recommended modifications, and dissenting views to the Administrator. The Administrator shall include in any submission to Congress, the Secretary, or the general public, and in any submission for publication in the Federal Register, a description of the comments, recommended modifications, and dissenting views received from the Council, together with the reasons for any differences between the views of the Council and the views or actions of the Administrator.

"(2) MEMBERSHIP.—The Council shall consist of 15 members, who shall consist of—

"(A) a designee of the Secretary of Transportation;

"(B) a designee of the Secretary of Defense; and

"(C) 13 members representing aviation interests, appointed by the President by and with the advice and consent of the Senate.

"(3) QUALIFICATIONS.—No member appointed under paragraph (2)(C) may serve as an officer or employee of the United States Government while serving as a member of the Council.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—(i) The Council shall provide advice and counsel to the Administrator on issues which affect or are affected by the operations of the Administrator. The Council shall function as an oversight resource for management, policy, spending, and regulatory matters under the jurisdiction of the Administration.

"(ii) The Council shall review the rulemaking cost-benefit analysis process and develop recommendations to improve the analysis and ensure that the public interest is fully protected.

"(iii) The Council shall review the process through which the Administration determines to use advisory circulars and service bulletins.

"(B) MEETINGS.—The Council shall meet on a regular and periodic basis or at the call of the chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Council appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5 (commonly known as the 'Freedom of Information Act'), cost data associated with the acquisition and operation of air traffic service systems. Any member of the Council who receives comercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to the Council or such aviation rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—(i) Except as provided in subparagraph (B), members of the Council appointed by the President under paragraph (2)(C) shall be appointed for a term of 3 years.

"(ii) Of the members first appointed by the President—

"(I) 4 shall be appointed for terms of 1 year;

"(II) 5 shall be appointed for terms of 2 years; and

"(III) 4 shall be appointed for terms of 3 years.

"(iii) An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

"(iv) A member whose term expires shall continue to serve until the date on which the member's successor takes office.

"(B) CHAIRMAN; VICE CHAIRMAN.—The Council shall elect a chair and a vice chair from among the members appointed under paragraph (2)(C), each of whom shall serve for a term of 1 year. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(C) TRAVEL AND PER DIEM.—Each member of the Council shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(D) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the Council such staff, information, and administrative services and assistance as may reasonably be required to enable the Council to carry out its responsibilities under this subsection.

"(7) REPORT TO CONGRESS.—The Council, in conjunction with the Administration, shall undertake a review of the overall condition of aviation safety in the United States and emerging trends in the safety of particular sections of the aviation industry. This shall include an examination of—

"(A) the extent to which the dual mission of the Administration to promote and regulate civil aviation may affect aviation safety and provide recommendations to Congress for any necessary changes the Council, in conjunction with Administration, deems appropriate; and

"(B) the adequacy of staffing and training resources for safety personnel of the Administration, including safety inspectors.

The Council shall report to Congress within 180 days after the date of enactment of this Act on its findings and recommendations under this paragraph.

SEC. 631. AIRCRAFT ENGINE STANDARDS.

Subsection (a)(1) of section 44715 is amended to read as follows:

"(a) STANDARDS AND REGULATIONS.—(1) To relieve and protect the public health and welfare from aircraft noise, sonic boom, and aircraft engine emissions, the Administrator of the Federal Aviation Administration, as he deems necessary, shall prescribe—

"(A) standards to measure aircraft noise and sonic boom;

"(B) regulations to control and abate aircraft noise and sonic boom; and

"(C) emission standards applicable to the emission of any air pollutant from any class or classes of aircraft engines which, in the judgment of the Administrator, causes, or contributes to, air pollution which may reasonably be anticipated to endanger public health or welfare.".

SEC. 632. RURAL AIR FARE STUDY.

(a) IN GENERAL.—The Secretary shall conduct a study to—

(1) compare air fares paid (calculated as both actual and adjusted air fares) for air transportation on flights conducted by commercial air carriers—

(A) between—

(i) nonhub airports located in small communities; and

(ii) large hub airports; and

(B) between large hub airports;

(2) analyse—

(A) the extent to which passenger service that is provided from nonhub airports is provided on—

(i) regional commuter commercial air carriers; or

(ii) major air carriers;

(B) the type of aircraft employed in providing passenger service at nonhub airports; and

(C) whether there is competition among commercial air carriers with respect to the provision of air service to passengers from nonhub airports.

(b) FINDINGS.—The Secretary shall include in the report of the study conducted under subsection (a) findings concerning—

(1) whether passengers who use commercial air carriers to and from rural areas (as defined by the Secretary) pay a disproportionately greater price for that transportation than passengers who use commercial air carriers between urban areas (as defined by the Secretary);

(2) the nature of competition, if any, in rural markets (as defined by the Secretary) for commercial air carriers;

(3) whether a relationship exists between higher air fares and competition among commercial air carriers for passengers traveling on jet aircraft from small communities (as defined by the Secretary) and, if such a relation exists, the nature of that relationship;

(4) the number of small communities that have lost air service as a result of the deregulation of commercial air carriers with respect to air fares;

(5) the number of small communities served by airports with respect to which, after commercial air carrier fares were deregulated, jet aircraft service was replaced by turboprop aircraft service; and

(6) LARGE HUB AIRPORT.—The term "large hub airport" shall be defined by the Secretary but the definition may not include a small hub airport, as that term is defined in section 41731(a)(5) of such title.

(7) MAJOR AIR CARRIER.—The term "major air carrier" shall be defined by the Secretary.

(8) NONHUB AIRPORT.—The term "nonhub airport" is defined in section 41731(a)(4) of such title.

(9) REGIONAL COMMUTER AIR CARRIER.—The term "regional commuter air carrier" shall be defined by the Secretary.

Subtitle B—Federal Aviation Administration Streamlining Programs

SEC. 651. REVIEW OF ACQUISITION MANAGEMENT SYSTEM.

Not later than April 1, 1999, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of its acquisition management system within 3 months after such date. The Administrator shall transmit a copy of the evaluation to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 652. AIR TRAFFIC CONTROL MODERNIZATION REVIEWS.

Chapter 401, as amended by section 402 of this Act, is amended by redesignating section 40121 as 40123, and by inserting after section 40120 the following new section:

"§ 40121. Air traffic control modernization reviews

"(a) REQUIRED TERMINATIONS OF ACQUISITIONS.—The Administrator of the Federal Aviation Administration (hereinafter referred to in this section as the 'Administrator') shall terminate any program initiated after the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 and funded under the Facilities and Equipment account that—

"(1) is more than 50 percent over the cost goal established for the program;

"(2) fails to achieve at least 50 percent of the performance goals established for the program; or

"(3) is more than 50 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(b) AUTHORIZED TERMINATIONS OF ACQUISITIONS.—The Administrator shall consider terminating, under the authority of subsection (a), any substantial acquisition that—

"(1) is more than 10 percent over the cost goal established for the program;

"(2) fails to achieve at least 90 percent of the performance goals established for the program; or

"(3) is more than 10 percent behind schedule as determined in accordance with the schedule goal established for the program.

"(c) EXCEPTIONS AND REPORT.—

"(1) CONTINUANCE OF PROGRAM, ETC.—Notwithstanding subsection (a), the Administrator may continue an acquisitions program required to be terminated under subsection (a) if the Administrator determines that termination would be inconsistent with the development or operation of the national air transportation system in a safe and efficient manner.

"(2) DEPARTMENT OF DEFENSE.—The Department of Defense shall have the same exemptions from acquisition laws as are waived by the Administrator under section 348(b) of Public Law 104–50 when engaged in joint actions to improve or replenish the national air traffic control system. The Administration may require real property, goods, and services through the The Department of Defense, or other appropriate agencies, but is bound by the acquisition laws and regulations governing those cases.

"(3) REPORT.—If the Administrator makes a determination under paragraph (1), the Administrator shall transmit a copy of the determination, together with a statement of the basis for the determination, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and infrastructure of the House of Representatives.".

SEC. 653. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

Chapter 401, as amended by section 652, is further amended by inserting after section 40121 the following new section:

"§40122. Federal Aviation Administration personnel management system

"(a) IN GENERAL.—

"(1) CONSULTATION AND NEGOTIATION.—In developing and making changes to the personnel management system initially implemented by the Administrator on April 1, 1996, the Administrator shall negotiate with the exclusive bargaining representatives of employees of the Administration certified under section 7111 of title 5 and consult with other employees of the Administration.

"(2) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement. If the services of the Federal Mediation and Conciliation Service do not lead to an agreement, the Administrator's proposed change to the personnel management system shall not take effect until 60 days have elapsed after the Administrator has transmitted the proposed change, along with the objections of the exclusive bargaining representatives to the change, and the reasons for such objections, to the Congress.

"(3) COST SAVINGS AND PRODUCTIVITY GOALS.—The Administration and the exclusive bargaining representatives of the employees shall use every reasonable effort to find cost savings and to increase productivity within each of the affected bargaining units.

"(4) ANNAL BUDGET DISCUSSIONS.—The Administration and the exclusive bargaining representatives of the employees shall meet annually for the purpose of finding additional cost savings within the Administration's annual budget as it applies to each of the affected bargaining units and throughout the agency.

"(b) EXPERT EVALUATION.—On the date that is 3 years after the personnel management system is implemented, the Administration shall employ outside experts to provide an independent evaluation of the effectiveness of the system within 3 months after such date. For this purpose, the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary.

"(c) PAY RESTRICTION.—No offer or employee of the Administration may receive an annual rate of basic pay in excess of the annual rate of basic pay payable to the Administrator.

"(d) ETHICS.—The Administration shall be subject to Executive Order No. 12674 and regulations and opinions promulgated by the Office of Government Ethics, including those set forth in section 3635 of title 5 of the Code of Federal Regulations.

"(e) EMPLOYEE PROTECTIONS.—Until July 1, 1999, basic wages (including locality pay) and operational differential pay provided employees of the Administration shall not be involuntarily adversely affected by reason of the enactment of this section, except for unacceptable performance or by reason of a reduction in force or reorganization or by agreement between the Administration and the affected employees' exclusive bargaining representative.

"(f) LABOR-MANAGEMENT AGREEMENTS.—Except as otherwise provided by this title, all labor-management agreements covering employees of the Administration that are in effect on the effective date of the Air Traffic Management System Performance Improvement Act of 1996 shall remain in effect until their normal expiration date, unless the Administrator and the exclusive bargaining representation agree to the contrary.".

SEC. 654. CONFORMING AMENDMENT.

The chapter analysis for chapter 401, as amended by section 403(b) of this Act, is amended by striking the item relating to section 40120 and inserting the following new items:

"40121. Air traffic control modernization reviews.

"40122. Federal Aviation Administration personnel management system.

"40123. Relationship to other laws.".

Subtitle C—System To Fund Certain Federal Aviation Administration Functions

SEC. 671. FINDINGS.

The Congress finds the following:

(1) The Administration is recognized throughout the world as a leader in aviation safety.

(2) The Administration certifies aircraft, engines, propellers, and other manufactured parts.

(3) The Administration certifies more than 650 training schools for pilots and nonpilots, more than 4,858 repair stations, and more than 193 maintenance schools.

(4) The Administration certifies pilot examiners, who are then qualified to determine if a person has the skills necessary to become a pilot.

(5) The Administration certifies more than 6,000 medical examiners, each of whom is then qualified to medically certify the qualifications of pilots and nonpilots.

(6) The Administration certifies more than 470 airports, and provides a limited certification for another 205 airports. Other airports in the United States are also reviewed by the Administration.

(7) The Administration each year performs more than 355,000 inspections.

(8) The Administration issues more than 655,000 pilot's licenses and more than 560,000 nonpilot's licenses (including mechanics).

(9) The Administration's certification means that the product meets worldwide recognized standards of safety and reliability.

(10) The Administration's certification means aviation-related equipment and services meet worldwide recognized standards.

(11) The Administration's certification is recognized by governments and businesses throughout the world and as such may be a valuable element for any company desiring to sell aviation-related products throughout the world.

(12) The Administration's certification may constitute a valuable license, franchise, privilege, or benefits for the holders.

(13) The Administration also is a major purchaser of computers, radars, and other systems needed to run the air traffic control system. The Administration's design, acceptance, commissioning, or certification of such equipment enables the private sector to market those products around the world, and as such confers a benefit on the manufacturer.

(14) The Administration provides extensive services to public use aircraft.

SEC. 672. PURPOSES.

The purposes of this title are—

(1) to provide a financial structure for the Administration so that it will be able to support the future growth in the national aviation and airport system;

(2) to review existing and alternative funding options, including incentive-based fees for services, and establish a program to improve air traffic management system performance and to establish appropriate levels of cost accountability for air traffic management services provided by the Administration;

(3) to ensure that any funding will be dedicated solely for the use of the Administration;

(4) to authorize the Administration to recover the costs of its services from those who benefit from, but do not contribute to, the national aviation system and the services provided by the Administration;

(5) to consider a fee system based on the cost or value of the services provided and other funding alternatives;

(6) to develop funding options for the Congress in order to provide for the long-term efficient and cost-effective support of the Administration and the aviation system; and

(7) to achieve a more efficient and effective Administration for the benefit of the aviation transportation industry.

SEC. 673. USER FEES FOR VARIOUS FEDERAL AVIATION ADMINISTRATION SERVICES.

(1) IN GENERAL.—Chapter 453 is amended by striking section 45301 and inserting the following new section:

"§ 45301. General provisions

"(a) SCHEDULE OF FEES.—The Administrator shall establish a schedule of new fees, and a collection process for such fees, for the following services provided by the Administration:

"(1) Air traffic control and related services provided to aircraft other than military and civilian aircraft of the United States Government or of a foreign government that neither take off from, nor land in, the United States.

"(2) Services (other than air traffic control services) provided to a foreign government.

"(b) LIMITATIONS.—

"(1) AUTHORIZATION AND IMPACT CONSIDERATIONS.—In establishing fees under subsection (a), the Administrator—

"(A) is authorized to recover in fiscal year 1997 $100,000,000; and

"(B) shall ensure that each of the fees required by subsection (a) is directly related to the Administration's costs of providing the service rendered.

"(2) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register an initial fee schedule and associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.

"(c) USE OF EXPERTS AND CONSULTANTS.—In developing the system, the Administrator may consult with such nongovernmental experts as the Administrator may employ and the Administrator may utilize the services of experts and consultants under section 3109 of title 5 without regard to the limitation imposed by the last sentence of section 3109(b) of such title, and may contract on a sole source basis, notwithstanding any other provision of law to the contrary. Notwithstanding any other provision of law to the contrary, the Administrator may retain such experts under a contract awarded on a basis other than a competitive basis and without regard to any such provisions requiring competitive bidding or precluding sole source contract authority.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 453 is amended by striking the item relating to section 45301 and inserting the following new item:

"45301. General provisions.".

(c) REPEAL.—

(1) IN GENERAL.—Section 70118 is repealed.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 is amended by striking the item relating to section 70118.

SEC. 674. INDEPENDENT ASSESSMENT AND TASK FORCE TO REVIEW EXISTING AND INNOVATIVE FUNDING MECHANISMS.

(a) INDEPENDENT ASSESSMENT.—

(1) INITIATION.—As soon as all members of the task force are appointed under subsection (b) of this section, the Administrator shall contract with an entity independent of the Administration and the Department of Transportation to conduct a complete independent assessment of the financial requirements of the Administration through the year 2002.

(2) ASSESSMENT CRITERIA.—The Administrator shall provide to the independent entity estimates of the financial requirements of the Administration for the period described in paragraph (1), using as a base the fiscal year 1997 authorization levels established by the Congress. The independent assessment shall be based on an objective analysis of agency funding needs.

(3) CERTAIN FACTORS TO BE TAKEN INTO ACCOUNT.—The independent assessment shall take into account all relevant factors, including—

(A) anticipated air traffic forecasts;

(B) other workload measures;

(C) estimated productivity gains, if any, which contribute to budgetary requirements;

(D) the need for programs; and

(E) the need to provide for continued improvements in all facets of aviation safety, along with operational improvements in air traffic control.

(4) COST ALLOCATION.—The independent assessment shall also assess the costs to the Administration occasioned by the provision of services to each segment of the aviation system.

(5) DEADLINE.—The independent assessment shall be completed no later than 90 days after the contract is awarded, and shall be submitted to the task force, the Secretary, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(b) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall establish an 11-member task force, independent of the Administration and the Department of Transportation.

(2) MEMBERSHIP.—The members of the task force shall be selected from among individuals who have expertise in the aviation industry and who are able, collectively, to represent a balance view of the issues important to general aviation, major air carriers, air cargo carriers, regional air carriers, business aviation, airports, aircraft manufacturers, the financial community, aviation industry workers, and airline passengers. At least one member of the task force shall have detailed knowledge of the congressional budgetary process.

(3) HEARINGS AND CONSULTATION.—

(a) HEARINGS.—The task force shall take such testimony and solicit and receive such comments from the public and other interested parties as it considers appropriate, shall conduct 2 public hearings after affording adequate notice to the public thereof, and is authorized to conduct such additional hearings as may be necessary.

(B) CONSULTATION.—The task force shall consult on a regular and frequent basis with the Secretary of Transportation, the Secretary of the Treasury, the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives.

(C) FACA NOT TO APPLY.—The task force shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act (5 U.S.C. App.).

(4) DUTIES.—

(A) REPORT TO SECRETARY.—

(i) IN GENERAL.—The task force shall submit a report setting forth a comprehensive analysis of the Administration's budgetary requirements through fiscal year 2002, based upon the independent assessment under subsection (a), that analyzes alternative financing and funding means for meeting the needs of the aviation system through the year 2002. The task force shall submit a preliminary report of that analysis to the Secretary not later than 6 months after the independent assessment is completed under subsection (a). The Secretary shall provide comments on the preliminary report to the task force within 30 days after receiving it. The task force shall issue a final report of such comprehensive analysis within 30 days after receiving the Secretary's comments on its preliminary report.

(i) CONTENTS.—The report submitted by the task force under clause (i)—

(I) shall consider the independent assessment under subsection (a);

(II) shall consider estimated cost savings, if any, resulting from the procurement and personnel reforms included in this Act or in sections 347 and 348 of Public Law 104-50, and additional financial initiatives;

(III) shall include specific recommendations to the Congress on how the Administration can reduce costs, raise additional revenue for the support of agency operations, and accelerate modernization efforts; and

(IV) shall include a draft bill containing the changes in law necessary to implement its recommendations.

(B) RECOMMENDATIONS.—The task force shall make such recommendations under subparagraph (A)(III) as the task force deems appropriate. Those recommendations may include—

(i) alternative financing and funding proposals, including linked financing proposals;

(ii) modifications to existing levels of Airports and Airways Trust Fund receipts and taxes for each type of tax;

(iii) establishment of a cost-based user fee system based on, but not limited to, criteria under subparagraph (F) and methods to ensure that costs are borne by users on a fair and equitable basis;

(iv) methods to ensure that funds collected from the aviation community are able to meet the needs of the agency;

(v) methods to ensure that funds collected from the aviation community and passengers are used to support the aviation system;

(vi) means of meeting the airport infrastructure needs for large, medium, and small airports; and

(vii) any other matter the task force deems appropriate to address the funding and needs of the Administration and the aviation system.

(C) ADDITIONAL RECOMMENDATIONS.—The task force report may also make recommendations concerning—

(i) means of improving productivity by expanding and accelerating the use of automation and other technology;

(ii) means of contracting out services consistent with this Act, other applicable law, and safety and national defense needs;

(iii) methods to accelerate air traffic control modernization and improvements in aviation safety and safety services;

(iv) the elimination of unneeded programs; and

(v) a limited innovative program based on funding mechanisms such as loan guarantees, financial partnerships with for-profit private sector entities, government-sponsored enterprises, and revolving loan funds, as a means of funding specific facilities and equipment projects, and to provide limited additional funding alternatives for airport capacity development.

(D) IMPACT ASSESSMENT FOR RECOMMENDATIONS.—For each recommendation contained in the task force's report, the report shall include a full analysis and assessment of the impact implementation of the recommendation would have on—

(i) safety;

(ii) administrative costs;

(iii) the congressional budget process;

(iv) the economics of the industry (including the proportionate share of all users);

(v) the ability of the Administration to utilize the sums collected; and

(vi) the funding needs of the Administration.

(E) TRUST FUND TAX RECOMMENDATIONS.—If the task force's report includes a recommendation that the existing Airport and Airways Trust Fund tax structure be modified, the report shall—

(i) state the specific rates for each group affected by the proposed modifications;

(ii) consider the impact such modifications shall have on specific users and the public (including passengers); and

(iii) state the basis for the recommendations.

(F) FEE SYSTEM RECOMMENDATIONS.—If the task force's report includes a recommendation that a fee system be established, including an air traffic control performance-based user fee system, the report shall consider—

(i) the impact such a recommendation would have on passengers, air fares (including low-fare, high frequency service), service, and competition;

(ii) existing contributions provided by individual air carriers toward funding the Administration and the air traffic control system through contributions to the Airport and Airways Trust Fund;

(iii) continuing the promotion of fair and competitive practices;

(iv) the unique circumstances associated with interisland air carrier service in Hawaii and rural air service in Alaska;

(v) the impact such a recommendation would have on service to small communities;

(vi) the impact such a recommendation would have on services provided by regional air carriers;

(vii) alternative methodologies for calculating fees so as to achieve a fair and reasonable distribution of costs of service among users;

(viii) the usefulness of phased-in approaches to implementing such a financing system;

(ix) means of assuring the provision of general fund contributions, as appropriate, toward the support of the Administration; and

(x) the provision of incentives to encourage greater efficiency in the provision of air traffic services by the Administration and greater efficiency in the use of air traffic services by aircraft operators.

(G) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the task force appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, United States Code (commonly known as the 'Freedom of Information Act') cost data associated with the acquisition and operation of air traffic service systems. Any member of the task force who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, United States Code, pertaining to unauthorized disclosure of such information.

(H) TRAVEL AND PER DIEM.—Each member of the task force shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5, United States Code.

(I) DETAIL OF PERSONNEL FROM THE ADMINISTRATION.—The Administrator shall make available to the task force such staff, information, and administrative services and assistance as may reasonably be required to enable the task force to carry out its responsibilities under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(c) REPORT BY SECRETARY TO CONGRESS.—

(1) CONSIDERATION OF TASK FORCE'S PRELIMINARY REPORT.—Within 30 days after receiving the preliminary report of the task force under subsection (b), the Secretary, in consultation with the Secretary of the Treasury, shall furnish comments on that report to the task force.

(2) SECRETARY'S REPORT TO CONGRESS.—Within 30 days after receiving the final report of the task force and in no event more than 1 year after the date of enactment of this Act, the Secretary, after consulting the Secretary of the Treasury, shall submit a report, based upon the final report of the task force, containing the Secretary's recommendations for funding the needs of the aviation system through the year 2002 to the Committee on Commerce, Science, and Transportation and the Committee on Finance of the Senate and the Committee on Transportation and Infrastructure and the Committee on Ways amd Means of the House of Representatives.

(3) CONTENTS.—The Secretary shall include in his report to the Congress under paragraph (2)—

(A) a copy of the final report of the task force; and

(B) a draft bill containing the changes in law necessary to implement the Secretary's recommendations.

(4) PUBLICATION.—The Secretary shall cause a copy of the reports to be printed in the Federal Register upon their submission to Congress.

(d) GAO AUDIT OF COST ALLOCATION.—The Comptroller General shall conduct an assessment of the manner in which costs for air traffic control services are allocated between the Administration and the Department of Defense. The Comptroller General shall report the results of the assessment, together with any recommendations the Comptroller General may have for reallocation of costs and for opportunities to increase the efficiency of air traffic control services provided by the Administration and by the Department of Defense, to the task force, the Administrator, the Secretary of Defense, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate not later than 120 days after the date of enactment of this Act.

SEC. 675. PROCEDURE FOR CONSIDERATION OF CERTAIN FUNDING PROPOSALS.

(a) IN GENERAL.—Chapter 481 is amended by adding at the end thereof the following:

"§ 48111. Funding proposals

"(a) INTRODUCTION AND REFERRAL.—Within 15 days (not counting any day on which either House is not in session) after a funding proposal is submitted to the House of Representatives and the Senate by the Secretary of Transportation under section 674(c) of the Air Traffic Management System Performance Improvement Act of 1996, an implementing bill with respect to such funding proposed shall be introduced in the House by the Majority Leader of the House, for himself and the Minority Leader of the House, or by Members of the House designated by the Majority Leader and Minority Leader of the House; and shall be introduced in the Senate by the Majority Leader of the Senate, for himself and the Minority Leader of the Senate, or by Members of the Senate designated by the Majority Leader and Minority Leader of the Senate. The implementing bill shall be referred by the Presiding Officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of two or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

"(b) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(1) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an implementing bill is referred shall report it, with or without recommendation, not later than the 45th calendar day of session after the date of its introduction. If any committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by a Member favoring the bill (but only at a time or place designated by the Speaker in the legislative schedule of the day after the calendar day on which the Member offering the motion announces to the House his intention to do so and the form of the motion). The motion is highly privileged. Debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

"(2) CONSIDERATION OF IMPLEMENTING BILL.—After an implementing bill is reported or a committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. If reported and

the report has been available for at least one calendar day, all points of order against the bill and against consideration of the bill are waived. If discharged, all points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed with. General debate shall proceed, shall be confined to the bill, and shall not exceed one hour equally divided and controlled by a proponent and an opponent of the bill. The bill shall be considered as read for amendment under the five-minute rule. Only one motion to rise shall be in order, except if offered by the manager. No amendment to the bill is in order except an amendment that is relevant to aviation funding and the Federal Aviation Administration. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except pro forma amendments for the purposes of debate only. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

"(3) APPEALS OF RULINGS.—Appeals from decision of the Chair regarding application of the rules of the House of Representatives to the procedure relating to an implementing bill shall be decided without debate.

"(4) CONSIDERATION OF MORE THAN ONE IMPLEMENTING BILL.—It shall not be in order to consider under this subsection more than one implementing bill under this section, except for consideration of a similar Senate bill (unless the House has already rejected an implementing bill) or more than one motion to discharge described in paragraph (1) with respect to an implementing bill.

"(c) CONSIDERATION IN THE SENATE.—

"(1) REFERRAL AND REPORTING.—An implementing bill introduced in the Senate shall be referred to the appropriate committee or committees. A committee to which an implementing bill has been referred shall report the bill not later than the 45th day of session following the date of introduction of that bill. If any committee fails to report the bill within that period, then it shall be in order to move to discharge the committee from further consideration of the bill under rule 17.4 of the Standing Rules of the Senate, and the bill shall be placed on the Calendar. A motion to discharge the committee from further consideration of an implementing bill under this paragraph shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to discharge was adopted or rejected, although subsequent motions to discharge may be made under this paragraph.

"(2) IMPLEMENTING BILL FROM HOUSE.—When the Senate receives from the House of Representatives an implementing bill, the bill shall not be referred to committee and shall be placed on the Calendar.

"(3) CONSIDERATION OF SINGLE IMPLEMENTING BILL.—After the Senate has proceeded to the consideration of an implementing bill under this subsection, then no other implementing bill originating in that same House shall be subject to the procedures set forth in this subsection.

"(4) AMENDMENTS.—No amendment to the bill is in order except an amendment that is relevant to aviation funding and the Federal Aviation Administration. Consideration of the bill for amendment shall not exceed one hour excluding time for recorded votes and quorum calls. No amendment shall be subject to further amendment, except for perfecting amendments.

"(5) MOTION NONDEBATABLE.—A motion to proceed to consideration of an implementing bill under this subsection shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed was adopted or rejected, although subsequent motions to proceed may be made under this paragraph.

"(6) LIMIT ON CONSIDERATION.—

"(A) After no more than 20 hours of consideration of an implementing bill, the Senate shall proceed, without intervening action or debate (except as permitted under paragraph (9)), to vote on the final disposition thereof to the exclusion of all amendments not then pending and to the exclusion of all motions, except a motion to reconsider or table.

"(B) The time for debate on the implementing bill shall be equally divided between the Majority Leader and the Minority Leader or their designees.

"(7) DEBATE OF AMENDMENTS.—Debate on any amendment to an implementing bill shall be limited to one hour, equally divided and controlled by the Senator proposing the amendment and the majority manager, unless the majority manager is in favor of the amendment, in which case the minority manager shall be in control of the time in opposition.

"(8) NO MOTION TO RECOMMIT.—A motion to recommit an implementing bill shall not be in order.

"(9) DISPOSITION OF SENATE BILL.—If the Senate has read for the third time an implementing bill that originated in the Senate, then it shall be in order at any time thereafter to move to proceed to the consideration of an implementing bill for the same special message received from the House of Representatives and placed on the Calendar pursuant to paragraph (2), strike all after the enacting clause, substitute the text of the Senate implementing bill, agree to the Senate amendment, and vote on final disposition of the House implementing bill, all without any intervening action or debate.

"(10) CONSIDERATION OF HOUSE MESSAGE.—Consideration in the Senate of all motions, amendments, or appeals necessary to dispose of a message from the House of Representatives on an implementing bill shall be limited to not more than 4 hours. Debate on each motion or amendment shall be limited to 30 minutes. Debate on any appeal or point of order that is submitted in connection with the disposition of the House message shall be limited to 20 minutes. Any time for debate shall be equally divided and controlled by the proponent and the majority manager, unless the majority manager is a proponent of the motion, amendment, appeal, or point of order, in which case the minority manager shall be in control of the time in opposition.

"(d) CONSIDERATION IN CONFERENCE.—

"(1) CONVENING OF CONFERENCE.—In the case of disagreement between the two Houses of Congress with respect to an implementing bill passed by both Houses, conferees should be promptly appointed and a conference promptly convened, if necessary.

"(2) HOUSE CONSIDERATION.—Notwithstanding any other rule of the House of Representatives, it shall be in order to consider the report of a committee of conference relating to an implementing bill if such report has been available for one calendar day (excluding Saturdays, Sundays, and legal holidays, unless the House is in session on such a day) and the accompanying statement shall have been filed in the House.

"(3) SENATE CONSIDERATION.—Consideration in the Senate of the conference report and any amendments in disagreement on an implementing bill shall be limited to not more than 4 hours equally divided and controlled by the Majority Leader and the Minority Leader or their designees. A motion to recommit the conference report is not in order.

"(e) DEFINITIONS.—For purposes of this section—

"(1) IMPLEMENTING BILL.—The term 'implementing bill' means only a bill of either House of Congress which is introduced as provided in subsection (a) with respect to one or more Federal Aviation Administration funding proposals which contain changes in existing laws or new statutory authority required to implement such funding proposal or proposals.

"(2) FUNDING PROPOSAL.—The term 'funding proposal' means a proposal to provide interim or permanent funding for operations of the Federal Aviation Administration.

"(f) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of implementing bills described in subsection (d); and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 481 is amended by adding at the end thereof the following:

"48111. Funding proposals.".

SEC. 676. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Chapter 453, as amended by section 654 of this title, is further amended by—

(1) redesignating section 45303 as section 45304; and

(2) by inserting after section 45302 the following:

"§ 45303. Administrative provisions

"(a) IN GENERAL.—

"(1) FEES PAYABLE TO ADMINISTRATOR.—All fees imposed and amounts collected under this chapter for services performed, or materials furnished, by the Federal Aviation Administration (hereafter in this section referred to as 'Administration') are payable to the Administrator.

"(2) REFUNDS.—The Administrator may refund any fee paid by mistake or any amount paid in excess of that required.

"(3) RECEIPTS CREDITED TO ACCOUNT.—Notwithstanding section 3302 of title 31 all fees and amounts collected by the Administration, except insurance premiums and other fees charged for the provision of insurance and deposited in the Aviation Insurance Revolving Fund and interest earned on investments of such Fund, and except amounts which on the date of enactment of the Air Traffic Management System Performance Improvement Act of 1996 are required to be

credited to the general fund of the Treasury (whether imposed under this section or not)—

"(A) shall be credited to a separate account established in the Treasury and made available for Administration activities as offsetting collections;

"(B) shall be available immediately for expenditure but only for congressionally authorized and intended purposes; and

"(C) shall remain available until expended.

"(4) ANNUAL BUDGET REPORT BY ADMINISTRATOR.—The Administrator shall, on the same day each year as the President submits the annual budget to the Congress, provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

"(A) a list of fee collections by the Administration during the preceding fiscal year;

"(B) a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations;

"(C) budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates;

"(D) any proposed disposition of surplus fees by the Administration; and

"(E) such other information as those committees consider necessary.

"(5) DEVELOPMENT OF COST ACCOUNTING SYSTEM.—The Administration shall develop a cost accounting system that adequately and accurately reflects the investments, operating and overhead costs, revenues, and other financial measurement and reporting aspects of its operations.

"(6) COMPENSATION TO CARRIERS FOR ACTING AS COLLECTION AGENTS.—The Administration shall prescribe regulations to ensure that any air carrier required, pursuant to the Air Traffic Management System Performance Improvement Act of 1996 or any amendments made by that Act, to collect a fee imposed on another party by the Administrator may collect from such other party an additional uniform amount that the Administrator determines reflects the necessary and reasonable expenses (net of interest accruing to the carrier after collection and before remittance) incurred in collecting and handling the fee.

"(7) COST REDUCTION AND EFFICIENCY REPORT.—Prior to the submission of any proposal for establishment, implementation, or expansion of any fees or taxes imposed on the aviation industry, the Administrator shall prepare a report for submission to the Congress which includes—

"(A) a justification of the need for the proposed fees or taxes;

"(B) a statement of steps taken by the Administrator to reduce costs and improve efficiency within the Administration;

"(C) an analysis of the impact of any fee or tax increase on each sector of the aviation transportation industry; and

"(D) a comparative analysis of any decrease in tax amounts equal to the receipts from which are credited to the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 453 is amended by striking the item relating to section 45303 and inserting the following:

"45303. Administrative provisions.
"45304. Maximum fees for private person services.".

SEC. 677. ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FUND ACTIVITIES.

(a) IN GENERAL.—Part C of subtitle VII is amended by adding at the end the following new chapter:

"CHAPTER 482—ADVANCE APPROPRIATIONS FOR AIRPORT AND AIRWAY TRUST FACILITIES

"Sec.
"48201. Advance appropriations.

"§ 48201. Advance appropriations

"(a) MULTIYEAR AUTHORIZATIONS.—Beginning with fiscal year 1998, any authorization of appropriations for an activity for which amounts are to be appropriated from the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 shall provide funds for a period of not less than 3 fiscal years unless the activity for which appropriations are authorized is to be concluded before the end of that period.

"(b) MULTIYEAR APPROPRIATIONS.—Beginning with fiscal year 1998, amounts appropriated from the Airport and Airway Trust Fund shall be appropriated for periods of 3 fiscal years rather than annually.".

(c) CONFORMING AMENDMENT.—The analysis for subtitle VIII is amended by adding at the end the following new item:

"482. Advance appropriations for airport and airway trust facilities ..... 48201.".

SEC. 678. RURAL AIR SERVICE SURVIVAL ACT.

(a) SHORT TITLE.—This section may be cited as the "Rural Air Service Survival Act".

(b) FINDINGS.—The Congress finds that—

(1) air service in rural areas is essential to a national transportation network;

(2) the rural air service infrastructure supports the safe operation of all air travel;

(3) rural air service creates economic benefits for all air carriers by making the national aviation system available to passengers from rural areas;

(4) rural air service has suffered since deregulation;

(5) the essential air service program under the Department of Transportation—

(A) provides essential airline access to rural and isolated rural communities throughout the Nation;

(B) is necessary for the economic growth and development of rural communities;

(C) is a critical component of the national transportation system of the United States; and

(D) has endured serious funding cuts in recent years; and

(6) a reliable source of funding must be established to maintain air service in rural areas and the essential air service program.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended to read as follows:

"§ 41742. Essential air service authorization

"(a) IN GENERAL.—Out of the amounts received by the Administration credited to the account established under section 45303(a)(3) or otherwise provided to the Administration, the sum of $50,000,000 is authorized and shall be made available immediately for obligation and expenditure to carry out the essential air service program under this subchapter for each fiscal year.

"(b) FUNDING FOR SMALL COMMUNITY AIR SERVICE.—Notwithstanding any other provision of law, moneys credited to the account established under section 45303(a), including the funds derived from fees imposed under the authority contained in section 45301(a), shall be used to carry out the essential air service program under this subchapter. Notwithstanding section 47114(g) of this title, any amounts from those fees that are not obligated or expended at the end of the fiscal year for the purpose of funding the essential air service program under this subchapter shall be made available to the Administration for use in improving rural air safety under subchapter I of chapter 471 of this title and shall be used exclusively for projects at rural airports under this subchapter.".

(d) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by striking the item relating to section 41742 and inserting the following:

"41742. Essential air service authorization.".

(e) SECRETARY MAY REQUIRE MATCHING LOCAL FUNDS.—Section 41737 is amended by adding at the end thereof the following:

"(e) MATCHING FUNDS.—No earlier than 2 years after the effective date of section 679 of the Air Traffic Management System Performance Improvement Act of 1996, the Secretary may require an eligible agency, as defined in section 40117(a)(2) of this title, to provide matching funds of up to 10 percent for any payments it receives under this subchapter.".

(f) TRANSFER OF ESSENTIAL AIR SERVICE PROGRAM TO FAA.—The responsibility for administration of subchapter II of chapter 417 is transferred from the Secretary of Transportation to the Administrator.

TITLE VII—PILOT RECORDS

SEC. 701. SHORT TITLE.

This title may be cited as the "Pilot Records Improvement Act of 1996".

SEC. 702. EMPLOYMENT INVESTIGATIONS OF PILOT APPLICANTS.

(a) IN GENERAL.—Section 44936 is amended by adding at the end the following new subsection:

"(f) RECORDS OF EMPLOYMENT OF PILOT APPLICANTS.—

"(1) IN GENERAL.—Before hiring an individual as a pilot, an air carrier shall request and receive the following information:

"(A) FAA RECORDS.—From the Administrator of the Federal Aviation Administration (hereafter in this subsection referred to as the 'Administrator'), records pertaining to the individual that are maintained by the Administrator concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

"(ii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

"(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person that has employed the individual at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

"(i) records pertaining to the individual that are maintained by an air carrier under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual that are maintained by the air carrier or person concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(7), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

"(2) WRITTEN CONSENT; RELEASE FROM LIABILITY.—An air carrier making a request for records under paragraph (1)—

"(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

"(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records to request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

"(3) 5-YEAR REPORTING PERIOD.—A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

"(4) REQUIREMENT TO MAINTAIN RECORDS.—The Administrator shall maintain pilot records described in paragraph (1)(A) for a period of at least 5 years.

"(5) RECEIPT OF CONSENT; PROVISION OF INFORMATION.—A person shall not furnish a record in response to a request made under paragraph (1) without first obtaining a copy of the written consent of the individual who is the subject of the records requested. A person who receives a request for records under this paragraph shall furnish a copy of all of such requested records maintained by the person not later than 30 days after receiving the request.

"(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

"(A) written notice of the request and of the right of that individual to receive a copy of such records; and

"(B) a copy of such records, if requested by the individual.

"(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES.—A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

"(8) STANDARD FORMS.—The Administrator shall promulgate—

"(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

"(B) standard forms that may be used by an air carrier to—

"(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

"(ii) inform the individual of—

"(I) the request; and

"(II) the individual right of that individual to receive a copy of any records furnished in response to the request.

"(9) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

"(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS.—Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot employed by such carrier, make available, within a reasonable time of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B) (i) or (ii) pertaining to the employment of the pilot.

"(11) PRIVACY PROTECTIONS.—An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(12) PERIODIC REVIEW.—Not later than 18 months after the date of enactment of the Pilot Records Improvement Act of 1996, and at least once every 3 years thereafter, the Administrator shall transmit to the Congress a statement that contains, taking into account recent developments in the aviation industry—

"(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

"(13) REGULATIONS.—The Administrator may prescribe such regulations as may be necessary—

"(A) to protect—

"(i) the personal privacy of any individual whose records are requested under paragraph (1); and

"(ii) the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

"(C) to ensure prompt compliance with any request made under paragraph (1).

"(g) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.—

"(1) LIMITATION ON LIABILITY.—No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under paragraph (2), against—

"(A) the air carrier requesting the records of that individual under subsection (a)(1);

"(B) a person who has complied with such request; or

"(C) an agent or employee of a person described in subparagraph (A) or (B);

in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (a).

"(2) PREEMPTION.—No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (a).

"(3) PROVISION OF KNOWINGLY FALSE INFORMATION.—Paragraph (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (f)(1), that—

"(A) the person knows is false; and

"(B) was maintained in violation of a criminal statute of the United States.".

(b) CONFORMING AMENDMENT.—Section 30305(b) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following;

"(7) An individual who is seeking employment by an air carrier as a pilot may request the chief driver licensing official of a State to provide information about the individual under paragraph (2) to the prospective employer of the individual or to the Secretary of Transportation. Information may not be obtained from the National Driver Register under this subsection if the information was entered in the Register more than 5 years before the request unless the information is about a revocation or suspension still in effect on the date of the request.".

(c) APPLICABILITY.—The amendments made by this section shall apply to any air carrier hiring an individual as a pilot whose application was first received by the carrier on or after the 120th day after the date of enactment of this Act.

SEC. 703. STUDY OF MINIMUM STANDARDS FOR PILOT QUALIFICATIONS.

The Administrator shall appoint a task force consisting of appropriate representatives of the aviation industry to conduct a study directed toward the development of—

(1) standards and criteria for preemployment screening tests measuring the psychomotor coordination, general intellectual capacity, instrument and mechanical comprehension, and physical and mental fitness of an applicant for employment as a pilot by an air carrier; and

(2) standards and criteria for pilot training facilities to be licensed by the Administrator and which will assure that pilots trained at such facilities meet the preemployment screening standards and criteria described in paragraph (1).

TITLE VIII-ABOLITION OF BOARD OF REVIEW

SEC. 801. ABOLITION OF BOARD OF REVIEW AND RELATED AUTHORITY.

(a) ABOLITION OF BOARD OF REVIEW.—Section 6007 of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2456) is amended—

(1) by striking subsections (f) and (h);

(2) by redesignating subsection (g) as subsection (f); and

(3) by redesignating subsection (i) as subsection (g).

(b) CONFORMING AMENDMENTS.—

(1) RELATIONSHIP TO AND EFFECT OF OTHER LAWS.—Section 6009(b) of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2458(b)) is amended by striking "or by reason of the authority" and all that follows through the end of the subsection and inserting a period.

(2) SEPARABILITY.—Section 6011 of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. App. 2460) is amended by striking "Except as provided in section 6007(h), if" and inserting "If".

(c) PROTECTION OF CERTAIN ACTIONS.—Any action taken by the Airports Authority and

submitted to the Board of Review pursuant to section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 before April 1, 1995, shall remain in effect and shall not be set aside solely by reason of a judicial order invalidating certain functions of the Board.

SEC. 802. SENSE OF THE SENATE.

It is the sense of the Senate that the Airports Authority—

(1) should not provide any reserved parking areas free of charge to Members of Congress, other Government officials, or diplomats at Washington National Airport or Washington Dulles International Airport; and

(2) should establish a parking policy for such airports that provides equal access to the public, and does not provide preferential parking privileges to Members of Congress, other Government officials, or diplomats.

SEC. 803. CONFORMING AMENDMENTS IN OTHER LAW.

Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority to the Board of Review or the provisions of law repealed under this title is hereby repealed.

SEC. 804. DEFINITIONS.

For purposes of this title—

(1) the terms "Airports Authority", "Washington National Airport", and "Washington Dulles International Airport" have the same meanings as in section 6004 of the Metropolitan Washington Airports Act of 1986; and

(2) the term "Board of Review" means the Board of Review of the Airports Authority.

SEC. 805. INCREASE IN NUMBER OF PRESIDENTIALLY APPOINTED MEMBERS OF BOARD.

(a) IN GENERAL.—Section 6007(e) of the Metropolitan Washington Airports Act of 1986 (formerly 49 U.S.C. 2456(e)) is amended—

(1) by striking "11 members," in paragraph (1) and inserting "13 members,";

(2) by striking "one member" in paragraph (1)(D) and inserting "3 members"; and

(3) by striking "Seven" in paragraph (5) and inserting "Eight".

(b) STAGGERING TERMS FOR PRESIDENTIAL APPOINTEES.—Of the members first appointed by the President after the date of enactment of this Act—

(1) one shall be appointed for a term that expires simultaneously with the term of the member of the Metropolitan Washington Airports Authority board of directors serving on that date (or, if there is a vacancy in that office, the member appointed to fill the existing vacancy and the member to whom this paragraph applies shall be appointed for 2 years);

(2) one shall be appointed for a term ending 2 years after the term of the member (or members) to whom paragraph (1) applies expires; and

(3) one shall be appointed for a term ending 4 years after the term of the member (or members) to whom paragraph (1) applies expires.

SEC. 806. RECONSTITUTED BOARD TO FUNCTION WITHOUT INTERRUPTION.

Notwithstanding any provision of State law, including those provisions establishing, providing for the establishment of, or recognizing the Metropolitan Washington Airports Authority, and based upon the Federal interest in the continued functions of the Metropolitan Washington Airports (as defined in section 6004(4) of the Metropolitan Washington Airports Authority Act of 1986 (formerly 49 U.S.C. 2451(4)), the board of directors of such Authority, including any members appointed under the amendments made by section 805, shall continue to meet and act after the date of enactment of this Act until such time as necessary conforming changes in State law are made in the same manner as if those conforming changes had been enacted on the date of enactment of this Act.

SEC. 807. OPERATIONAL SLOTS AT NATIONAL AIRPORT.

Nothing in this title shall affect the number or distribution of operational slots at National Airport.

SEC. 808. AIRPORTS AUTHORITY SUPPORT OF BOARD.

Section 6005 of the Metropolitan Washington Airports Authority Act of 1986 (formerly 49 U.S.C. 2454) is amended by adding at the end thereof the following:

"(f) FEDERAL AGENCY OVERSIGHT.—The Airports Authority shall not be required—

"(1) to pay any person;

"(2) to provide office space or administrative support; or

"(3) to reimburse the Secretary of Transportation for expenses incurred,

for carrying out any Federal agency oversight responsibilities under this Act. Nothing in this subsection precludes the Airport Authority from providing services or expenses to any member of the Board of Directors.".

TITLE IX—AIRPORT REVENUE PROTECTION

SEC. 901. SHORT TITLE.

This title may be cited as the "Airport Revenue Protection Act of 1996".

SEC. 902. FINDINGS; PURPOSE.

(a) IN GENERAL.—The Congress finds that—

(1) section 47107 of title 49, United States Code, prohibits the diversion of certain revenue generated by a public airport as a condition of receiving a project grant;

(2) a grant recipient that uses airport revenue for purposes that are not airport related in a manner inconsistent with chapter 471 of title 49, United States Code, illegally diverts airport revenues;

(3) any diversion of airport revenues in violation of the condition referred to in paragraph (1) undermines the interest of the United States in promoting a strong national air transportation system that is responsive to the needs of airport users;

(4) the Secretary and the Administrator have not enforced airport revenue diversion rules adequately and must have additional regulatory tools to increase enforcement efforts; and

(5) sponsors who have been found to have illegally diverted airport revenues—

(A) have not reimbursed or made restitution to airports in a timely manner; and

(B) must be encouraged to do so.

(b) PURPOSE.—The purpose of this title is to ensure that airport users are not burdened with hidden taxation for unrelated municipal services and activities by—

(1) eliminating the ability of any State or political subdivision thereof that is a recipient of a project grant to divert airport revenues for purposes that are not related to an airport, in violation of section 47107 of title 49, United States Code;

(2) imposing financial reporting requirements that are designed to identify instances of illegal diversions referred to in paragraph (1);

(3) establishing a statute of limitations for airport revenue diversion actions;

(4) clarifying limitations on revenue diversion that are permitted under chapter 471 of title 49, United States Code; and

(5) establishing clear penalties and enforcement mechanisms for identifying and prosecuting airport revenue diversion.

SEC. 903. DEFINITIONS.

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

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIRPORT.—The term "airport" has the meaning provided that term in section 47102(2) of title 49, United States Code.

(3) PROJECT GRANT.—The term "project grant" has the meaning provided that term in section 47102(14) of title 49, United States Code.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

(5) SPONSOR.—The term "sponsor" has the meaning provided that term in section 47102(19) of title 49, United States Code.

SEC. 904. RESTRICTION ON USE OF AIRPORT REVENUES.

(a) IN GENERAL.—Subchapter I of chapter 471, as amended by section 201(a) of this Act, is further amended by adding at the end of subchapter I the following new section:

"§ 47133. Restriction on use of revenues

"(a) PROHIBITION.—Local taxes on aviation fuel (except taxes in effect on December 30, 1987) or the revenues generated by an airport that is the subject of Federal assistance may not be expended for any purpose other than the capital or operating costs of—

"(1) the airport;

"(2) the local airport system; or

"(3) any other local facility that is owned or operated by the person or entity that owns or operates the airport that is directly and substantially related to the air transportation of passengers or property.

"(b) EXCEPTIONS.—Subsection (a) shall not apply if a provision enacted not later than September 2, 1982, in a law controlling financing by the airport owner or operator, or a covenant or assurance in a debt obligation issued not later than September 2, 1982, by the owner or operator, provides that the revenues, including local taxes on aviation fuel at public airports, from any of the facilities of the owner or operator, including the airport, be used to support not only the airport but also the general debt obligations or other facilities of the owner or operator.

"(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to prevent the use of a State tax on aviation fuel to support a State aviation program or the use of airport revenue on or off the airport for a noise mitigation purpose.".

(b) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 471 is amended by adding at the end the following new item:

"47133. Restriction on use of revenues.".

SEC. 905. REGULATIONS; AUDITS AND ACCOUNTABILITY.

(a) IN GENERAL.—Section 47107 is amended by adding at the end the following new subsections:

"(m) AUDIT CERTIFICATION.—

"(1) IN GENERAL.—The Secretary of Transportation (hereafter in this section referred to as the 'Secretary'), acting through the Administrator of the Federal Aviation Administration (hereafter in this section referred to as the 'Administrator'), shall promulgate regulations that require a recipient of a project grant (or any other recipient of Federal financial assistance that is provided for an airport) to include as part of an annual audit conducted under sections 7501 through 7505 of title 31, a review and opinion of the review concerning the funding activities with respect to an airport that is the subject of the project grant (or other Federal

financial assistance) and the sponsors, owners, or operators (or other recipients) involved.

"(2) CONTENT OF REVIEW.—A review conducted under paragraph (1) shall provide reasonable assurances that funds paid or transferred to sponsors are paid or transferred in a manner consistent with the applicable requirements of this chapter and any other applicable provision of law (including regulations promulgated by the Secretary or the Administrator).

"(3) REQUIREMENTS FOR AUDIT REPORT.—The report submitted to the Secretary under this subsection shall include a specific determination and opinion regarding the appropriateness of the disposition of airport funds paid or transferred to a sponsor.

"(n) RECOVERY OF ILLEGALLY DIVERTED FUNDS.—

"(1) IN GENERAL.—Not later than 180 days after the issuance of an audit or any other report that identifies an illegal diversion of airport revenues (as determined under subsections (b) and (l) and section 47133), the Secretary, acting through the Administrator, shall—

"(A) review the audit or report;

"(B) perform appropriate factfinding; and

"(C) conduct a hearing and render a final determination concerning whether the illegal diversion of airport revenues asserted in the audit or report occurred.

"(2) NOTIFICATION.—Upon making such a finding, the Secretary, acting through the Administrator, shall provide written notification to the sponsor and the airport of—

"(A) the finding; and

"(B) the obligations of the sponsor to reimburse the airport involved under this paragraph.

"(3) ADMINISTRATIVE ACTION.—The Secretary may withhold any amount from funds that would otherwise be made available to the sponsor, including funds that would otherwise be made available to a State, municipality, or political subdivision thereof (including any multimodal transportation agency or transit authority of which the sponsor is a member entity) as part of an appointment or grant made available pursuant to this title, if the sponsor—

"(A) receives notification that the sponsor is required to reimburse an airport; and

"(B) has had an opportunity to reimburse the airport, but has failed to do so.

"(4) CIVIL ACTION.—If a sponsor fails to pay an amount specified under paragraph (3) during the 180-day period beginning on the date of notification and the Secretary is unable to withhold a sufficient amount under paragraph (3), the Secretary, acting through the Administrator, may initiate a civil action under which the sponsor shall be liable for civil penalty in an amount equal to the illegal diversion in question plus interest (as determined under subsection (o)).

"(5) DISPOSITION OF PENALTIES.—

"(A) AMOUNTS WITHHELD.—The Secretary or the Administrator shall transfer any amounts withheld under paragraph (3) to the Airport and Airway Trust Fund.

"(B) CIVIL PENALTIES.—With respect to any amount collected by a court in a civil action under paragraph (4), the court shall cause to be transferred to the Airport and Airway Trust Fund any amount collected as a civil penalty under paragraph (4).

"(6) REIMBURSEMENT.—The Secretary, acting through the Administrator, shall, as soon as practicable after any amount is collected from a sponsor under paragraph (4), cause to be transferred from the Airport and Airway Trust Fund to an airport affected by a diversion that is the subject of a civil action under paragraph (4), reimbursement in an amount equal to the amount that has been collected from the sponsors under paragraph (4) (including any amount of interest calculated under subsection (o)).

"(7) STATUTE OF LIMITATION.—No person may bring an action for the recovery of funds illegally diverted in violation of this section (as determined under subsections (b) and (l)) or section 47133 after the date that is 6 years after the date on which the diversion occurred.

"(o) INTEREST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary, acting through the Administrator, shall charge a minimum annual rate of interest on the amount of any illegal diversion of revenues referred to in subsection (n) in an amount equal to the average investment interest rate for tax and loan accounts of the Department of the Treasury (as determined by the Secretary of the Treasury) for the applicable calendar year, rounded to the nearest whole percentage point.

"(2) ADJUSTMENT OF INTEREST RATES.—If, with respect to a calendar quarter, the average investment interest rate for tax and loan accounts of the Department of the Treasury exceeds the average investment interest rate for the immediately preceding calendar quarter, rounded to the nearest whole percentage point, the Secretary of the Treasury may adjust the interest rate charged under this subsection in a manner that reflects that change.

"(3) ACCRUAL.—Interest assessed under subsection (n) shall accrue from the date of the actual illegal diversion of revenues referred to in subsection (n).

"(4) DETERMINATION OF APPLICABLE RATE.—The applicable rate of interest charged under paragraph (1) shall—

"(A) be the rate in effect on the date on which interest begins to accrue under paragraph (3); and

"(B) remain at a rate fixed under subparagraph (A) during the duration of the indebtedness.

"(p) PAYMENT BY AIRPORT TO SPONSOR.—If, in the course of an audit or other review conducted under this section, the Secretary or the Administrator determines that an airport owes a sponsor funds as a result of activities conducted by the sponsor or expenditures by the sponsor for the benefit of the airport, interest on that amount shall be determined in the same manner as provided in paragraphs (1) through (4) of subsection (o), except that the amount of any interest assessed under this subsection shall be determined from the date on which the Secretary or the Administrator makes that determination.".

(b) REVISION OF POLICIES AND PROCEDURES; DEADLINES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Administrator, shall revise the policies and procedures established under section 47107(l) of title 49, United States Code, to take into account the amendments made to that section by this title.

(2) STATUTE OF LIMITATIONS.—Section 47107(l) is amended by adding at the end the following new paragraph:

"(5) STATUTE OF LIMITATIONS.—In addition to the statute of limitations specified in subsection (n)(7), with respect to project grants made under this chapter—

"(A) any request by a sponsor to any airport for additional payments for services conducted off of the airport or for reimbursement for capital contributions or operating expenses shall be filed not later than 6 years after the date on which the expense is incurred; and

"(B) any amount of airport funds that are used to make a payment or reimbursement as described in subparagraph (A) after the date specified in that subparagraph shall be considered to be an illegal diversion of airport revenues that is subject to subsection (n).".

SEC. 906. CONFORMING AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

Section 9502 of the Internal Revenue Code of 1986 is amended—

(1) by striking "and" at the end of subsection (b)(3);

(2) by striking the period at the end of subsection (b)(4) and inserting ", and"; and

(3) by adding at the end of subsection (b) the following:

"(5) amounts determined by the Secretary of the Treasury to be equivalent to the amounts of civil penalties collected under section 47107(n) of title 49, United States Code."; and

(4) in subsection (d), by adding at the end of subsection (d) the following:

"(4) TRANSFERS FROM THE AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF CERTAIN AIRPORTS.—The Secretary of the Treasury may transfer from the Airport and Airway Trust Fund to the Secretary of Transportation or the Administrator of the Federal Aviation Administration an amount to make a payment to an airport affected by a diversion that is the subject of an administrative action under paragraph (3) or a civil action under paragraph (4) of section 47107(n) of title 49, United States Code.".

CHAFEE (AND BAUCUS) AMENDMENT NO. 5361

Mr. CHAFEE (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 1994, supra; as follows:

On page 78, line 12, strike "and aircraft engine emissions,".

On page 78, line 19 through 24, strike all of paragraph (C) and insert the following:

(C) The Administrator, as the Administrator deems appropriate, shall provide for the participation of a representative of the Environmental Protection Agency on such advisory committees or associated working groups that advise the Administrator on matters related to the environmental effects of aircraft and aircraft engines.

WARNER AMENDMENTS NOS. 5362–5363

Mr. WARNER proposed two amendments to the bill, S. 1994, supra; as follows:

AMENDMENT NO. 5362

On page 8, strike lines 14 through 17 and insert the following:

paragraph (D); and

(B) by striking subparagraph (F) and inserting the following:

"(F) for debt financing of a terminal development project that, on an annual basis, has a total number of enplanements that is less than or equal to 0.05 percent of the total enplanements in the United States if—

"(i) construction for the project commenced during the period beginning on November 6, 1988, and ending on November 4, 1990; and

"(ii) the eligible agency certifies that no other eligible airport project that affects airport safety, security, or capacity will be deferred as a result of the debt financing.".

AMENDMENT NO. 5363

On page 10, line 23, strike "(4)" and insert "(5)".

On page 11, line 4, strike "and';"

On page 11, between lines 4 and 5, insert the following:

"(4) any increase in the number of passenger boardings in the preceding 12-month period at the airport at which the project will be carried out, with priority consideration to be given to projects at airports at which, during that period, the number of passenger boardings was 20 percent or greater than the number of such boardings during the 12-month period preceding that period; and;".

SIMON (AND JEFFORDS) AMENDMENT NO. 5364

Mr. SIMON (for himself and Mr. JEFFORDS) proposed an amendment to the bill, S. 1994, supra; as follows:

At the appropriate place in the bill, insert the following new section.

SEC. . PROVISIONS RELATING TO LIMITED SCOPE AUDIT.

(a) IN GENERAL.—Subparagraph (C) of section 103(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1023(a)(3)(C)) is amended by adding at the end the following new clause:

"(ii) If an accountant is offering his opinion under this section in the case of an employee pension benefit plan, the accountant shall, to the extent consistent with generally accepted auditing standards, rely on the work of any independent public accountant of any bank or similar institution or insurance carrier regulated and supervised and subject to periodic investigation by a State or Federal agency that holds assets or processes transactions of the employee pension benefit plan."

(b) CONFORMING AMENDMENTS.—

(1) Section 103(a)(3)(A) of such Act (29 U.S.C. 1023(a)(3)(A)) is amended by striking "subparagraph (C)" and inserting "subparagraph (C)(i)".

(2) Section 103(a)(3)(C) of such Act (29 U.S.C. 1023(a)(3)(C)) is amended by striking "(C) The" and inserting "(C)(i) In the case of an employee benefit plan other than an employee pension benefit plan, the".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to opinions required under section 103(a)(3)(A) of the Employee Retirement Income Security Act of 1974 for plan years beginning on or after January 1 of the calendar year following the date of the enactment of this Act.

THE COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

HATCH (AND OTHERS) AMENDMENT NO. 5365

Mr. MCCAIN (for Mr. HATCH, for himself, Mr. BIDEN, Mrs. FEINSTEIN, Mr. GRASSLEY, and Mr. WYDEN) proposed an amendment to the bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine; as follows:

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with ", except that" through "transaction" on page 22, line 6, and insert ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months.Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

KENNEDY (AND SIMON) AMENDMENT NO. 5366

Mr. MCCAIN (for Mr. KENNEDY, for himself and Mr. SIMON) proposed an amendment to the bill, S. 1965, supra; as follows:

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

THE THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1996

KERREY (AND PRYOR) AMENDMENT NO. 5367

Mr. MCCAIN (for Mr. KERREY, for himself and Mr. PRYOR) proposed an amendment to the bill (S. 1080) to amend chapter 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan; as follows:

On page 15, line 2 of the bill, change the ";" to an "," and add the following: "and by adding at the end of the paragraph the following sentence: 'Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Members's final account balance'."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that the hearing scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to review S. 1539, a bill to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border; S. 1583, a bill to establish the Lower Eastern Shore American Heritage Area; S. 1785, a bill to establish in the Department of the Interior the Essex National Heritage Commission; and S. 1808, a bill to amend the Act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation on Thursday, September 19, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC has been canceled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Oversight and Investigations, Energy and Natural Resources Committee, to examine the NEPA decision making process in the federal land management agencies, including the role of the Council on Environmental Quality.

The hearing will take place Thursday, September 26, 1996 at 2:00 p.m. in Room SD-366 of the Dirksen Senate Office Building in Washington, D.C.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet twice during the Tuesday, September 17, 1996 session of the Senate for the purpose of conducting a hearing on airport security and a hearing on computational biology.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. 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 Tuesday, September 17, 1996, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the issue of U.S. Climate Change Policy.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, September 17, 1996, at 9:15 a.m., for a hearing on S. 1794, Congressional, Presidential, and Judiciary Pension Forfeiture Act.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, September 17, 1996 at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on economic development on Indian reservations.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on The National Labor Relations Board, during the session of the Senate on Tuesday, September 17, 1996, at 10:00.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GORTON. The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentations of the American Legion.

The hearing will be held on September 17, 1996, at 9:30 a.m., in room 334 of the Cannon House Office Building.

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

ADDITIONAL STATEMENTS

TRIBUTE TO LOWELL MOHLER

• Mr. BOND. Mr. President, I rise today to pay tribute to Lowell Mohler of Missouri, who is retiring after many decades of service to the Missouri Farm Bureau.

Lord Chesterfield, an English statesman in the 18th century advised citizens to "Be wiser than other people if you can, but do not tell them so." This advice has been practiced regularly by 20th century Missourian Lowell Mohler, from the halls of the University of Missouri to the State and Nation's Capitol, where he has advised farmers, professors, Governors, and Senators. Though Lowell's tenure at Farm Bureau was slightly more brief than the 20th century, his service on behalf of rural Americans has been immense. His approach is always warm, his counsel wise, his strategy practical, and his word true.

Lowell Mohler is truly representative of the Missouri Farm Bureau, an organization of members who are characterized by common sense, work hard, value initiative and character, and who love agriculture, family, God, and country—not necessarily in that order. He, like they, live by a more stringent self-imposed code of right and wrong which is an example for all to observe.

Lowell also has the typical nonmodern and unrealistic view of retirement. He said he is going to retire to spend more time extolling the virtues of the University of Missouri and to farm. He reminds me of the Missouri farmer who came out of retirement to farm and was asked if he was going to work full time. "No, just 6 days a week," the elderly farmer replied.

I hope that Lowell will now have some well-deserved time to spend with his terrific family, of which I know he is very proud. He and his wife, JoAnn, can grow asparagus and hornets and maybe catch some fish at their farm. They can invite large crowds of friends to backyard barbecues and leave the cleanup duties to the coyotes which come up from the river near his house and clean perfectly the remains.

Only Lowell could make the availability of coyotes useful. It must relate to his affinity with members of the media and politicians that he can appreciate coyotes. If he is so inclined, he can come to Mexico, Missouri and help me keep the deer away from my tree orchards. Maybe we can plant some walnut trees.

Lowell Mohler's career climbed heights he surely never expected, but has never lost sight of where he came from, or the conventions and needs of the ordinary women and men who live the life that makes this country great. His work made rural America better; he left his mark and he did it his way, the Farm Bureau way. He is and will be remembered as a great American example.

JoAnn, thank you on behalf of everyone for sharing Lowell with us. We return him to you with immense gratitude, and wish you both well as you enter this new chapter of your lives.•

STUDENT-SPONSOR PARTNERSHIP

• Mr. MOYNIHAN. Mr. President, Adlai E. Stevenson remarked of Eleanor Roosevelt that "She would rather light candles than curse the darkness." The same can be said of my dear friend, Peter M. Flanigan. I rise to call to the Senate's attention the Student-Sponsor Partnership, a program for troubled students that Mr. Flanigan started in 1986. Private donors help pay the tuition for New York City high school students whose backgrounds include poverty, poor grades, and discipline problems so that they may attend Catholic schools.

In 1984 Mr. Flanigan promised a class of sixth-graders that if they finished high school he would pay for their college education. It soon became clear that even this was insufficient incentive for many of the participants to complete high school, and Mr. Flanigan realized that a different approach was needed. He learned that Catholic schools had higher graduation rates, and so concluded that he would help students attend such schools by subsidizing their tuition. Mr. Flanigan also realized the importance of providing each student with a mentor to provide encouragement and counsel.

This program works; 75 percent of the participants graduate in 4 years, and 90 percent eventually go on to college. These are remarkable statistics for a group made up of troubled students. I congratulate Peter Flanigan for all his concern and efforts, and I ask unanimous consent that an article in the September 12 New York Times on the Student-Sponsor Partnership Program be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 12, 1996]

PRIVATE PROGRAM FOR TROUBLED STUDENTS ECHOES CATHOLIC SCHOOL PLAN

(By Mirta Ojito)

Two years ago, Sean Kendell Winn was the kind of student who is at the heart of the plan advocated this week by Mayor Rudolph W. Giuliani to send some public school students to Roman Catholic schools.

A Bronx student who would get into fights and end up suspended, Sean was accepted by a Catholic school in his first year of high school. Almost all expenses were paid by private donors.

"My life," Sean said yesterday, "is much nicer now."

Sean, now a 16-year-old junior at All Hallows High School with an 85 average, is a beneficiary of a 10-year-old private program, Student-Sponsor Partnership, which was created by Peter M. Flanigan, an investment banker.

The partnership, which has helped 825 students enrolled in 18 Catholic schools to graduate since 1986, bears striking similarities to a proposal recently made by the Roman Catholic Archdiocese of New York and, since Sunday, backed by the Mayor.

Under the Archdiocese's plan, Catholic schools would educate 1,000 of the city school system's worst students, providing both secular and religious instruction. Their tuition would be paid by private businesses.

After some board members cited Constitutional concerns about having school employees acting as admissions counselors for Roman Catholic schools, Schools Chancellor Rudy Crew said yesterday that the Board of Education would not compile lists of eligible students for the program advocated by Mr. Giuliani.

But the Chancellor's spokeswoman said that guidance counselors would continue to advise students to seek scholarships to private schools, and would release school records for students applying for scholarships. The public schools have been giving that help to Student-Sponsor Partnership for 10 years.

"We hope that what we are doing could serve as a blueprint for what the Mayor is proposing," said Mayree Clark, the chairwoman of the partnership's board, who is the director of global research at Morgan Stanley.

Ms. Clark said 75 percent of the program's students graduate in four years and 90 percent go on to college. Omar Antigua, a 20-year-old junior at Carnegie Mellon University in Pittsburgh, is one of them.

"They opened up so many doors for me, I couldn't even begin to count them," said Mr. Antigua, the third child of an unemployed immigrant who reared three boys by herself in a tough Bronx neighborhood. "Where I come from, I'm a rarity."

Mary Grace Eapen, the partnership's executive director, said the program works to make students feel special. "They want discipline, they want order," she said. "They want to have someone in their lives who expects great things from them, and we do."

Applicants learn of the program through their eighth-grade guidance counselors or community leaders, Ms. Eapen said. Once a student decides to apply, school counselors or teachers supply test scores, a list of the student's weaknesses and strengths and an analysis of why the student would probably not succeed were he or she to continue in the public school system.

"Counselors are very vigilant at spotting the kids that could benefit the most from our help," Ms. Eapen said. "They want what's best for their kids and they know we provide it."

Of the thousands of students who apply every year, several hundred are accepted. This year, 345 new students entered the program.

Although the partnership program is similar to the one advocated by the Mayor, it differs in two ways.

First, its eligibility requirements are broader: It considers poverty, poor grades and disciplinary problems as qualifications for entry, not simply whether a student has been identified as one of the school system's worst. Second, it provides mentors to guide students in addition to paying their tuitions.

The partnership has 1,030 students and but is short 150 mentors.

Sponsors pay at least $850 in tuition a year for four years. The rest of a student's tuition, which could be as high as $3,800 is paid by parents, who contribute $30 a month, and money raised from foundations and private businesses.

The idea for the partnership came about when Mr. Flanigan realized that it took more than the promise of a bright future to make students finish their education, Ms. Eapen said. More than a decade ago, he promised a class of sixth graders that if they finished high school, he would pay for their college education. Despite the incentive, many students dropped out of school.

The schools, he concluded, were failing the students. About the same time, Mr. Flanigan learned that Roman Catholic schools were more successful in keeping students in the classroom, so he shifted his focus and decided to encourage public school students to attend those private schools. To further increase the students' chances of success, he paired students with mentors.

The partnership tries to match sponsors with students based on shared interests or experiences, sometimes a difficult goal because most of the students are black or Latino while 88 percent of the sponsors are non-Hispanic whites.

But most of the time, despite cultural and economic differences, a bond is forged. It happened to Sean and his sponsor, James Jurney, a 26-year-old who went to boarding school, lives at Central Park West and works at Morgan Stanley. Their bond is theater. Sean wants to be an actor; Mr. Jurney is interested in television and films.

"We go to the theater." Mr. Jurney said, "we talk. He tells me about his girlfriends. I'm his big brother. He's a good kid."•

CONGRATULATIONS TO KELLY SERVICES

• Mr. ABRAHAM. Mr. President, I rise to congratulate Kelly Services on the occasion of its 50th anniversary. Founded on October 7, 1946, in Detroit, MI, by William Russell Kelly, Kelly Services blazed a trail in the office staffing industry. Built on a strong reputation of caring for its customers and employees, Kelly has grown into a Fortune 500 company. Today, Kelly provides the services of more than 675,000 employees annually to 200,000 customers. With more than 1,300 offices around the world Kelly is a major player in the office staffing industry.

Recognizing the changing needs of our economy, Kelly has branched out into legal services, full as well as partial office staffing, assisted living, and the research and development of software for testing and training products. Kelly's innovative training and testing programs have kept it at the head of its industry. The experience of this Michigan company shows that hard work and dedication to quality service and integrity pave the road to success.

Mr. President, I am proud that Kelly Services, based in Troy, MI, is part of the vibrant and growing business community in my State of Michigan. The quality and innovation shown by this aggressive enterprise under the leadership of President and Chief Executive Officer Terence E. Adderley have been an inspiration to all business people in my State. Through its contributions to area businesses it has improved life in the 37 Michigan communities in which it has branches, as well as the communities all over the world in which it conducts business.

Kelly Services has been celebrating its anniversary throughout this year. The company will host a major event at its headquarters in Troy on October 7. I would like to extend my best wishes to Kelly Services for a festive celebration and for another 50 years of superior success through superior service.•

EMPLOYMENT NONDISCRIMINATION ACT

• Mr. DORGAN. Mr. President, I would like to take this opportunity to explain why I supported the Employment Nondiscrimination Act.

In an earlier vote, I supported the Defense of Marriage Act because I do not believe that we should change the definition of marriage that has made the family—a husband, wife, and children—the cornerstone of our society.

But the Employment Nondiscrimination Act is about a different issue. It is about whether discrimination in the workplace against homosexuals is permissible. I supported this bill because I do not believe we should tolerate discrimination of any type in the workplace.

The people of this Nation already have decided that it is unacceptable to discriminate against someone in the workplace just because of that person's race, gender, or religious beliefs. I just don't believe that one's sexual orientation is relevant to whether or not they can do a job, and it ought not be a permissible basis for discrimination.

This bill includes substantial protections and safeguards for employers. It includes exemptions for the Armed Forces, small businesses, religious institutions, and private membership clubs. Most important, the bill states clearly that it does not protect inappropriate or public sexual conduct by any employee, whether or not that employee is homosexual.

Some people have said that this legislation isn't necessary, that there is no discrimination against homosexuals in the workplace. I would like to give you just one example of why I think this legislation is needed: Ernest Dillon was a postal employee in Detroit, MI. He worked hard and everyone agreed he was good at his job. But that wasn't enough. When Ernest's coworkers found out he was homosexual, they repeatedly taunted him until one day, while he was on the job, they beat him unconscious. Their harassment continued unabated until he was forced out of his job, fearing for his life. Although he went to the courts for relief, there was nothing there to protect him.

It is time for our country to decide that we will not tolerate that kind of discrimination. This legislation does that. Nine States have already enacted legislation similar to this bill.

I have heard from many of my own constituents and from mayors, Governors, religious leaders, corporate CEO's, and others that, regardless of their views about homosexuality, they support this bill because they oppose discrimination in all its forms. I agree, and that is why I voted for this bill.•

THANKS TO PRODIGY SERVICE CORP.

• Mr. GREGG. Mr. President, I rise today to express my thanks to Prodigy Service Corp. for responding promptly to the letter sent out by 19 Senators and myself on August 1, 1996. In the letter, my colleagues and I urged Prodigy and several other Internet service providers and search engines to adopt company policies to block access to bomb-making information through their services.

Prodigy is the first of these companies to respond and I am pleased to announce that letter provides some hope in our efforts to curb the availability of bomb construction information on the Internet. This outstanding company has already begun to offer its customers free installment of the CyberPatrol access control software program, which blocks access to bomb-making information. This generous contribution to our Nation's safety and well-being is commendable.

While Prodigy's efforts help solve the problem of the wide availability of dangerous bomb construction information, the CyberPatrol program also demonstrates that blocking bomb-making instructions on the Internet is possible.

At this time, I ask that the Senate join me in urging other Internet service providers to adopt similar policies. I ask that Prodigy's response be printed in the RECORD.

The letter follows:

PRODIGY,
New York, NY, August 27, 1996.

Hon. JUDD GREGG,
U.S. Senate, Washington, DC.

DEAR SENATOR GREGG: Thank you for your letter of August 1, regarding bomb-making

information on the Internet. We, too, are outraged by the cowardly, senseless acts of terrorism that have victimized so many innocent individuals and families. We are repulsed by the twisted minds of people who disseminate bomb-making information for reasons known only to them.

As you know, bomb-making information is available widely and publicly today through a large number of channels, including bookstores and libraries, and governmental attempts to restrict the availability of otherwise lawful information raise serious First Amendment concerns. Nevertheless, Prodigy tries to strike a responsible balance, providing a safe environment for users to openly exchange valuable information, while enabling them to insure they won't come in contact with inappropriate material.

Unlike other media, the online environment does offer an effective way for consumers to exercise control. Earlier this year, Prodigy began offering our members the CyberPatrol access control software program, which they can install on their family's personal computer at no extra charge (Prodigy picks up the cost of the program). This easy-to-use program automatically filters and blocks access to bomb-making information and other inappropriate content on the Internet.

Please feel free to contact me if you have any further questions.

Sincerely,

MARC JACOBSON,
Vice President and General Counsel.•

REPEAL OF SECTION 434 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996

• Mr. MOYNIHAN. Mr. President, yesterday I introduced legislation to repeal section 434 of the recently enacted Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Section 434 provides that:

> Notwithstanding any other provision of Federal, State, or local law, no State or local government entity may be prohibited, or in any way restricted, from sending to or receiving from the Immigration and Naturalization Service INS information regarding the immigration status, lawful or unlawful, of an alien in the United States.

This provision is ill-advised and threatens the public health and safety of residents of New York City because it conflicts with an executive order, issued by the major of New York in 1985, prohibiting city employees from reporting suspected illegal aliens to the Immigration and Naturalization Service unless the alien has been charged with a crime. The executive order, which is similar to local laws in other States and cities, was intended to ensure that fear of deportation does not deter illegal aliens from seeking emergency medical attention, reporting crimes, and so forth.

On September 8, 1995, during Senate consideration of H.R. 4, the Work Opportunity Act of 1995, Senators SANTORUM and NICKLES offered this provision as an amendment. The amendment was adopted by a vote of 91 to 6. The Senators who voted "no" were: Senators AKAKA, CAMPBELL, INOUYE, MOSELEY-BRAUN, MOYNIHAN, and SIMON.

Four of these six—Senators AKAKA, MOSELEY-BRAUN, SIMON, and the Senator from New York—were also among the 11 Democrats who voted against H.R. 4 when it passed the Senate on September 19, 1995. H.R. 4, of course, was later vetoed by President Clinton.

Last week, Mayor Rudolph W. Giuliani of New York announced that he and his staff had recently become aware of section 434 of the new welfare law, and planned to challenge it in court.

An alien who witnesses a crime should feel free to report it to the police without fear of being deported. Just as an alien ought to be able to get emergency medical attention without fear of deportation. Mr. President, section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 poses a serious threat to health and safety in New York City and elsewhere. It should be repealed.•

TRIBUTE TO ELECTROPAC'S 20TH ANNIVERSARY

• Mr. SMITH. Mr. President, I rise today to pay tribute to Electropac, a New Hampshire company, in honor of their 20th anniversary. On September 19th and 20th, a number of employees, individuals, and organizations will gather together at Electropac's corporate headquarters in Manchester, NH, to celebrate their 20th year of business. I would like to congratulate everyone who helped this technology company grow to become the success it is today. The dedication and hard work, as evidenced by the growth that Electropac has experienced over the years, is truly unparalleled.

Electropac is an independently owned, small to mid-sized company that specializes in manufacturing high-tech printed circuit boards for the computer, telecommunication, medical instrumentation, and military industries. The circuit boards they produce are state of the art, double sided, multilayered boards.

The Manchester office of Electropac has served as Electropac's corporate headquarters and center of manufacturing operations since 1980. In addition to being located in Manchester, Electropac has expanded with a prototype facility in Londonderry, and with circuit board companies in Montreal, Canada, and St. Catharines, Ontario. At these locations, Electropac employs over 400 people and brings in over $33 million in business. This is an enormous increase considering the company's founder and president, Raymond Boissoneau, established Electropac with only one employee and $1,000 in cash.

Electropac has been included on a regular basis as one of the top 50 and the top 75 privately owned companies in the State of New Hampshire. Just this past year, Electropac designed a program with the Manchester School of Technology that brings students into the company and allows Electropac to become their classroom, thus providing students with hands-on experience and training in high-tech manufacturing. Electropac supports a number of organizations throughout the State of New Hampshire including the N.H. Job Training Council, the Manchester Chamber of Commerce, the Made in New Hampshire Expo, the Merrimack Youth Association, and the Merrimack Rotary and Lions Clubs. Among numerous other awards, Raymond Boissoneau has received the New Hampshire High Technology Council's Entrepreneur of the Year Award. It is through his leadership and inspiration that has caused Electropac to rise to be the success that it is today. Raymond Boissoneau places the responsibility of the company with the employees, which adds great measure to the company's prosperity.

Electropac's success over the years can be attributed to a number of factors. One factor is the emphasis placed on the level of service and quality, rather than on quantity and growth. By maintaining several medium sized operations, Electropac diversifies itself, providing its customers with efficient and cost-effective service specialities. Flexibility is the key to their success in such a competitive market because they are able to adapt their products quickly to the technological growth of today's industry. Also, Electropac is the first manufacturer in the United States and only the second in the world to provide a beta site. A beta site essentially is a test site for outside companies. Electropac opens their manufacturing operations and allows various companies to test new technical products, that are not on the market yet, using all of Electropac's facilities and machinery.

Mr. President, I commend Electropac and its employees for their support of New Hampshire, and for their contributions as a whole to the industry of America. Electropac is an excellent example of a truly successful and dynamic New Hampshire company. Congratulations to Raymond Boissoneau and his dedicated employees who have made Electropac so competitive in today's technology industry. May you experience continued growth and success.•

CONGRATULATIONS TO JOSEPH J. FRANK

• Mr. BOND. Mr. President, today I congratulate my fellow Missourian, Joseph J. Frank, on his election as national commander of the American Legion, at the 78th national convention, on September 5, 1996.

I am very proud that the Legion, the Nation's largest veterans' organization, comprised of over 3 million members, will be represented by an individual with the kind of dedication, integrity, and commitment that has been Mr. Frank's hallmark.

My State is proud of our military heritage, and we revere native military leaders such as John J. Pershing, the first six star general since George Washington. Joe Frank, born and raised in St. Louis County, MO, has achieved another first: he's the first Missourian and first Vietnam veteran to command the American Legion. I am sure both of these firsts will bring new insights and perspectives to the post.

Mr. Frank served in Vietnam in 1968. He was wounded severely and continues to cope each day with the paralysis which resulted, but these wounds have not dampened his patriotism or his commitment to serving his fellow Americans. Immediately after recovering from the wounds he sustained in Vietnam, Mr. Frank founded the Crestwood Memorial American Legion Post 777, now the Joseph L. Frank Memorial Post 777, renamed in memory of his father. Since founding the post, Mr. Frank has gone on to serve as post commander, district commander, and state commander. He has also held several previous leadership positions on the national level, including national vice commander, chairman of the national economic commission, and chairman of the foreign relations commission.

But Joe Frank's service radiates well beyond the American Legion. He has dedicated himself to helping individuals with disabilities through his positions on the Executive Board of the President's Committee on Employment of People With Disabilities, and the Missouri Governor's Council on Disability. Mr. Frank has also been recognized by the White House for his service to the Selective Service System.

I am confident, Mr. President, that Joe Frank, from my own great State of Missouri, will serve his fellow veterans with dignity, vigor, and direction. He already has set forth part of his agenda, by identifying three priorities: increasing membership, protecting the U.S. flag from desecration, and improving and expanding health care to our veterans. Because of my own involvement in the area of veterans health care through my chairmanship of the Senate appropriations subcommittee with jurisdiction over veterans programs, I am especially delighted to recognize Mr. Frank's leadership in this area.

It is my honor to join with Mr. Frank's wife, Barbara, his family, many friends, and especially his fellow American Legion members in saluting Joseph J. Frank for providing inspiration and a source of pride for veterans, Missourians, and for all Americans.●

ELECTRONIC FREEDOM OF INFORMATION IMPROVEMENT ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 406, S. 1090.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1090) to amend section 552 of title 5, U.S. Code (commonly known as the Freedom of Information Act), to provide for public access to information in an electronic format, 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, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Freedom of Information Improvement Act of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of the Freedom of Information Act is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies (subject to statutory exemptions) for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. PUBLIC INFORMATION AVAILABILITY.

Section 552(a)(1) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting "including by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "Federal Register";

(2) by striking out "and" at the end of subparagraph (D);

(3) by redesignating subparagraph (E) as subparagraph (F); and

(4) by inserting after subparagraph (D) the following new subparagraph:

"(E) a complete list of all statutes that the agency head or general counsel relies upon to authorize the agency to withhold information under subsection (b)(3) of this section, together with a specific description of the scope of the information covered; and".

SEC. 4. MATERIALS MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEX OF RECORDS MADE AVAILABLE TO THE PUBLIC.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the matter before subparagraph (A) by inserting ", including, within 1 year after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1996, by computer telecommunications, or if computer telecommunications means are not available, by other electronic means," after "copying";

(2) in subparagraph (B) by striking out "and" after the semicolon;

(3) by adding after subparagraph (C) the following new subparagraphs:

"(D) an index of all major information systems containing agency records regardless of form or format unless such an index is provided as otherwise required by law;

"(E) a description of any new major information system with a statement of how such system shall enhance agency operations under this section;

"(F) an index of all records which are made available to any person under paragraph (3) of this subsection; and

"(G) copies of all records, regardless of form or format, which because of the nature of their subject matter, have become or are likely to become the subject of subsequent requests for substantially the same records under paragraph (3) of this subsection;";

(4) in the second sentence by striking out "or staff manual or instruction" and inserting in lieu thereof "staff manual, instruction, or index or copies of records, which are made available under paragraph (3) of this subsection"; and

(5) in the third sentence by inserting "and the extent of such deletion shall be indicated on the portion of the record which is made available or published at the place in the record where such deletion was made" after "explained fully in writing".

SEC. 5. HONORING FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended by—

(1) inserting "(A)" after "(3)";

(2) inserting "(A) through (F)" after "under paragraphs (1) and (2)";

(3) striking out "(A) reasonably" and inserting in lieu thereof "(i) reasonably";

(4) striking out "(B)" and inserting in lieu thereof "(ii)"; and

(5) adding at the end thereof the following new subparagraphs:

"(B) An agency shall, as requested by any person, provide records in any form or format in which such records are maintained by that agency.

"(C) An agency shall make reasonable efforts to search for records in electronic form or format and provide records in the form or format requested by any person, including in an electronic form or format, even where such records are not usually maintained but are available in such form or format.".

SEC. 6. DELAYS.

(a) FEES.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end thereof the following new clause:

"(viii) If at an agency's request, the Comptroller General determines that the agency annually

has either provided responsive documents or denied requests in substantial compliance with the requirements of paragraph (6)(A), one-half of the fees collected under this section shall be credited to the collecting agency and expended to offset the costs of complying with this section through staff development and acquisition of additional request processing resources. The remaining fees collected under this section shall be remitted to the Treasury as general funds or miscellaneous receipts.".

(b) DEMONSTRATION OF CIRCUMSTANCES FOR DELAY.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end thereof the following new clause:

"(ii) Any agency not in compliance with the time limits set forth in this subsection shall demonstrate to a court that the delay is warranted under the circumstances set forth under paragraph (6) (B) or (C) of this subsection.".

(c) PERIOD FOR AGENCY DECISION TO COMPLY WITH REQUEST.—Section 552(a)(6)(A)(i) is amended by striking out "ten days" and inserting in lieu thereof "twenty days".

(d) AGENCY BACKLOGS.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting after the second sentence the following: "As used in this subparagraph, for requests submitted pursuant to paragraph (3) after the date of the enactment of the Electronic Freedom of Information Improvement Act of 1996, the term 'exceptional circumstances' means circumstances that are unforeseen and shall not include delays that result from a predictable workload, including any ongoing agency backlog, in the ordinary course of processing requests for records.".

(e) NOTIFICATION OF DENIAL.—The last sentence of section 552(a)(6)(C) of title 5, United States Code, is amended to read: "Any notification of any full or partial denial of any request for records under this subsection shall set forth the names and titles or positions of each person responsible for the denial of such request and the total number of denied records and pages considered by the agency to have been responsive to the request.".

(f) MULTITRACK FIFO PROCESSING AND EXPEDITED ACCESS.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end thereof the following new subparagraphs:

"(D)(i) Each agency shall adopt a first-in, first-out (hereafter in this subparagraph referred to as FIFO) processing policy in determining the order in which requests are processed. The agency may establish separate processing tracks for simple and complex requests using FIFO processing within each track.

"(ii) For purposes of such a multitrack system—

"(I) a simple request shall be a request requiring 10 days or less to make a determination on whether to comply with such a request; and

"(II) a complex request shall be a request requiring more than 10 days to make a determination on whether to comply with such a request.

"(iii) A multitrack system shall not negate a claim of due diligence under subparagraph (C), if FIFO processing within each track is maintained and the agency can show that it has reasonably allocated resources to handle the processing for each track.

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing that upon receipt of a request for expedited access to records and a showing by the person making such request of a compelling need for expedited access to records, the agency determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such a request, whether to comply with such request. A request for records to which the agency has granted expedited access shall be processed as soon as practicable. A request for records to which the agency has denied expedited access shall be processed within the time limits under paragraph (6) of this subsection.

"(ii) A person whose request for expedited access has not been decided within 10 days of its receipt by the agency or has been denied shall be required to exhaust administrative remedies. A request for expedited access which has not been decided may be appealed to the head of the agency within 15 days (excepting Saturdays, Sundays, and legal public holidays) after its receipt by the agency. A request for expedited access that has been denied by the agency may be appealed to the head of the agency within 5 days (excepting Saturdays, Sundays, and legal public holidays) after the person making such request receives notice of the agency's denial. If an agency head has denied, affirmed a denial, or failed to respond to a timely appeal of a request for expedited access, a court which would have jurisdiction of an action under paragraph (4)(B) of this subsection may, upon complaint, require the agency to show cause why the request for expedited access should not be granted, except that such review shall be limited to the record before the agency.

"(iii) The burden of demonstrating a compelling need by a person making a request for expedited access may be met by a showing, which such person certifies under penalty of perjury to be true and correct to the best of such person's knowledge and belief, that failure to obtain the requested records within the timeframe for expedited access under this paragraph would—

"(I) threaten an individual's life or safety;

"(II) result in the loss of substantial due process rights and the information sought is not otherwise available in a timely fashion; or

"(III) affect public assessment of the nature and propriety of actual or alleged governmental actions that are the subject of widespread, contemporaneous media coverage.".

SEC. 7. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended by inserting before the period in the sentence following paragraph (9) the following: ", and the extent of such deletion shall be indicated on the released portion of the record at the place in the record where such deletion was made".

SEC. 8. DEFINITIONS.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section—

"(1) the term 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency;

"(2) the term 'record' means all books, papers, maps, photographs, machine-readable materials, or other information or documentary materials, regardless of physical form or characteristics, but does not include—

"(A) library and museum material acquired or received and preserved solely for reference or exhibition purposes;

"(B) extra copies of documents preserved solely for convenience of reference;

"(C) stocks of publications and of processed documents; or

"(D) computer software which is obtained by an agency under a licensing agreement prohibiting its replication or distribution; and

"(3) the term 'search' means a manual or automated review of agency records that is conducted for the purpose of locating those records which are responsive to a request under subsection (a)(3)(A) of this section.".

Mr. MCCAIN. Mr. President, I ask unanimous consent that the committee amendment be agreed to, the bill be deemed 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 committee amendment was agreed to.

The bill (S. 1090), as amended, was deemed read the third time, and passed.

Mr. LEAHY. Mr. President: I am delighted that the Senate has today passed important amendments to the Freedom of Information Act that will bring this statute into the electronic age. Passage of these amendments are a tremendous way to mark the 30th anniversary of the Freedom of Information Act.

The FOIA has served the country well in maintaining the right of Americans to know what their government is doing—or not doing. As President Johnson said in 1966, when he signed the Freedom of Information Act into law:

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits.

Just over the past few months, records released under the FOIA have revealed FAA actions against Valuejet before the May 11 crash in the Everglades, the government's treatment of South Vietnamese commandos who fought in a CIA-sponsored army in the early 1960's. the high salaries paid to independent counsels, the unsafe lead content of D.C. tap water, and the types of tax cases that the IRS recommends for criminal prosecution.

In the 30 years since the Freedom of Information Act became law, technology has dramatically altered the way government handles and stores information. Gone are the days when agency records were solely on paper stuffed into file cabinets. Instead, agencies depend on personal computers, computer databases and electronic storage media, such as CD-ROM's, to carry out their mission.

The time is long overdue to update this law to address new issues related to the increased use of computers by federal agencies. Computers are just as ubiquitous in Federal agency offices as in the private sector. We need to make clear that the FOIA is not just a right to know what's on paper law, but that it applies equally to electronic records.

That is why Senator BROWN, Senator KERRY, and I, with the strong support of many library, press, civil liberties, consumer and research groups, have pushed for passage of the Electronic FOIA bill. The Senate recognized the need to update the FOIA in the last Congress by passing an earlier version of this bill.

This legislation takes steps so that agencies use technology to make government more accessible and accountable to its citizens. Storing government information on computers should actually make it easier to provide public access to information in more meaningful formats. For example, people with sight or hearing impairments can use special computer programs to translate electronic information into braille or large print or synthetic speech output.

Electronic records also make it possible to provide dial-up access to any citizen who can use computer networks, such as the Internet. Those Americans living in the remotest rural area in Vermont, or in a distant State far from Federal agencies' public reading rooms here in Washington, DC, should be able to use computer networks to get direct access to the warehouse of unclassified information stored in government computer banks. The explosion of the Internet adds enormously to the need for clarification of the status of electronic government records under the FOIA and the significance of this legislation for citizen access. These amendments to the FOIA will encourage federal agencies to use the Internet to increase access to government records for all Americans.

Ensuring public access to electronic government records is not just important for broader citizen access. Information is a valuable commodity and the Federal Government is probably the largest single producer and repository of accurate information. This government information is a national resource that commercial companies pay for under the FOIA, add value to, and then sell—creating jobs and generating revenue in the process. It is important for our economy and for American competitiveness that fast, easy access to that resource in electronic form be available. The electronic FOIA bill would contribute to our information economy.

I would like to highlight some of what this bill would accomplish. First, it would require agencies to provide records in a requested format whenever possible.

Second, the bill would encourage agencies to increase on-line access to government records that agencies currently put in their public reading rooms. These records would include copies of records that are the subject of repeated FOIA requests.

Finally, the bill would address the biggest single complaint of people making FOIA requests: delays in getting a response. I understand that at the FBI, the delays can stretch to over four years. Because of these delays, writers, students and teachers and others working under time deadlines, have been frustrated in using FOIA to meet their research needs. Long delays in access can mean no access at all.

The current time limits in the FOIA are a joke. Few agencies actually respond to FOIA requests within the 10-day limit required in the law. Such routine failure to comply with the statutory time limits is bad for morale in the agencies and breeds contempt by citizens who expect government officials to abide by, not routinely break, the law.

I appreciate the budget and resource constraints under which agencies are operating. We have made every effort in this bill to make sure it works for both agencies and requestors. Some agencies, particularly those with huge backlogs of FOIA requests resulting in delays of up to four years for an agency response, are concerned that the bill removes backlogs as an automatic excuse to ignore the time limits. We should not give agencies an incentive to create backlogs. Agencies will have to show that they are taking steps to reduce their backlogs before they qualify for additional time to respond to a FOIA request.

While increased computer access to government records may necessitate an initial outlay of money and effort, as more information is made available on-line, the labor intensive task of physically searching and producing documents should be reduced. The net result should be increased efficiency in satisfying agency FOIA obligations, reduced paperwork burdens, reduced errors and better service to the public.

The Electronic FOIA bill should help agencies comply with the law's time limits by doubling the ten-day time limit to give agencies a more realistic time period for responding to FOIA requests, making more information available on-line, requiring the use of better record management techniques, such as multi-track processing, and providing expedited access to requestors who demonstrate a compelling need for a speedy response.

All these steps, and others in the bill, may not provide a total cure but should help reduce the endemic delay problems.

This has generally been a very partisan Congress. I commend members of the House Government Reform and Oversight Subcommittee on Government Management, Information and Technology, and, in particular, Chairman STEPHEN HORN, ranking member CAROLYN MALONEY, and Representatives RANDY TATE and COLLIN PETERSON, for rising above the partisan fray and moving this legislation in the House. They saw this bill for what it is: a good government issue, not a partisan one. We have worked diligently to sort out any differences in the House and Senate bills, and we can all be proud of the final product reflected in both the Substitute amendment to S. 1090 and the final version of the bill passed by the House.

Even as we have worked on this legislation, new issues about the coverage of the FOIA have surfaced. I refer specifically to the D.C. Court of Appeals case, decided on August 2, 1996, that the National Security Council is not an "agency" subject to the FOIA, despite the fact that the NSC has complied with the FOIA for years under both Republican and Democratic Presidents. Litigation on this matter continues and the case may now go to the U.S. Supreme Court. Clarification of which offices within the White House are "agencies" subject to the FOIA may be a matter requiring congressional attention in the next Congress.

As the Federal Government increasingly maintains its records in electronic form, we need to make sure that this information is available to citizens on the same basis as information in paper files. Doing so will fulfill the promise first made thirty years ago in the FOIA that citizens have a right to know and a right to see the records the government collects with their tax dollars.

I ask unanimous consent that a section-by-section analysis of that amendment be printed in the RECORD.

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

SUMMARY OF SUBSTITUTE TO LEAHY-BROWN-KERRY ELECTRONIC FOIA IMPROVEMENT ACT (S. 1090)

Section 1. Short Title. The Act may be cited as the "Electronic Freedom of Information Act Amendments of 1996."

Section 2. Findings and Purposes. The findings make clear that Congress enacted the FOIA to require Federal agencies to make records available to the public through public inspection and upon the request of any person for any public or private use. The findings also acknowledge the increase in the government's use of computers and exhorts agencies to use new technology to enhance public access to government information.

The purposes of the bill include improving public access to government information and records, and reducing the delays in agencies' responses to requests for records under the Freedom of Information Act.

Section 3. Application of Requirements to Electronic Format Information. The bill would add a definition of "record" to the FOIA to address electronically stored information. There is little disagreement that the FOIA covers all government records, regardless of the form in which they are stored by the agency. The Department of Justice agrees that computer database records are agency records subject to the FOIA. See "Department of Justice Report on 'Electronic Record' Issues Under the Freedom of Information Act," S. Hrg. 102–1098, 102d Cong., 2d Sess. 33 (1992). The bill would define "record" to "include any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format."

Section 4. Information Made Available in Electronic Format and Indexation of Records. The Office of Management and Budget has directed agencies to use electronic media and formats, including public networks, to make government information more easily accessible and useful to the public. This bill will help effectuate this goal.

This section of the bill would require that materials, such as agency opinions and policy statements, which an agency must "make available for public inspection and copying," pursuant to Section 552(a)(2), and which are created on or after November 1, 1996, be made available by computer telecommunications, as well as in hard copy, within 1 year after the date of enactment. If an agency does not have the means established to make these materials available on-line, then the information should be made available in some other electronic form, e.g., CD-ROM or disc. The bill would thus treat (a)(2) materials in the same manner as it treats (a)(1) materials, which under the Government Printing Office Electronic Information Access Enhancement Act of 1993 ("GPO Access Act"), Pub. Law 103-40, are required, via the Federal Register, to be made available on-line.

This section would also increase the information made available under Section 552(a)(2). Specifically, agencies would be required to make available for public inspection and copying, in the same manner as other materials required to be made available under Section 552(a)(2), copies of records released in response to FOIA requests that the agency determines have been or will likely be the subject of additional requests. In addition, they would be required to make available a general index of these prior-released records. By December 31, 1999, this index should be made available by computer telecommunications. Since not all individuals have access to computer networks or are near agency public reading rooms, however, requesters would still be able to access previously-released FOIA records through the normal FOIA process.

As a practical matter, this would mean that copies of prior-released records on a popular topic, such as the assassinations of public figures, would subsequently be treated as (a)(2) materials, which are made available for public inspection and copying. This would help to reduce the number of multiple FOIA requests for the same records requiring separate agency responses. Likewise, the general index would assist requesters in determining which records have been the subject of prior FOIA requests. Since requests for prior-released records are more readily identified by the agency without the need for new searches, this index would assist agencies in complying with the FOIA time limits.

This section would make clear that to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details when it makes available or publishes the index and copies of prior-released records.

Finally, this section would require, consistent with the "Computer Redaction" requirement in Section 9 of the bill, an agency to indicate the extent of any deletion from the prior-released records and, where technically feasible, to indicate the deletion at the place on the record where the deletion was made. Such indication need not be included when doing so would harm an interest protected by the exemption in subsection (b) under which the deletion was made.

Section 5. Honoring Form or Format Requests. Section 5 would require agencies to assist requesters by providing information in the form requested, including requests for the electronic form of records, if the agency is able to reproduce it in that form. This section would overrule *Dismukes* v. *Department of the Interior*, 603 F. Supp. 760, 763 (D.D.C. 1984), which held that an agency "has no obligation under the FOIA to accommodate plaintiff's preference [but] need only provide responsive, nonexempt information in a reasonably accessible form."

This section would also require agencies to make reasonable efforts to search for records that are maintained in electronic form or format, unless such search efforts would significantly interfere with the operation of the agency's automated information systems.

The bill defines "search" as a "review, manually or by automated means," of "agency records for the purpose of locating those records responsive to a request." Under the FOIA, an agency is not required to create documents that do not exist. Computer records located in a database rather than in a file cabinet may require the application of codes or some form of programming to retrieve the information. Under the definition of "search" in the bill, the search of computerized records would not amount to the creation of records. Otherwise, it would be virtually impossible to get records that are maintained completely in an electronic form, like computer database information, because some manipulation of the information likely would be necessary to search the records.

Section 6. Standard for Judicial Review. Section 6 would require a court to accord substantial weight to an agency's determination as to both the technical feasibility of redacting nonreleasable material at the place on the record where the deletion was made, under paragraphs (2)(C) and subsection (b), as amended by this Act, and the reproducibility of the requested form or format of records, under paragraph (3)(B), as amended by this Act. Such deference is warranted since an agency is familiar with the availability of technical resources within the agency to process, redact and reproduce records.

Section 7. Ensuring Timely Response to Requests. The bill addresses the single most frequent complaint about the operation of the FOIA, namely, agency delays in responding to FOIA requests by encouraging agencies to employ better records management systems.

Multitrack Processing.—An agency commitment to process requests on a first-come, first-served basis has been held to satisfy the requirement that an agency exercise due diligence in dealing with backlogs of FOIA requests. Processing requests solely on a FIFO basis, however, may result in lengthy delays for simple requested due to the prior receipt and processing of complex requests, and in increased agency backlogs. The bill would permit agencies to promulgate regulations implementing multitrack processing systems, and make clear that agencies should exercise due diligence within each track. Agencies would also be permitted to provide requesters with the opportunity to limit the scope of their requests in order to qualify for processing under a faster track.

Unusual Circumstances.—The FOIA currently permits an agency in "unusual circumstances" to extend for a maximum of 10 working days the statutory time limit for responding to a FOIA request, upon written notice to the requester setting forth the reason for such extension. The FOIA enumerates various reasons for such an extension, including the need to search for and collect requested records from multiple offices, the volume of records requested, and the need for consultation among components of an agency.

For unusually burdensome FOIA requests, an extra ten days still provides insufficient time for an agency to respond. The bill would provide a mechanism to deal with such requests, which an agency would not be able to process even with an extra ten days. For such requests, the bill would require an agency to inform the requester that the request cannot be processed within statutory time limits and provide an opportunity for the requester to limit the scope of the request so that it may be processed within statutory time limits, or arrange with the agency an agreed upon time frame for processing the request. In the event that the requester refuses to reasonably limit the request's scope or agree upon a time frame and then seeks judicial review, that refusal shall be considered as a factor in determining whether "exceptional circumstances" exist under subparagraph (6)(C).

Requesters should not be able to make multiple requests merely to avoid the procedures otherwise applicable in unusual circumstances. To avoid the potential problem of multiple requests for purely circumvention purposes, the bill would permit agencies to promulgate regulations to aggregate requests made by the same requester, or group of requesters acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in subparagraph (6)(B)(iii) of the bill. The aggregated requests must involve clearly related matters. Agencies are directed not to aggregate multiple requests involving unrelated matters.

Exceptional Circumstances.—The FOIA provides that in "exceptional circumstances," a court may extend the statutory time limits for an agency to respond to a FOIA request, but does not specify what those circumstances are. The bill would clarify that routine, predictable agency backlogs for FOIA requests do not constitute exceptional circumstances for purposes of the Act, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests. This is consistent with the holding in *Open America* v. *Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976), where the court held that an unforeseen 3,000 percent increase in FOIA requests in one year, which created a massive backlog in an agency with insufficient resources to process those requests in a timely manner, can constitute "exceptional circumstances." Routine backlogs of requests for records under the FOIA should not give agencies an automatic excuse to ignore the time limits, since this provides a disincentive for agencies to clear up those backlogs. The bill also makes clear that those agencies with backlogs must make efforts to reduce that backlog before exceptional circumstances will be found to exist.

Section 8. Time Period for Agency Consideration of Requests. The bill contains provisions designed to address the needs of both agencies and requesters for more workable time periods for the processing of FOIA requests.

Expedited Access.—The bill would require agencies to promulgate regulations authorizing expedited access to requesters who demonstrate a "compelling need" for a speedy response. The agency would be required to make a determination whether or not to grant the request for expedited access within ten days and then notify the requester of the decision. The requester would bear the burden of showing that expedition is appropriate by certifying in a statement that the demonstration of compelling need is true and correct to the best of the requester's knowledge and belief. The bill would permit only limited judicial review based on the same

record before the agency of the determination whether to grant expedited access. Moreover, federal courts will not have jurisdiction to review an agency's denial of an expedited access request if the agency has already provided a complete response to the request for records.

A "compelling need" warranting expedited access would be demonstrated by showing that failure to obtain the records within an expedited time frame would: (I) pose an imminent threat to an individual's life or physical safety; or, (II) "with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged federal government activity." Agencies are also permitted to provide for expedited processing in other cases as they may determine.

Expansion of Agency Response Time.—To assist federal agencies in reducing their backlog of FOIA requests, the bill would double the time limit for an agency to respond to FOIA requests from ten days to twenty days. Attorney General Janet Reno has acknowledged the inability of most federal agencies to comply with the ten-day rule "as a serious problem" stemming principally from "too few resources in the face of too heavy a workload."

Estimation of Matter Denied.—The bill would require agencies when denying a FOIA request to make reasonable efforts to estimate the volume of any denied material and provide that estimate to the requester, unless doing so would harm an interest protected by an exemption pursuant to which the denial is made.

Section 9. Computer Redaction. The ease with which information on the computer may be redacted makes the determination of whether a few words or 30 pages have been withheld by an agency at times impossible. The bill would require agencies to indicate deletions of the released portion of the record and, where technically feasible, to indicate the deletion at the place on the record where the deletion was made, unless including that indication would harm an interest protected by an exemption pursuant to which the deletion is made.

Section 10. Report to the Congress. This section would add to the information an agency is already required to publish as part of its annual report. Specifically, agencies would be required to publish in its annual reports information regarding denials of requested records, appeals, a complete list of statutes upon which the agency relies to withhold information under Section 552(b)(3), which exempts information that is specifically exempted from disclosure by other statutes, the number of backlogged FOIA requests, the number of days taken to process requests, the amount of fees collected, and staff devoted to processing FOIA requests. The annual reports would be required to be made available to the public, including by computer telecommunications means. If an agency does not have the means established to make the report available on-line, then the report should be made available in some other electronic form. The Attorney General is required to make each report available at a single electronic access point, and advise certain Members of Congress that such reports are available.

The Attorney General and the Director of the Office of Management and Budget are required to develop reporting guidelines for the annual reports by October 1, 1997.

Section 11. Reference Materials and Guides. The bill would require agencies to make publicly available, upon request, reference material or a grade for requesting records or information from an agency. This guide would include an index and description of all major information systems of an agency, and a handbook for obtaining various types and categories of public information from an agency.

Section 12. Effective Date. To provide agencies time to implement new requirements under the Act, Sections 7 and 8 of the bill concerning multitrack and expedited processing, unusual and exceptional circumstances, the doubling of the statutory time period for responding to FOIA requests, and estimating the amount of material to which access is denied, will take effect 180 days after the date of enactment, and the remainder of the Act will become effective one year after the date of enactment.

COMPREHENSIVE METHAMPHETAMINE CONTROL ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 566, S. 1965, which was introduced earlier by Senator HATCH.

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

The clerk will report.

A bill (S. 1965) to prevent the illegal manufacturing and use of methamphetamine.

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

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

Mr. HATCH. Mr. President, a number of us have spent countless hours trying to devise a plan to turn back the dreadful tide of methamphetamine abuse which is now beginning to flow westward across the United States, threatening to engulf both cities and rural areas.

We have now crafted such a plan, a bipartisan plan which meets those goals, we have introduced as S. 1965, the Comprehensive Methamphetamine Control Act of 1996.

I rise to ask my colleagues' support for this legislation and for the amendments to that bill that have allowed it to win near unanimous support.

Mr. President, we have all seen the recent alarming reports indicating that drug abuse has increased during the tenure of the Clinton administration.

Today, the Congress can take an important step to curb our nation's recent backsliding on the drug issue.

I am proud to point out that this is a bipartisan measure—I think this is how drug policy should be made—and I wish to thank all of our cosponsors: Senators BIDEN; GRASSLEY; FEINSTEIN; WYDEN; DASCHLE; DEWINE; SPECTER; D'AMATO; HARKIN; ASHCROFT; REID; KYL; FEINGOLD; and McCAIN.

I wish to thank especially the ranking member of the Judiciary Committee, Mr. BIDEN, for his help in developing this legislation.

I can report to my colleagues in the Senate that the House Judiciary Committee is also at hard work on this issue—they have a markup scheduled for tomorrow—so I think it is very possible, indeed highly probable, that we will send a bill to the President before adjournment. That time cannot come soon enough.

Two weeks ago, I testified before the House Judiciary's Subcommittee on Crime, which held a hearing on the meth epidemic. I was encouraged at that hearing by the efforts of Chairman McCOLLUM and Representatives HEINEMAN, SCHUMER and FAZIO, who are working with us to get a bill we can all endorse.

We developed this bill in close consultation with the Department of Justice and the Drug Enforcement Administration. Indeed, General McCaffrey, Director of the Office of National Drug Control Policy, has testified before the Judiciary Committee that he supports our legislation, so I am certain that the President will sign the bill once the House completes it work on this measure.

Frankly, it is time for this administration to show that the war against drugs is a top national priority. A responsibility of those in leadership positions is to give first attention to the most important problems and this is certainly one.

Mr. President, meth is a killer. We know that meth-related deaths are up dramatically from 151 in 1991 to 433 in 1994.

We know that methamphetamine-related hospital admissions are up about 300 percent in the last 5 years.

Seizures or illegal meth labs are up all over the country and even in my home State of Utah. Illicit lab seizures in Utah increased from 13 in 1994 to 56 in 1995. In 1996, there have already have been 40 meth lab seizures in my State.

Given this pernicious trend, the time to act is now. We must act in a comprehensive fashion and that is what this bill does.

S. 1965 increases the penalties for illegal manufacture and distribution of methamphetamine and its precursors chemicals. It also increases penalties for illegal possession of and trafficking in illicit methamphetamine.

In a careful balance, S. 1965 also reduces single transaction reporting requirements for sales of over-the-counter pseudoephedrine and phenylpropanolamine products to 24 grams. At the same time, our proposal creates a safe harbor for legitimate cough and cold products sold in blister packs at the retail level at quantities of up to 3 grams.

The Comprehensive Methamphetamine Control Act establishes new reporting requirements for firms selling these products through the mail, since law enforcement officials have found that mail order sales are a significant source of diversion.

I believe that education and research are key to efforts to stop drug abuse,

and our bill contains a separate title which makes them a top priority.

The bill creates an interagency task force on the methamphetamine epidemic which will coordinate efforts across the Government. It requires that the Secretary of Health and Human Services develop a public health monitoring program, which will collect and disseminate data which can be used in policy development.

The bill also established a public-private education program, an advisory panel of Federal, State and local law enforcement and regulatory agencies with experience in investigating and prosecuting illegal transactions of precursor chemicals.

As I have said, Mr. President, this bill is the product of long and hard negotiations among many parties.

None of us are completely comfortable with every provision, but taken as a whole we are confident the bill will meet our common goal.

An important component of the bill we introduced, as well as the Clinton administration's proposal, were mandatory minimum sentences for meth dealers. The bill we pass today does not contain those "mandatory minimums," due to adoption of the Kennedy-Simon amendment.

From my perspective, the Kennedy-Simon language on sentencing will not be as effective as the mandatory minimums that were contained in the original version of the bill. My colleagues should note that this bill would not have passed without our accepting the Kennedy-Simon amendment. The sponsors of this amendment were rather clear in expressing their desire to keep this bill from passing by unanimous consent without the change embodied in their amendment. In the 105th Congress, it is my intention to pursue enactment of these penalties. In the interest of passing a bill in an expeditious fashion, I have reluctantly agreed to accept the Kennedy-Simon amendment.

Another troublesome aspect of the compromise is the manner in which combination ephedrine products are treated. In the bill we are about to adopt, such products are treated differently than pseudoephedrine or phenylpropanolamine products. The chief difference is that the combination ephedrine products are not permitted to take advantage of the 3 gram, blister pack rule that is afforded to pseudoephedrine and phenylpropanolamine products.

I do not know of, and understand that the Drug Enforcement Agency does not know of, any public policy justification for this difference in treatment of products. One possible—perhaps likely—result will be to decrease the public's legitimate access to these products. I think this is unfortunate, and I hope this provision can be revisited.

I would also like to comment on a few of the changes we made in the bill after its introduction. These changes are embodied in the Hatch-Biden-Wyden-Grassley-Feinstein technical correction amendment.

One such change, which I believe is a significant improvement, is to provide guidance of what evidence the Department of Justice may use in examining whether the safe harbor provisions that affect certain products—those products sold in blister packs in quantities of 3 grams or less—are being diverted. We have clarified that isolated or infrequent use, or use of small quantities of these products, cannot be used to close the 3 gram, blister pack safe harbor for pseudoephedrine and phenylpropanolamine products.

As we crack down on those who make and sell illegal drugs we must also balance the interests of the millions of our citizens who benefit from legitimate over-the-counter drug products. Only if there is solid evidence of systemic abuse of 3 gram, blister pack retail sales should any further steps be taken that would impede the ability of ordinary, law-abiding Americans to have access to safe and effective cold remedies upon which they have come to rely.

We must give the safe harbor provisions a fair test, and that is why the revised bill requires consultation with the Secretary of Health and Human Services and departmental reporting to Congress if the Justice Department believes the safe harbor should be breached.

Make no mistake about it, without the 3 gram, blister pack provision, many legitimate distributors of over-the-counter products would likely choose not to offer pseudoephedrine and phenylpropanolamine products. This is so because without this safe harbor language legitimate distributors of these over-the-counter products risk triggering the reporting and record keeping provisions and criminal sanctions that are attendant to regulated sales.

At the request of the DEA, we included two important provisions. One makes the effective date of the so-called "safe harbor" provision effective for products on the shelf one year after enactment. The original bill had an effective date for products initially introduced into interstate commerce prior to 9 months after the date of enactment.

The other provision allows the DEA to begin immediately upon enactment to collect data used to determine if the safe harbor provision should not be retained.

I would also like to comment on another critical provision of the Hatch-Biden-Wyden-Grassley-Feinstein amendment, which is that it takes the unusual step of legislatively overriding a regulation. This provision was made necessary due to the fact that, on August 7, 1996, the DEA promulgated a final rule with respect to certain pseudoephedrine products.

The DEA had been involved, almost daily, in the negotiations over the development of the bill prior to promulgation of this final rule. I take the unilateral action on the part of the DEA to issue that rule—without any notice to the relevant committees—to be unfortunate bureaucratic judgment or a snafu.

I have accepted the assurances of DEA Administrator Tom Constantine that this was an inadvertent error and that such failure to communicate, particularly when it could jeopardize good faith work toward a common goal, will not occur in the future.

As chairman of the Judiciary Committee, I plan to continue to work closely with the DEA and Department of Justice as we plan, implement, and oversee our Nation's battle against drug abuse. It is important that we work together.

Finally, as a result of testimony at the House hearing, we have added two provisions to the bill. One allows the effective date to be extended up to 6 months at the sole discretion of the administration. The second allows manufacturers to petition for reinstatement from the legal drug exemption; the Attorney General may grant such an exemption if she finds that the product is manufactured and distributed in a manner which prevents diversion.

On balance, I think that these provisions represent a reasonable compromise.

We have all strived to keep in mind our topmost goal: curbing methamphetamine abuse. The bill we are considering today meets that goal. It is comprehensive, it is tough, and it is much needed.

I hope that we will approve the amended version of S. 1965 quickly, so that the House may consider the measure, and we can move it swiftly downtown to the President for his signature.

Mr. BIDEN. Mr. President, the story of our failure to foresee—and prevent—the crack cocaine epidemic is one of the most significant public policy mistakes in modern history. Although warning signs of an outbreak flared over several years, few took action until it was too late.

We now face similar warning signs with another drug—methamphetamine. Without swift action now, history may repeat itself.

In July, Senator HATCH and I, along with Senators FEINSTEIN, FEINGOLD, DASCHLE, GRASSLEY, SPECTER, HARKIN, WYDEN, D'AMATO, KYL, REID, ASHCROFT, MCCAIN, and DEWINE introduced legislation to address this new emerging drug epidemic before it is too late.

Within the past few years the production and use of methamphetamine have

risen dramatically. Newspaper and media reports over the past few months have highlighted these increases. I have been tracking this development and pushing legislation to increase Federal penalties and strengthen Federal laws against methamphetamine production, trafficking, and use since 1990.

And what I and others have found is alarming:

From 1991 through 1994 methamphetamine related emergency room episodes increased 256 percent—the increase from 1993 to 1994 alone was 75 percent—with more than 17,000 people overdosing and being brought to the emergency room because of methamphetamine.

A survey of high school seniors, which only measures the use of "ice"—a fraction of the methamphetamine market—found that in 1995 86,000 12th graders had used ice in the past year, 39,000 had used it in the past month, and 3,600 reported using ice daily. This same survey found that only 54 percent of high school seniors perceived great risk in trying ice—down from 62 percent in 1990. And 27 percent of these children said it would be easy for them to get ice if they wanted it.

The cause for concern over a methamphetamine epidemic is further fueled by drug-related violence—again something we saw during the crack era—that we can expect to flourish with methamphetamine as well. Putting the problem in perspective, drug experts claim that "ice surpasses PCP in inducing violent behavior."

In addition to the violence—both random and irrational—associated with methamphetamine users, there is also the enormous problem of violence among methamphetamine traffickers and the environmental and life-threatening conditions endemic in the clandestine labs where methamphetamine is produced.

The bill the Senate is considering addresses all of the dangers of methamphetamine and takes bold actions to stop this potential epidemic in its tracks. Specifically, the Hatch-Biden methamphetamine enforcement bill will take six major steps toward cracking down on methamphetamine production, trafficking, and use, particularly use by the most vulnerable population threatened by this drug—our young people.

First and foremost, we increase penalties for possessing and trafficking in methamphetamine.

Second, we crack down on methamphetamine producers and traffickers by increasing the penalties for the illicit possession and trafficking of the precursor chemicals and equipment used to manufacture methamphetamine.

Third, we increase the reporting requirements and restrictions on the legitimate sales of products containing these precursor chemicals in order to prevent their diversion, and we impose even greater requirements on all firms which sell these product by mail. This includes the use of civil penalties and injunctions to stop "legitimate" firms from recklessly providing precursor chemicals to methamphetamine manufacturers.

Fourth, we address the international nature of methamphetamine manufacture and trafficking by coordinating international enforcement efforts and strengthening provisions against the illegal importation of methamphetamine and precursor chemicals.

Fifth, we ensure that methamphetamine manufacturers who endanger the life on any individual or endanger the environment while making methamphetamine will receive enhanced prison sentences.

Finally, we require Federal, State, and local law enforcement and public health officials to stay ahead of any potential growth in the methamphetamine epidemic by creating national working groups on protecting the public from the dangers of methamphetamine production, trafficking, and abuse.

The Hatch-Biden bill addresses all of these needs with a fair balance between the needs of manufacturers and consumers of legitimate products which contain methamphetamine precursor chemicals and the need to protect the public by instituting harsh penalties for any and all methamphetamine-related activities.

This legislation is the crucial, comprehensive tool we need to stay ahead of the methamphetamine epidemic and to avoid the mistakes made during the early stages of the crack-cocaine explosion.

I want to thank Senator HATCH and my other colleagues who share my desire to move now on the problem of methamphetamine. I also want to thank the Clinton administration, which also was determined to act now on this issue and worked with us in developing several of the provisions in this bill.

I urge all my colleagues to join us in protecting our children and our society from the devastations of methamphetamine by supporting this vital legislation.

Mr. WYDEN. Mr. President, I rise as an original cosponsor of the Comprehensive Methamphetamine Control Act of 1996, S. 1965, to urge its swift enactment.

Today, the Senate is telling drug dealers that we aren't going to let methamphetamine become the crack of the 1990s. By passing the Comprehensive Methamphetamine Control Act, the Senate is taking decisive action to stem the tide of the methamphetamine epidemic that has sunk its claw into communities in Oregon and across the Nation.

I do not believe we are acting a moment too soon. Last year in Oregon, 52 deaths were tied to methamphetamine. By comparison, Oregon's Office of Alcohol and Drug Abuse Programs reported that there was only one meth-related death in 1991. Meth-related arrests are rising across my State: Over the last 5 years in Jackson County, meth-related violations rose 1,100 percent, while in Malheur County, meth-related arrests jumped 110 percent from 1993 to 1994. In Portland, police seizures of meth increased 145 percent from 1994 to 1995.

Since this bill was introduced in June, I have met with Oregonians from across the State who have told me about the need for a tough Federal response to the meth crisis. In Medford, I attended a Methamphetamine Awareness Conference, where law enforcement officials joined with public health experts and other social service providers to discuss the need for a comprehensive approach to the meth problem. In Portland, I convened a round table so law enforcement officials from across the State could focus on how Federal, State, and local law enforcement can come together to take on the methamphetamine crisis. Everywhere I go, the refrain is the same—the problem is growing, as is its grip on our communities.

The Comprehensive Methamphetamine Control Act will aid in turning the tide against the methamphetamine menace by giving law enforcement much needed new tools to combat this deadly drug.

The legislation goes after the source of the methamphetamine problem—the precursor chemicals, often found in legal, over-the-counter drug products, which are used to manufacture methamphetamine and its ugly cousin, amphetamine. While still allowing consumers access to many helpful and commonly used products containing the precursor chemicals, the bill will place significant restrictions on the bulk sale of the chemicals, both through the mail and over the counter. The legislation will also increase the penalties for the illegal possession and trafficking of the precursor chemicals and the equipment used to manufacture the controlled substances and will allow law enforcement increased flexibility to obtain injunctions to stop the illegal production and sale of precursor chemicals.

This legislation addresses the international trafficking in precursor chemicals by imposing a maximum 10-year penalty on the manufacture outside the United States of precursor chemicals with the intent to import the chemical into this country.

Back at home, the bill will increase penalties for those convicted of possessing and trafficking in methamphetamine. Penalties for methamphetamine trafficking have been too low for

too long, and I hope the enhanced penalties will make drug dealers think twice before they peddle their poison. The bill will also ensure that methamphetamine manufacturers who put the life of any person at risk or endanger the environment will receive longer prison sentences.

Finally, I think that all our efforts at enforcing penalties against traffickers and users are going to be for naught unless we work to get at the root of the problem, which is the addiction to this deadly substance. I am pleased that this legislation will expand education, treatment and research activities related to methamphetamine.

While the Comprehensive Methamphetamine Control Act will make a difference in the battle against this deadly drug, there should be no doubt that we will all need to remain engaged so we can counter the challenges posed by the methamphetamine crisis and by other illegal drugs, which are eating away at our Nation's youth.

I commend the fine bipartisan effort that went into crafting this bill. My colleagues, led by Chairman HATCH and Senators BIDEN and FEINSTEIN, deserve praise for their commitment and cooperation on this matter. As we all seek to stamp out drug abuse in this country, I hope the partisan spirit that permeated this bill can be a harbinger of good things to come.

Mr. DASCHLE. Mr. President, I rise in support of this important and much-needed bill. Law enforcement officers in my state of South Dakota know firsthand the serious impact the use of methamphetamines or "meth" has had on the State. Easily made from legally available chemicals—indeed, instructions for manufacturing the drug can be found on the Internet—meth is relatively cheap because local manufacturing eliminates the need for illegal smuggling. Highly addictive and capable of producing sharp personality alterations, violent episodes, and brain damage in users, the drug imposes a tremendous cost on our communities, families and law enforcement resources.

Methamphetamines have been linked with several violent crimes in South Dakota. In the last year, a contract-killing and a murder-suicide were both attributable to use of this drug. The DEA has registered an increase in the percentage of arrests due to meth in South Dakota from around 20 percent of the total arrest rate to 70 percent. And users often harm themselves as well. From 1991 through 1994, emergency room episodes caused by use of this drug increased 256 percent nationwide.

This bill addresses this emerging drug epidemic by increasing Federal penalties and strengthening Federal laws against production, trafficking and use of methamphetamines; increasing penalties for illicit possession and trafficking of precursor chemicals and equipment used to make the drug; increasing reporting requirements and restrictions on legitimate sales of products containing these precursor chemicals to prevent their diversion to illegal use; and strengthening provisions against illegal importation of methamphetamine and precursor chemicals.

I urge my colleagues to provide needed tools to our law enforcement officers by joining the fight against this dangerous drug. We should and we must pass this bill.

Mr. FEINGOLD. Mr. President, I rise today in support of S. 1965, the Comprehensive Methamphetamine Control Act of 1996. I am pleased to join many of my colleagues from the Judiciary Committee, including Chairman HATCH and the ranking member, Senator BIDEN, as a cosponsor of this legislation.

This bill is an important step in attempting to halt the spread of methamphetamine across this Nation. Methamphetamine is a dangerous synthetic drug which stimulates the central nervous system and can lead to such unfortunate consequences, as death, violent and uncontrollable behavior and severe depression. Methamphetamine is similar to another synthetic drug which appeared in my home State of Wisconsin in the recent past, methcathinone or cat as it is commonly known. Thankfully, through the hard work of law enforcement, both Federal and local, throughout the upper Midwest, it appears that methcathinone remains a relatively isolated problem. In contrast, however, the use of methamphetamine appears to be spreading.

While use of methamphetamine creates responses similar to that of crack cocaine, reactions to methamphetamine have been far more severe and longer in duration than those of crack or cocaine. Furthermore, in recent years the purity of this drug has increased, thus enhancing the potential for violent reactions among its users. The consequences of this are serious, not only for the user, but for society as well. Drug abuse can often lead to crime or violent behavior, possibilities which may be amplified when methamphetamine is involved. A recent national conference of Federal, State and local law enforcement indicated that law enforcement must become prepared to deal with more violent offenders who have abused methamphetamine.

The re-emergence of this drug can be traced to the early 1990's when Mexican drug traffickers began to increase their production and importation of methamphetamine in the United States. Although originally produced primarily in Mexico, the clandestine labs which generate methamphetamine have begun to appear in this nation. Initially, the devastating presence of this drug was largely restricted to the Western United States, predominately in California and Arizona. For the period of 1991 through 1994, methamphetamine related deaths increased by 176 percent for the cities of Los Angeles, Phoenix, San Diego, and San Francisco. In the city of Phoenix the number of methamphetamine related emergency room incidents increased by 370 percent for that same 4-year period. Nationwide, the number of emergency room incidents increased 350 percent from 1991 to 1994. While originally restricted to the western part of the United States, it appears that the drug has begun an eastward migration to parts of the Midwest. Mr. President, there can be no doubt that the consequences of using this drug are serious. We must take steps to address this growing problem and this legislation does just that.

S. 1965 includes provisions to strengthen and enhance penalties for the trafficking of methamphetamine. It increases penalties for the illegal possession and trafficking of precursor chemicals, those chemicals which are used to produce this deadly drug. The bill increases penalties for the illegal manufacture and possession of equipment used to construct the clandestine labs which generate methamphetamine and other controlled substances. Another troubling facet of this drug, which this bill addresses, is that the labs which produce this drug often pour volatile and lethal chemicals into the environment. This bill increases the penalties for those individuals who endanger the lives of innocent people and law enforcement as well as threaten the environment by operating these labs.

Because many of the components of methamphetamine are products which are otherwise legally available, the bill tightens restrictions on the sale and importation of the precursor chemicals used by methamphetamine traffickers. It enhances reporting requirements for pseudoephedrine or phenylpropanolamine, both important components in the production of methamphetamine. In short, Mr. President, in addition to punishing those individuals who market in this deadly drug, the bill addresses the important issue of regulating precursor chemicals which are essential to drug traffickers. Finally Mr. President, this legislation establishes an interagency task force to visit the growing problem of methamphetamine abuse and develop and implement a national strategy of education, prevention, and treatment. Further, the Secretary of Health and Human Services is charged with monitoring the level of methamphetamine abuse in the United States in order to assist public health officials in developing responses to this problem.

Clearly, Mr. President, the problems of drug which confront this Nation are

complex and challenging. It will require a long-term commitment by all of us. We must coordinate law enforcement and tough sanctions with effective and adequately funded education, prevention and treatment initiatives. This legislation is clearly just one portion of what must be a larger approach to the issue of drug abuse, but it is, in my opinion, an important and necessary step in addressing the consequences of methamphetamine. I want to again thank the Senator from Delaware, Senator BIDEN, and Senator HATCH for their leadership on this bill. I am proud to join them in this effort and pleased that the Senate has chosen to adopt this important legislation.

Mr. HARKIN. Mr. President, as an original cosponsor of the Comprehensive Methamphetamine Control Act, I am pleased that the Senate is acting quickly to take this important step in our fight against drugs. Meth is destroying lives, families, and communities across Iowa and across the country. Just last week Des Moines police reported that marijuana use in the city is on the rise and that the increase is being driven by the popularity of methamphetamine. For Iowa, and many other States, this bill passage of this legislation can't come fast enough.

As Iowa's new drug of choice, meth has left no part of our State untouched. In a word, meth is poison. This dangerous and popular drug is cheap and easy to access. In Iowa, the street price for one gram of meth is $100, similar to that of cocaine. However, unlike cocaine whose effects last about 20 minutes, one quarter of a gram of meth will last about 12 to 14 hours. A leading Iowa doctor referred to meth as "the most malignant, addictive drug known to mankind."

There is no doubt that the time for this legislation is now. Federal methamphetamine investigations have doubled and meth arrests have more than tripled over the past 2 years. The Division of Iowa Narcotics Enforcement reported a nearly 400 percent increase in meth seizures in a one year period. And in our largest city, Des Moines, meth seizures increased more than 4,000 percent.

The legislation we are passing today takes bold actions to help States like Iowa fight back. The Comprehensive Methamphetamine Enforcement Act stiffens penalties for the possession and trafficking of this deadly poison and cracks down on producers and traffickers by increasing penalties for the illicit possession of the chemicals and equipment used to manufacture methamphetamine. The bill increases restrictions and reporting requirements on companies who supply the ingredients for its production and creates national working groups comprised of public health officials and local law enforcement to develop strategies to continue to fight this budding epidemic.

Iowans have worked hard to cultivate a good quality of life. They have worked hard to make their communities a place to raise a family, a safe place, a decent place. But meth producers and dealers are peddling poison and wreaking havoc on small towns and communities across our State.

I appreciate the efforts of Senators HATCH and BIDEN, the chair and ranking member of the Senate Judiciary Committee and look forward to working with them to ensure this legislation gets to the President this year.

AMENDMENTS NOS. 5365 AND 5366, EN BLOC

Mr. MCCAIN. I understand that there are two amendments at the desk, one submitted by Senator HATCH and one submitted by Senator KENNEDY.

I ask for their consideration en bloc.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. MCCAIN), proposes amendments numbered 5365 and 5366, en bloc.

The amendments (Nos. 5365 and 5366), en bloc, are as follows:

AMENDMENT NO. 5365

(Purpose: To make certain technical and conforming amendments)

On page 9, line 2, strike "or facilitate to manufacture" and insert "or to facilitate the manufacture of".

On page 10, line 8, strike "IMPORTATION REQUIREMENTS" and insert "IMPORTATION AND EXPORTATION REQUIREMENTS".

On page 11, line 9, strike the comma after "item".

On page 11, line 12, strike beginning with "For purposes" through line 21 and insert "For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals a firm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.'.".

On page 14, line 24, strike "Iso safrole" and insert "Isosafrole".

On page 15, between lines 5 and 6, add the following:

SEC. 210. WITHDRAWAL OF REGULATIONS.

The final rule concerning removal of exemption for certain pseudoephedrine products marketed under the Federal Food, Drug, and Cosmetic Act published in the Federal Register of August 7, 1996 (61 FR 40981–40993) is null and void and of no force or effect.

On page 21, line 23, strike beginning with ", except that" through "transaction" on page 22, line 6, and insert ", except that the threshold for any sale of products containing pseudoephedrine or phenylpropanolamine products by retail distributors or by distributors required to submit reports by section 310(b)(3) of this title shall be 24 grams of pseudoephedrine or 24 grams of phenylpropanolamine in a single transaction".

On page 22, line 8, strike "abuse" and insert "offense".

On page 23, strike lines 1 through 14 and insert the following:

"(46)(A) The term 'retail distributor' means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor relating to pseudoephedrine or phenylpropanolamine products are limited almost exclusively to sales for personal use, both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales.

On page 24, line 12, strike "The" and insert the following: "Pursuant to subsection (d)(1), the".

On page 25, line 17, strike "effective date of this section" and insert "date of enactment of this Act".

On page 26, line 1, after "being" insert "widely".

On page 26, line 4, strike "in bulk" and insert "for distribution or sale".

On page 27, line 15, strike "effective date of this section" and insert "date of enactment of this Act".

On page 28, between lines 19 and 20, insert the following and redesignate the following paragraphs accordingly:

(3) SIGNIFICANT NUMBER OF INSTANCES.—

(A) IN GENERAL.—For purposes of this subsection, isolated or infrequent use, or use in insubstantial quantities, of ordinary over-the-counter pseudoephedrine or phenylpropanolamine, as defined in section 102(45) of the Controlled Substances Act, as added by section 401(b) of this Act, and sold at the retail level for the illicit manufacture of methamphetamine or amphetamine may not be used by the Attorney General as the basis for establishing the conditions under paragraph (1)(A)(ii) of this subsection, with respect to pseudoephedrine, and paragraph (2)(A)(ii) of this subsection, with respect to phenylpropanolamine.

(B) CONSIDERATIONS AND REPORT.—The Attorney General shall—

(i) in establishing a finding under paragraph (1)(A)(ii) or (2)(A)(ii) of this subsection, consult with the Secretary of Health and Human Services in order to consider the effects on public health that would occur from the establishment of new single transaction limits as provided in such paragraph; and

(ii) upon establishing a finding, transmit a report to the Committees on the Judiciary in both, respectively, the House of Representatives and the Senate in which the Attorney General will provide the factual basis for establishing the new single transaction limits.

On page 29, between lines 14 and 15, insert the following:

(f) COMBINATION EPHEDRINE PRODUCTS.—

(1) IN GENERAL.—For the purposes of this section, combination ephedrine products shall be treated the same as pseudoephedrine products, except that—

(A) a single transaction limit of 24 grams shall be effective as of the date of enactment of this Act and shall apply to sales of all combination ephedrine products, notwithstanding the form in which those products are packaged, made by retail distributors or distributors required to submit a report under section 310(b)(3) of the Controlled Substances Act (as added by section 402 of this Act);

(B) for regulated transactions for combination ephedrine products other than sales described in subparagraph (A), the transaction limit shall be—

(i) 1 kilogram of ephedrine base, effective on the date of enactment of this Act; or

(ii) a threshold other than the threshold described in clause (i), if established by the Attorney General not earlier than 1 year after the date of enactment of this Act; and

(C) the penalties provided in subsection (d)(1)(B) of this section shall take effect on the date of enactment of this Act for any individual or business that violates the single transaction limit of 24 grams for combination ephedrine products.

(2) DEFINITION.—For the purposes of this section, the term "combination ephedrine product" means a drug product containing ephedrine or its salts, optical isomers, or salts of optical isomers and therapeutically significant quantities of another active medicinal ingredient.

On page 29, line 15, strike "(f)" and insert "(g)".

On page 29, line 17, strike all beginning with "over-the-counter" through line 20 and insert "pseudoephedrine or phenylpropanolamine product prior to 12 months after the date of enactment of this Act, except that, on application of a manufacturer of a particular pseudoephedrine or phenylpropanolamine drug product, the Attorney General may, in her sole discretion, extend such effective date up to an additional six months. Notwithstanding any other provision of law, the decision of the Attorney General on such an application shall not be subject to judicial review."

On page 35, line 5, after "funds" insert "or appropriations".

AMENDMENT NO. 5366

(Purpose: To provide enhanced penalties for offenses involving certain listed chemicals)

Strike sections 301 and 302 and insert the following:

SEC. 301. PENALTY INCREASES FOR TRAFFICKING IN METHAMPHETAMINE.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994 of title 28, United States Code, the United States Sentencing Commission shall review and amend its guidelines and its policy statements to provide for increased penalties for unlawful manufacturing, importing, exporting, and trafficking of methamphetamine, and other similar offenses, including unlawful possession with intent to commit any of those offenses, and attempt and conspiracy to commit any of those offenses. The Commission shall submit to Congress explanations therefor and any additional policy recommendations for combating methamphetamine offenses.

(b) IN GENERAL.—In carrying out this section, the Commission shall ensure that the sentencing guidelines and policy statements for offenders convicted of offenses described in subsection (a) and any recommendations submitted under such subsection reflect the heinous nature of such offenses, the need for aggressive law enforcement action to fight such offenses, and the extreme dangers associated with unlawful activity involving methamphetamine, including—

(1) the rapidly growing incidence of methamphetamine abuse and the threat to public safety such abuse poses;

(2) the high risk of methamphetamine addiction;

(3) the increased risk of violence associated with methamphetamine trafficking and abuse; and

(4) the recent increase in the illegal importation of methamphetamine and precursor chemicals.

SEC. 302. ENHANCED PENALTIES FOR OFFENSES INVOLVING CERTAIN LISTED CHEMICALS.

(a) CONTROLLED SUBSTANCES ACT.—Section 401(d) of the Controlled Substances Act (21 U.S.C. 841(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical,".

(b) CONTROLLED SUBSTANCE IMPORT AND EXPORT ACT.—Section 1010(d) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d)) is amended by striking "not more than 10 years," and inserting "not more than 20 years in the case of a violation of paragraph (1) or (3) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (3) involving a list I chemical,".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—The United States Sentencing Commission shall, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority of that section had not expired, amend the sentencing guidelines to increase by at least two levels the offense level for offenses involving list I chemicals under—

(A) section 401(d) (1) and (2) of the Controlled Substances Act (21 U.S.C. 841(d) (1) and (2)); and

(B) section 1010(d) (1) and (3) of the Controlled Substance Import and Export Act (21 U.S.C. 960(d) (1) and (3)).

(2) REQUIREMENT.—In carrying out this subsection, the Commission shall ensure that the offense levels for offenses referred to in paragraph (1) are calculated proportionally on the basis of the quantity of controlled substance that reasonably could have been manufactured in a clandestine setting using the quantity of the list I chemical possessed, distributed, imported, or exported.

On page 2, strike out the items relating to sections 301 and 302 and insert the following:

Sec. 301. Penalty increases for trafficking in methamphetamine.

Sec. 302. Enhanced penalties for offenses involving certain listed chemicals.

Mr. MCCAIN. I ask unanimous consent that the amendments be considered read, and agreed to, the bill be deemed read a third time, 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 amendments (Nos. 5365 and 5366) en bloc were agreed to.

The bill (S. 1965), as amended, was deemed read a third time and passed.

(The text of the bill will be printed in a future edition of the RECORD.)

Mr. GRASSLEY. Mr. President, today I am pleased to say that S. 1965—what we call the meth bill—has finally passed. I want to thank all Members for letting this important piece of legislation get through the Senate.

S. 1965, a bipartisan bill, takes aim at a rapidly growing problem in America and in Iowa—the abuse of methamphetamine, known on the street as "meth" or "crank."

I am from Iowa—a rural state which most people do not associate with rampant crime or drug use. But in Iowa today, meth use has increased dramatically. According to a report prepared by the Governor's Alliance on Substance Abuse, seizures of meth in Des Moines increased an astounding 4,000 percent from 1993 to 1994. I repeat: meth seizures in Des Moines increased by 4,000 percent. The increase statewide was 400 percent.

These numbers are scary, Mr. President.

And according to the Iowa Department of Public Health, 7.3 percent of Iowans seeking help from substance abuse treatment centers in 1995 cited meth as their primary addiction. That's up over 5 percent from 1994, when only 2.2 percent cited meth as their primary addition.

Why has meth become such a problem? I don't think anyone knows definitively, but experts have been able to identify some of the reasons.

Meth is cheap. A meth high lasts for a very, very long time, so you get more for your money. And perhaps most disturbingly, meth does not have the stigma associated with cocaine and crack. Kids know that crack is dangerous. But they haven't yet learned that meth is.

In Waterloo, Iowa, though, people are beginning to learn this sad and painful lesson. According to the New York Times, a 17-year-old Iowan who had been a good boy, descended into meth addiction. His behavior changed for the worse. Last October, this young man checked himself into the hospital because he believed that he had the flu. He died only days later because meth had so destroyed his immune system that he developed a form of meningitis. I'll never forget the words of this boy's mother: "He made some wrong decisions and this drug sucked him away." I wonder how many more young Americans are going to be "sucked away" before we get a handle on the meth problem.

Mr. President, what America is facing today with the explosion in meth use is nothing short of an epidemic. Meth is cheap and easily manufactured from commonly available chemicals. Today, the Senate is striking at the root of the problem: Chemical suppliers who sell chemicals to illegal meth labs. The harder it is for criminal chemists to get the raw material to make meth, the more difficult it will be to produce. This in turn will make it more expensive. And this will reduce consumption. And that will help keep our kids alive a little longer.

Importantly, this bill preserves the flexibility of States to enact their own laws to deal with the manufacture of meth. Some very powerful chemical companies have tried to weaken this bill by preempting the States. I think that is just wrong-headed and I am pleased that the Senate has rejected this effort.

Some of the chemical companies also tried to create so-called safe harbors so large that enormous bulk purchases of

meth ingredients would never have to be reported to the DEA. That means criminals could go to the corner drugstore, purchase legal products like pseudoephedrine in large quantities and make poison with no one the wiser. And then that poison is sold to our kids.

While the Senate has had to make some compromises I wouldn't have wanted to make in a perfect world—like the blister-pack exception for pseudoephedrine—I think that this bill represents a major step forward.

This is a good, strong bill and I'm proud that it has passed.

Finally, Mr. President, I especially want to take my hat off to Senator FEINSTEIN for her work on this bill. More than any other Senator, DIANNE FEINSTEIN worked tirelessly to make sure that we could get the strongest possible meth bill. I just want the American people to know what a tremendous job she's done.

Mr. President, in the 1980's, we almost lost a generation to crack and powder cocaine. Let's not get that close to the edge again. I'm proud that the Senate today has stood up to the chemical companies, stood up to the drug dealers and passed this crucial piece of legislation.

AUTHORIZING THE CAPITOL GUIDE SERVICE TO ACCEPT VOLUNTARY SERVICES

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 2085 introduced earlier by Senators WARNER and FORD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2085) to authorize the Capitol Guide Service to accept voluntary services.

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

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

Mr. MCCAIN. I ask unanimous consent that the bill be deemed read a 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. 2085) was deemed read a third time and passed, as follows:

S. 2085

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

That section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by striking subsection (j) and inserting the following:

"(j)(1) Notwithstanding section 1342 of title 31, United States Code, the Capitol Guide Service is authorized to accept voluntary personal services.

"(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5, United States Code.

"(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5, United States Code.

"(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.".

PRINTING OF THE REPORT OF THE COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Rules Committee be discharged from S. Con. Res. 67 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 67) to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The concurrent resolution (S. Con. Res. 67) was agreed to, as follows:

S. CON. RES. 67

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document the report of the Commission on Protecting and Reducing Government Secrecy.

SEC. 2. The document referred to in the first section shall be—

(1) published under the supervision of the Secretary of the Senate; and

(2) in such style, form, manner, and binding as directed by the Joint Committee on Printing, after consultation with the Secretary of the Senate.

The document shall include illustrations.

SEC. 3. In addition to the usual number of copies of the document, there shall be printed the lesser of—

(1) 5,000 copies for the use of the Secretary of Senate; or

(2) such number of copies as does not exceed a total production and printing cost of $45,000.

DISAPPROVAL OF THE RULE SUBMITTED BY THE HEALTH CARE FINANCING ADMINISTRATION

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Joint Resolution 60 introduced earlier today by Senator LOTT.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 60) to disapprove the rule submitted by the Health Care Financing Administration on August 30 relating to hospital reimbursement under the Medicare program.

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

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the joint resolution be deemed not passed, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 60) was deemed not passed.

CONDEMNING HUMAN RIGHTS ABUSES AND DENIALS OF RELIGIOUS LIBERTY

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 71, submitted earlier today by Senator NICKLES.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 71) condemning human rights abuses and denials of religious liberty to Christians around the world.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCAIN. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

Without objection, the preamble is agreed to.

The concurrent resolution (S. Con. Res. 71) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 71

Whereas oppression and persecution of religious minorities around the world has emerged as one of the most compelling human rights issues of the day. In particular, the worldwide persecution and martyrdom of Christians persists at alarming levels. This is an affront to the international

moral community and to all people of conscience.

Whereas in many places throughout the world, Christians are restricted in or forbidden from practicing their faith, victimized by a "religious apartheid" that subjects them to inhumane, humiliating treatment, and in certain cases are imprisoned, tortured, enslaved, or killed;

Whereas severe persecution of Christians is also occurring in such countries as Sudan, Cuba, Morocco, Saudi Arabia, China, Pakistan, North Korea, Egypt, Laos, Vietnam, and certain countries in the former Soviet Union, to name merely a few;

Whereas religious liberty is a universal right explicitly recognized in numerous international agreements, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Whereas Pope John Paul II recently sounded a call against regimes that "practice discrimination against Jews, Christians, and other religious groups, going even so far as to refuse them the right to meet in private for prayer," declaring that "this is an intolerable and unjustifiable violation not only of all the norms of current international law, but of the most fundamental human freedom, that of practicing one's faith openly," stating that this is for human beings "their reason for living";

Whereas the National Association of Evangelicals in January 1996 issued a "Statement of Conscience and Call to Action," subsequently commended or endorsed by the Southern Baptist Convention, the Executive Council of the Episcopal Church, and the General Assembly of the Presbyterian Church, U.S.A. They pledged to end their "silence in the face of the suffering of all those persecuted for their religious faith" and "to do what is in our power to the end that the government of the United States will take appropriate action to combat the intolerable religious persecution now victimizing fellow believers and those of other faiths";

Whereas the World Evangelical Fellowship has declared September 29, 1996, and each annual last Sunday in September, as an international day of prayer on behalf of persecuted Christians. That day will be observed by numerous churches and human rights groups around the world;

Whereas the United States of America since its founding has been a harbor of refuge and freedom to worship for believers from John Winthrop to Roger Williams to William Penn, and a haven for the oppressed. To this day, the United States continues to guarantee freedom of worship in this country for people of all faiths;

Whereas as a part of its commitment to human rights around the world, in the past the United States has used its international leadership to vigorously take up the case of other persecuted religious minorities. Unfortunately, the United States has in many instances failed to raise forcefully the issue of anti-Christian persecution at international conventions and in bilateral relations with offending countries; now, therefore, be it

Resolved, That the Senate, the House of Representatives concurring—

(1) unequivocally condemns the egregious human rights abuses and denials of religious liberty to Christians around the world, and calls upon the responsible regimes to cease such abuses; and

(2) strongly recommends that the President expand and invigorate the United States' international advocacy on behalf of persecuted Christians, and initiate a thorough examination of all United States' policies that affect persecuted Christians; and

(3) encourages the President to proceed forward as expeditiously as possible in appointing a White House Special Advisor on religious persecution; and

(4) recognizes and applauds a day of prayer on Sunday, September 29, 1996, recognizing the plight of persecuted Christians worldwide.

THRIFT SAVINGS INVESTMENT FUNDS ACT OF 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 412, S. 1080.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1080) to amend Chapter 84 of Title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan.

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

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

SEC. 101. SHORT TITLE.

This title may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).". and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4).". and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 104. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act, and the Funds established under this title shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

TITLE II—THRIFT SAVINGS ACCOUNTS LIQUIDITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 202. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and"; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 207 of this title, shall be invalid.

SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lieu thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lieu thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 206. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 207. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this title shall be made at the earliest practicable date as determined by the Executive Director in regulations.

AMENDMENT NO. 5367

Mr. McCAIN. I understand that there is an amendment submitted by Senators KERREY and PRYOR, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. KERREY, for himself and Mr. PRYOR, proposes an amendment numbered 5367.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 2 of the bill, change the ";" to an "," and add the following: "and by adding at the end of the paragraph the following sentence:

"'Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Members's final account balance.'"

Mr. McCAIN. I ask unanimous consent that the amendment be agreed to, the committee amendment, as amended, be agreed to, the bill then be deemed read a third time, passed, the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at appropriate place in the RECORD.

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

The amendment (No. 5367) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was deemed read the third time, and passed, as follows:

S. 1080

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

TITLE I—ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN

SEC. 101. SHORT TITLE.

This title may be cited as the "Thrift Savings Investment Funds Act of 1996".

SEC. 102. ADDITIONAL INVESTMENT FUNDS FOR THE THRIFT SAVINGS PLAN.

Section 8438 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

(B) by inserting after paragraph (4) the following new paragraph:

"(5) the term 'International Stock Index Investment Fund' means the International Stock Index Investment Fund established under subsection (b)(1)(E);";

(C) in paragraph (8) (as redesignated by subparagraph (A) of this paragraph) by striking out "and" at the end thereof;

(D) in paragraph (9) (as redesignated by subparagraph (A) of this paragraph)—

(i) by striking out "paragraph (7)(D)" in each place it appears and inserting in each such place "paragraph (8)(D)"; and

(ii) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(E) by adding at the end thereof the following new paragraph:

"(10) the term 'Small Capitalization Stock Index Investment Fund' means the Small Capitalization Stock Index Investment Fund established under subsection (b)(1)(D).'"; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B) by striking out "and" at the end thereof;

(ii) in subparagraph (C) by striking out the period and inserting in lieu thereof a semicolon; and

(iii) by adding at the end thereof the following new subparagraphs:

"(D) a Small Capitalization Stock Index Investment Fund as provided in paragraph (3); and

"(E) an International Stock Index Investment Fund as provided in paragraph (4).";

and

(B) by adding at the end thereof the following new paragraphs:

"(3)(A) The Board shall select an index which is a commonly recognized index comprised of common stock the aggregate market value of which represents the United States equity markets excluding the common stocks included in the Common Stock Index Investment Fund.

"(B) The Small Capitalization Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the Small Capitalization Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.

"(4)(A) The Board shall select an index which is a commonly recognized index comprised of stock the aggregate market value of which is a reasonably complete representation of the international equity markets excluding the United States equity markets.

"(B) The International Stock Index Investment Fund shall be invested in a portfolio designed to replicate the performance of the index in subparagraph (A). The portfolio shall be designed such that, to the extent practicable, the percentage of the International Stock Index Investment Fund that is invested in each stock is the same as the percentage determined by dividing the aggregate market value of all shares of that stock by the aggregate market value of all shares of all stocks included in such index.".

SEC. 103. ACKNOWLEDGEMENT OF INVESTMENT RISK.

Section 8439(d) of title 5, United States Code, is amended by striking out "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund or the Fixed Income Investment Fund described in paragraphs (1) and (3)," and inserting in lieu thereof "Each employee, Member, former employee, or former Member who elects to invest in the Common Stock Index Investment Fund, the Fixed Income Investment Fund, the International Stock Index Investment Fund, or the Small Capitalization Stock Index Investment Fund, defined in paragraphs (1), (3), (5), and (10),".

SEC. 104. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act, and the Funds established under this title shall be offered for investment at the earliest practicable election period (described in section 8432(b) of title 5, United States Code) as determined by the Executive Director in regulations.

TITLE II—THRIFT SAVINGS ACCOUNTS LIQUIDITY

SEC. 201. SHORT TITLE.

This title may be cited as the "Thrift Savings Plan Act of 1996".

SEC. 202. NOTICE TO SPOUSES FOR IN-SERVICE WITHDRAWALS; DE MINIMUS ACCOUNTS; CIVIL SERVICE RETIREMENT SYSTEM PARTICIPANTS.

Section 8351(b) of title 5, United States Code, is amended—

(1) in paragraph (5)—

(A) in subparagraph (B)—

(i) by striking out "An election, change of election, or modification (relating to the commencement date of a deferred annuity)" and inserting in lieu thereof "An election or change of election";

(ii) by inserting "or withdrawal" after "and a loan";

(iii) by inserting "and (h)" after "8433(g)";

(iv) by striking out "the election, change of election, or modification" and inserting in lieu thereof "the election or change of election"; and

(v) by inserting "or withdrawal" after "for such loan"; and

(B) in subparagraph (D)—

(i) by inserting "or withdrawals" after "of loans"; and

(ii) by inserting "or (h)" after "8433(g)"; and

(2) in paragraph (6)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

SEC. 203. IN-SERVICE WITHDRAWALS; WITHDRAWAL ELECTIONS, FEDERAL EMPLOYEES RETIREMENT SYSTEM PARTICIPANTS.

(a) IN GENERAL.—Section 8433 of title 5, United States Code, is amended—

(1) by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b) Subject to section 8435 of this title, any employee or Member who separates from Government employment is entitled and may elect to withdraw from the Thrift Savings Fund the balance of the employee's or Member's account as—

"(1) an annuity;

"(2) a single payment;

"(3) 2 or more substantially equal payments to be made not less frequently than annually; or

"(4) any combination of payments as provided under paragraphs (1) through (3) as the Executive Director may prescribe by regulation.

"(c)(1) In addition to the right provided under subsection (b) to withdraw the balance of the account, an employee or Member who separates from Government service and who has not made a withdrawal under subsection (h)(1)(A) may make one withdrawal of any

amount as a single payment in accordance with subsection (b)(2) from the employee's or Member's account.

"(2) An employee or Member may request that the amount withdrawn from the Thrift Savings Fund in accordance with subsection (b)(2) be transferred to an eligible retirement plan.

"(3) The Executive Director shall make each transfer elected under paragraph (2) directly to an eligible retirement plan or plans (as defined in section 402(c)(8) of the Internal Revenue Code of 1986) identified by the employee, Member, former employee, or former Member for whom the transfer is made.

"(4) A transfer may not be made for an employee, Member, former employee, or former Member under paragraph (2) until the Executive Director receives from that individual the information required by the Executive Director specifically to identify the eligible retirement plan or plans to which the transfer is to be made.";

(2) in subsection (d)—

(A) in paragraph (1) by striking out "Subject to paragraph (3)(A)" and inserting in lieu thereof "Subject to paragraph (3)";

(B) by striking out paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as redesignated under subparagraph (B) of this paragraph)—

(i) in subparagraph (A) by striking out "(A)"; and

(ii) by striking out subparagraph (B);

(3) in subsection (f)(1)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation; and

(B) by striking out "unless the employee or Member elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b), or" and inserting a comma;

(4) in subsection (f)(2)—

(A) by striking out "February 1" and inserting in lieu thereof "April 1";

(B) in subparagraph (A)—

(i) by striking out "65" and inserting in lieu thereof "70½"; and

(ii) by inserting "or" after the semicolon;

(C) by striking out subparagraph (B); and

(D) by redesignating subparagraph (C) as subparagraph (B);

(5) in subsection (g)—

(A) in paragraph (1) by striking out "after December 31, 1987, and", and by adding at the end of the paragraph the following sentence: "Before a loan is issued, the Executive Director shall provide in writing the employee or Member with appropriate information concerning the cost of the loan relative to other sources of financing, as well as the lifetime cost of the loan, including the difference in interest rates between the funds offered by the Thrift Savings Fund, and any other effect of such loan on the employee's or Member's final account balance."; and

(B) by striking out paragraph (2) and redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(6) by adding after subsection (g) the following new subsection:

"(h)(1) An employee or Member may apply, before separation, to the Board for permission to withdraw an amount from the employee's or Member's account based upon—

"(A) the employee or Member having attained age 59½; or

"(B) financial hardship.

"(2) A withdrawal under paragraph (1)(A) shall be available to each eligible participant one time only.

"(3) A withdrawal under paragraph (1)(B) shall be available only for an amount not exceeding the value of that portion of such account which is attributable to contributions made by the employee or Member under section 8432(a) of this title.

"(4) Withdrawals under paragraph (1) shall be subject to such other conditions as the Executive Director may prescribe by regulation.

"(5) A withdrawal may not be made under this subsection unless the requirements of section 8435(e) of this title are satisfied.".

(b) INVALIDITY OF CERTAIN PRIOR ELECTIONS.—Any election made under section 8433(b)(2) of title 5, United States Code (as in effect before the effective date of this title), with respect to an annuity which has not commenced before the implementation date of this title as provided by regulation by the Executive Director in accordance with section 207 of this title, shall be invalid.

SEC. 204. SURVIVOR ANNUITIES FOR FORMER SPOUSES; NOTICE TO FEDERAL EMPLOYEES RETIREMENT SYSTEM SPOUSES FOR IN-SERVICE WITHDRAWALS.

Section 8435 of title 5, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) by striking out "may make an election under subsection (b)(3) or (b)(4) of section 8433 of this title or change an election previously made under subsection (b)(1) or (b)(2) of such section" and inserting in lieu thereof "may withdraw all or part of a Thrift Savings Fund account under subsection (b) (2), (3), or (4) of section 8433 of this title or change a withdrawal election"; and

(B) by adding at the end thereof "A married employee or Member (or former employee or Member) may make a withdrawal from a Thrift Savings Fund account under subsection (c)(1) of section 8433 of this title only if the employee or Member (or former employee or Member) satisfies the requirements of subparagraph (B).";

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking out "An election, change of election, or modification of the commencement date of a deferred annuity" and inserting in lieu thereof "An election or change of election"; and

(ii) by striking out "modification, or transfer" and inserting in lieu thereof "or transfer"; and

(B) in paragraph (2) in the matter following subparagraph (B)(ii) by striking out "modification,";

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by inserting "or withdrawal" after "A loan";

(II) by inserting "and (h)" after "8433(g)"; and

(III) by inserting "or withdrawal" after "such loan";

(ii) in subparagraph (B) by inserting "or withdrawal" after "loan"; and

(iii) in subparagraph (C)—

(I) by inserting "or withdrawal" after "to a loan"; and

(II) by inserting "or withdrawal" after "for such loan"; and

(B) in paragraph (2)—

(i) by inserting "or withdrawal" after "loan"; and

(ii) by inserting "and (h)" after "8344(g)"; and

(4) in subsection (g)—

(A) by inserting "or withdrawals" after "loans"; and

(B) by inserting "and (h)" after "8344(g)".

SEC. 205. DE MINIMUS ACCOUNTS RELATING TO THE JUDICIARY.

(a) JUSTICES AND JUDGES.—Section 8440a(b)(7) of title 5, United States Code, is amended—

(1) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(2) by striking out "unless the justice or judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

(b) BANKRUPTCY JUDGES AND MAGISTRATES.—Section 8440b(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the bankruptcy judge or magistrate elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under subsection (b)".

(c) FEDERAL CLAIMS JUDGES.—Section 8440c(b) of title 5, United States Code, is amended—

(1) in paragraph (7) in the first sentence by inserting "of the distribution" after "equal to the amount"; and

(2) in paragraph (8)—

(A) by striking out "$3,500 or less" and inserting in lieu thereof "less than an amount that the Executive Director prescribes by regulation"; and

(B) by striking out "unless the judge elects, at such time and otherwise in such manner as the Executive Director prescribes, one of the options available under section 8433(b)".

SEC. 206. DEFINITION OF BASIC PAY.

(a) IN GENERAL.—(1) Section 8401(4) of title 5, United States Code, is amended by striking out "except as provided in subchapter III of this chapter,".

(2) Section 8431 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 84 of title 5, United States Code, is amended by striking out the item relating to section 8431.

(2) Section 5545a(h)(2)(A) of title 5, United States Code, is amended by striking out "8431,".

(3) Section 615(f) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52; 109 Stat. 500; 5 U.S.C. 5343 note) is amended by striking out "section 8431 of title 5, United States Code,".

SEC. 207. EFFECTIVE DATE.

This title shall take effect on the date of the enactment of this Act and withdrawals and elections as provided under the amendments made by this title shall be made at the earliest practicable date as determined by the Executive Director in regulations.

The title was amended so as to read:

A bill to amend chapters 83 and 84 of title 5, United States Code, to provide additional investment funds for the Thrift Savings Plan, to permit employees to gain additional liquidity in their Thrift Savings Accounts, and for other purposes.

TECHNICAL CORRECTION IN THE ENROLLMENT OF H.R. 3060

Mr. McCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 211 which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 211) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of the bill H.R. 3060.

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

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCAIN. I ask unanimous consent the resolution be agreed to, the motion to reconsider be laid on the table, and any statements relating to the resolution be placed at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 211) was agreed to.

ORDERS FOR WEDNESDAY, SEPTEMBER 18, 1996

Mr. McCAIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 18; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 11 a.m., with the first 45 minutes under the control of Senator HUTCHISON and the last 45 minutes under the control of Senator DASCHLE or his designee.

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

PROGRAM

Mr. McCAIN. On Wednesday, following morning business, the Senate will resume the FAA bill and the pending Chafee amendment. A vote is expected after a brief period of debate in relation to the Chafee amendment. Following the passage of the FAA bill, it will be the intention of the majority leader to turn to the Transportation appropriations conference report. Also, the Senate can be expected to turn to the Magnuson Fisheries Act under a previous unanimous consent agreement. Therefore, votes can be expected to occur after the hour of 11 a.m. on Wednesday and throughout the day.

Mr. President, I would like to inform my colleague from Kentucky, I did get a time agreement from Senator CHAFEE on his amendment. I forgot to mention it to him. And Senator CHAFEE said he would need 15 minutes. I told him that we would probably only need 5.

Is that agreeable to the Senator from Kentucky or will we need more?

Mr. FORD. I do not need any personally. There will be opposition to the Senator, and I have not gotten a time agreement on that. I am sure we can work out something equally divided here, but I am not in a position to agree.

Mr. McCAIN. I understand. I thank my colleague from Kentucky.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand adjourned until 9:30 a.m., September 18, 1996.

Thereupon, the Senate, at 9:35 p.m., adjourned until Wednesday, September 18, 1996, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 17, 1996:

EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

KAREN SHEPHERD, OF UTAH, TO BE U.S. DIRECTOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT, VICE LEE F. JACKSON.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

LORRAINE WEISS FRANK, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2002, VICE MARGARET P. DUCKETT, TERM EXPIRED.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

RONALD KENT BURTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002. (REAPPOINTMENT)

HOUSE OF REPRESENTATIVES—*Tuesday, September 17, 1996*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 17, 1996.

I hereby designate the Honorable MEL HANCOCK to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DELAY] for 5 minutes.

THE CHOICE THIS NOVEMBER

Mr. DELAY. Mr. Speaker, as the November elections edge ever closer, the American people will be presented with a historic choice: They can choose to move forward with commonsense change or they can fall back to the old ways of doing business in the Congress.

The Republican Congress has worked very hard to enact commonsense change. It has passed the first balanced budget in a generation, while cutting taxes for working families. It has cut wasteful Washington spending, passed historic health care reform, brought commonsense changes to our legal system, and reformed the welfare state.

We still have a lot of work to do. The President vetoed our balanced budget. He vetoed tax cuts for working families. And he has consistently pushed for more wasteful, Washington spending.

Democrats in Congress are leading the reaction against common sense. I respect many Members of this body for standing up for their liberal philosophy. For instance, the gentleman from New York [Mr. RANGEL], who is poised to become the chairman of the committee that oversees taxes in the Congress should the Democrats regain control of the House, has become the chief defender of the Internal Revenue Service. He says, and I quote: "We have the best and fairest tax collection system in the world."

In other words, if Democrats regain control of the Congress, we can just forget about tax relief for working families.

Liberals are also thinking of ways to cut defense spending to pay for social welfare programs. The gentleman from California, Mr. GEORGE MILLER, has asked and I quote: "Do we really have to be prepared to fight two wars simultaneously," rather than pay for social welfare spending?

In other words, if Democrats regain control, we can count on them to slash defense spending to pay for wasteful Washington spending.

It is no secret that Democrats in the Congress will repeal our efforts at tort reform. They will work with their friends, the trial lawyers, as they have over the years, to try to repeal tort reform. And according to the Washington Post, if the gentleman from Michigan, Mr. JOHN DINGELL, becomes chairman of the Committee on Commerce, he will, "reexamine GOP legislation capping awards in civil damage suits and limiting investor suits."

In other words, if Democrats get control of Congress again, we can just forget about any commonsense legal reform.

The Democrats in Congress are also making plans to repeal the welfare reform bill signed by the President, and they have not given up on the idea of having the Government take over our health care system. The Democrat agenda remains, as always, to put the Government first. They want more Government spending, more Government control, more Government influence over the lives of the American people.

Mr. Speaker, if the Democrats regain control of the Congress, they will reverse the great progress we made over the last 2 years to make the Federal Government work better for working Americans.

I urge my colleagues and the American people to take notice. When they vote this November, they have a choice of moving forward with an agenda of commonsense change or moving backward to the old days of higher taxes, more wasteful Washington spending, and a bigger, more intrusive Federal Government.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, does the gentleman think the Democrats have a chance of taking over? I find this exciting.

Mr. DELAY. Not at all.

Mrs. SCHROEDER. I am sitting on this side of the aisle saying, wow, this is wonderful.

Mr. DELAY. Mr. Speaker, reclaiming my time, not at all. I am just reporting what has been reported by those that wish that they could take over. But, no, worse case scenario we will gain 8 to 10 seats.

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

GUAM'S ROLE IN OPERATIONS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, yesterday on Guam, the first of some 2,500 Kurdish refugees arrived as part of Operation Pacific Haven. The movement of these Kurdish refugees who have been associated with United States Government activities is timely and necessary and makes good on an implicit American commitment to their safety.

As was the case 2 weeks ago with the B–52 strikes on Iraq, the role of Guam in the events unfolding in the Middle East is of enormous importance and consequence to our country's actions. Although any map will clearly show that the utilization of Guam might not make geographic sense for Operation Pacific Haven, any understanding of today's world shows that Guam is one of the few reliable places which this country can use in a moment's notice. Without Guam, a reliable United States base, American military flexibility is reduced. For the military planners managing the Mideast crisis, Guam is between Iraq and a hard place.

Given the cumbersome need for flyover rights as well as the need to seek prior approval of allies, our Nation's mobility and capacity for independent action must increasingly rely on mobile forces, friendly faces, and dependable bases. Guam fits this bill and is proud to play a key role in both the strikes against Iraq and the on-going humanitarian mission for providing safe haven in the Pacific for the Kurdish refugees.

I am grateful for the advance notice and consultation which the White House gave to my office for the latest operation and I hope this level of consultation will continue for any future and sudden change in military activity on Guam. I also urge the Department of Defense to take all necessary steps to ensure the safety of the refugees as well as the community of Guam during the time that it takes to process the refugees for resettlement in the continental United States.

But Mr. Speaker, while Guam remains a cornerstone of America's strategic reach in the world, we on Guam are at times concerned that we are ignored in calmer times, at those times when we craft policy for the territories and for Guam specifically.

Guam has had a long relationship with the United States military—in fact, Guam's relationship with the United States in issues of land, immigration, political status change is always evaluated with an eye to the consequences for America's power projection and strategic reach.

We are proud to play a part in the security of the world, but we should be rewarded for our role rather than penalized or ignored. Guam should be given additional consideration rather than less consideration and Guam should be treated according to its contribution rather than utilized on the basis of its value.

Mr. Speaker, we have some legislation on the return of land to the Government of Guam once the military no longer needs it and declares it excess. The lands in question have been identified as potentially releasable. The lands in question were condemned by military officials and adjudicated in military courts on Guam in the period from 1945 to 1949, before civil government was re-established.

The legislation which we seek simply puts Guam at the head of the line over other Federal agencies when the Department of Defense decides that they no longer need the land. We are not asking the DOD to release land they need to conduct these operations; we are asking them to release land which their own planners have indicated they no longer need. We are not asking to go beyond Federal laws in how the land is to be handled; we are only asking that given Guam's unique history and given Guam's unique contribution, that Guam be placed at the head of the line for releasable property.

This is a good deal for Guam, but it is more than that. It is a fair deal for all concerned. I urge the members of this institution to support this legislation and I hope that the administration will now support this legislation.

DRUG ABUSE AND MISUSE UNDER THE CLINTON ADMINISTRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the floor again today, I was here last week, I was here last year, I was here every year since I was elected in 1992, to talk about the problem of drug abuse and drug misuse in our country.

I am here, sadly, 3½ years later again talking about what has taken place with this administration. We see across our great land and in my district the results of what has taken place. Mr. Speaker, let me recap what has taken place with this administration on the question of drug use and drug abuse.

First, this President came in, and what did he do? He cut. He gutted, in fact, the White House drug czar's office from 140 to just a handful of people.

The next thing he did, he employed as the chief health officer of our Nation Joycelyn Elders. Joycelyn Elders began the campaign of just say maybe, kids. Just try it, kids. Maybe we should legalize it, kids. Sending out that message, there was such an uproar that she finally was dismissed.

Then the President took the step of dismantling the drug interdiction program. He dismantled it piece by piece, stopping drugs at their source. We know that cocaine, 100 percent of it is grown in Bolivia, Peru, and Colombia. We know its transit points, and we can stop it inexpensively at its source. Yet, he dismantled, he gutted this program.

Then finally the ultimate insult to the American people and to the Congress and to the high office of the Presidency, the White House, which is supposed to set the standard for Americans, to set the highest level of performance of acceptability in our society and our Government. What did they do? Things got so bad in the folks that they were employing, and I sat on the committee that heard this testimony and was appalled. The Secret Service was so alarmed that folks were being hired with recent and past drug use histories, and we are not talking about marijuana here folks, we are talking about hallucinogenic drugs. We are talking about crack, about cocaine. We are talking about hard drugs being acceptable, used in the past, recent past in some cases for employment in the White House.

Mr. Speaker, this is not acceptable. And this is what has been done by this administration, what has been done by this President, and this is the result. This is the result in my community. Look at this headline: Long Out of Sight, Heroin Is Back Killing Teens. In the past year central Florida has had more teenage heroin deaths than all the rest of the State.

It is epidemic among our children. This is the result. Look at this: With Reagan and Bush, drug use and abuse went down in this country among our teenagers. And in 1992 it starts to shoot off the charts. Look at how it has affected our children with heroin, with crack, with marijuana, with hallucinogenic drugs. It is epidemic.

We now have 1.6 million Americans in our prisons across this country, and 70 percent of the people that are in our prisons are there because of drug use and abuse. So we have set a bad example from this White House and this administration, and we can see the bad results here, crime and death.

□ 1245

The wrong Americans, too, are behind bars. Our elderly and senior citizens across this Nation are afraid to go out at night because of the crime that this has created. And we know, again, that nearly 70 percent of those incarcerated and convicted of crime are drug-related incidents.

But there is hope. This Congress, under the leadership of the gentleman from Pennsylvania, Chairman CLINGER, under the leadership of the gentleman from New Hampshire, Chairman ZELIFF, we are restoring the funds for the drug czar's office and the positions that were cut by this administration. We are bringing back together interdiction. We are going to use the military. We are going to use the coast guard. We are going to stop drugs at their source.

Mr. Speaker, we are not going to just spend all the money on treatment. Spending all the money on treatment like Clinton wants us to do is, in fact, like treating only the wounded in a battle. We have to fight this with education, interdiction, enforcement, and treatment; all four. The leadership must start in this Congress, and it must start at 1600 Pennsylvania Avenue or we will see these results continue.

So, Mr. Speaker, it is not acceptable. It is not acceptable in my community. I ask for assistance to help us make a positive change.

DOLE TAX BREAKS FOR THE RICH NOT FULLY EXPLAINED

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. BROWN] is recognized during morning business for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, former Senator Bob Dole has unveiled his new economic plan to the American people. He has outlined a $550 billion tax break, mostly for the wealthy, but he had not told us how he is going to pay for that $550 billion tax break.

One of Bob Dole's advisers said, "He has no plans to describe specifically what Federal programs he will cut until after the election."

Former Senator Dole, Citizen Dole, is going around the country speaking to organizations promising each of them:

I will not cut your programs. In fact, maybe I will increase your programs, one group after another.

Yesterday, talking to some people about crime, he said: You want more prisons? I will double the amount of appropriations for Federal prisons.

So at the same time Senator Dole has said he will increase military spending to the tune of perhaps $30 or $40 or $50 billion a year over the next 5 years, he wants to build star wars. He wants to give this major tax break, increase military spending, increase money for prisons, increase this, increase that, but he will not tell us how he is going to pay for these hundreds and hundreds of billions of dollars in tax breaks that he says he will give the American people.

I think it is important then, Mr. Speaker, to look at where in fact this money will come from. I think we only have to turn the calendar back about 1 year to figure out where Senator Dole will get the $550 billion to pay for the tax break, some couple hundred billion over 4 or 5 years, to pay for military spending increases; the tens of billions to pay for more prison construction; the other billions of dollars that Senator Dole has promised.

Mr. Speaker, I think we need to look back 1 year, turn the calendar back 1 year to figure out how he is going to pay for it. All of us remember about 14 months ago Speaker GINGRICH unveiled the Republican plan to give a $200-and-some billion tax break mostly for the rich, and to pay for it with $270 billion in Medicare cuts, a tax break mostly for the rich paid for by $270 billion in Medicare cuts.

At the same time in this legislation were major cuts in student loans for middle-class families, major cuts for environmental protection, to pay for inspectors, to pay for enforcement, to pay for environmental cleanup. All of that was in order to pay for the tax break to go mostly to the wealthiest Americans.

Mr. Speaker, it got so bad, as we recall, several months ago that Speaker GINGRICH and Senator Dole shut the Government down because President Clinton vetoed their tax break, mostly for the wealthy paid for with Medicare cuts. President Clinton said: I will not give that kind of a tax break mostly to the rich. I will not give the rich a tax break paid by Medicaid and Medicare and student loan cuts and cuts in environmental protection. It simply did not make sense.

Mr. Speaker, the President was right. Those of us who stuck by the President on this side of the aisle were right, and clearly that is what the American people reiterated over and over and over again. We do not give tax breaks for the rich and cut Medicare and cut Medicaid and cut student loans and cut environmental protection to pay for them.

The same folks who brought us the Government shutdown, the same folks who tried last year for a major cut in Medicare are back this year. Last year the tax break was about $250 billion for the wealthy. This year the Dole tax cut is twice that, and he is not telling us how he is going to pay for it. So it is clear the way that Senator Dole is going to pay for this major tax break is to go right at the heart of Medicare and right at the heart of Medicaid and right at the heart of student loans and also right at the heart of environmental protection. That is clearly not what the American people want.

Mr. Speaker, the American people last fall, early this winter, blamed Speaker GINGRICH and Senator Dole for the Government shutdown because they did not want to see these major cuts in Medicaid and Medicare and student loans and the environment. Here we go again. Senator Dole wants to give tax breaks of twice that size, but Senator Dole has learned something from his mistake because this year in this campaign, at least before the election, he will not tell us that that in fact is what is going to happen; that it is going to be cuts in Medicare, cuts in Medicaid, cuts in student loans, and cuts in environmental protection.

Mr. Speaker, it is important that we understand Senator Dole's and Speaker GINGRICH's attitude toward the Government program that has probably been the best program Government has ever put together, and that has been the Medicare Program. Thirty years ago in 1965, when Lyndon Johnson signed Medicare, only 46 percent of America's elderly had health care insurance; only 46 percent 30 years ago. Today, 99 percent of America's elderly have health care insurance.

Mr. Speaker, Medicare has worked, but we would not know it from listening to Speaker GINGRICH and Senator Dole. Senator Dole and Mr. GINGRICH have made it clear that they oppose these programs. They want to give tax breaks for the wealthy and pay for it with Medicare cuts.

AGAIN, CLINTON IS PROPOSING SOCIALIZED HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, those who ignore history are doomed to repeat it, so goes the saying, a careful reminder to all of us that history teaches us valuable lessons and that, if we learn from the past, we can avoid repeating the mistakes in the future.

Yet despite this very warning, President Clinton and congressional Democrats are plotting a course plagued by controversy and opposition.

The past few weeks have been strikingly reminiscent of President Clinton's first try at a nationalized Government-run health care system. The newspaper headlines of late are uncomfortably familiar. In fact, it is deja vu all over again. Recently in Florida, my home State, President Clinton announced the formation of a comprehensive commission charged with reviewing the health care system and making recommendations on how to improve the quality of care provided to patients and how to put in place more consumer protections. Does that sound familiar?

Then he endorsed the notion of mandating what types of benefits health plans should provide and cover. Perhaps that sounds familiar.

He then endorsed the notion that the Federal Government should get in the middle of the contract negotiations between private health care plans and private physicians. Of course that sounds familiar.

The President is clearly headed down a road we have all traveled together before. Under the guise of consumer protection, he is very boldly unveiling the many pieces of his plan that was very familiar and soundly rejected by Congress and the American people only 2 years ago.

Mr. Speaker, we remember President Clinton's Health Security Act. This was an aggressive plan developed by him behind closed doors by his experts. His experts, of course, knew what was best for the American people.

We remember after months of secret discussion the experts had developed the ultimate answer to the rising health care costs. And of course, we remember, despite polls indicating that what the American people wanted most from health care reform was portability of coverage and protection for preexisting conditions, which Republicans passed. The President instead proposed a complex federally controlled health care system complete with guarantees, comprehensive coverage, Federal price controls and other proscriptive rules regarding how employers and health care providers should all behave in the marketplace. This of course would mean waiting lines for all Americans, one-size-fits-all, dictated by bureaucrats.

Remarkably, the President again is talking about commissions, entitlements, and government mandates which of course can only lead to price controls.

First, entitlements. Mr. Speaker, Congress passed some very important legislation recently which gives the portability and preexisting conditions that we needed. And while the President proudly signed this piece of legislation, his campaign was eager to propose an additional initiative under which children and young adults would all be mandated with comprehensive health care by the government.

While all agree that children are a most valuable resource, the President's

proposal is merely the first installment towards a nationalized socialized health care system under which the government pays for all and provides health care to all Americans.

A proposal has already been submitted to Congress to mandate that employers provide coverage to workers between the ages of 55 and 65, just prior to eligibility for Medicare. From here, it would only take a few steps to create an entitlement for the rest of the population. We should not be surprised that Senator KENNEDY argues that socialized national health care system is the ultimate goal.

Again, although the notion of federally mandated benefits was rejected during the Clinton health care reform debate, the President has already endorsed mandating a minimum length of stays in hospitals. Mandating the length of stay for illnesses such as flu. Mr. Speaker, what is next? Mandating the length of stay for cosmetic surgery?

Following the years of double-digit increases in health care spending, the cost of health care spending has finally begun to decline. Health plan premiums paid by large employers increased, on average, by a record-low 1.5 percent last year, while the premiums of certain types of managed care plans actually declined.

So here we are. We cannot guarantee that everybody gets all the benefits and all the coverages without putting in some kind of price controls. And that, of course, Mr. Speaker, is what President Clinton will propose next. Price controls, as we all know, just do not work. Quality of care will suffer as investment research and innovation declines. Jobs will be lost. Services will be rationed, and choices will decline. Eventually the government will have to take over the entire health care delivery system. Just think, government mandated, operated, and controlled health care with government doctors and nurses.

Mr. Speaker, President Clinton has deliberately begun to reconstruct our health care system. It is deja vu all over again.

VIOLENCE IN THE HOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am here today, first of all, to say that over the weekend I was very pleased to hear the Speaker say he had no problem with reporting to the floor the bill that I have been pushing for a very long time. That is a bill that takes the Brady bill and says, if you are also found guilty of domestic violence abuse, you should be denied the purchase of a gun. I think all of us understand how terribly critical that is.

This bill passed unanimously in the other body, the Senate. Unanimously. Not one vote against it. The President has promised he would sign this bill if we could get it to him. He restated that promise on the train as he was coming to the convention. So, I would hope that this body would at least get that bill up there, now that the speaker has said he had no problem with it. He is the last remaining roadblock in getting that forward.

So I hope everybody joins me in sending a letter or speaking to the Speaker and getting it here before we go home. If you know the history of violence in the home, there is a tremendous number of incidents every single year where a weapon brings this to a terrible conclusion.

Furthermore, the taxpayer funds most of the damage done by those weapons because people end up in the emergency wards in America. Very often 80 percent of those costs are funded by the taxpayer. This is one of the real drivers of high health care insurance or high health care costs in this country, the fact that we have not gotten weapons brought down under control.

Mr. Speaker, while the Brady bill was originally terribly controversial, people now, I think, are in total agreement it should not be rolled back. It is proven and has stopped all sorts of people with criminal records from getting a gun. I think every American feels that criminals should not be able to go buy a gun, so that makes sense.

Our biggest problem is many States have not lifted domestic violence convictions to the level of a felony. They consider them a misdemeanor. Other States have allowed people, even though it is considered a felony, to plead guilty to a lesser crime. Therefore, when they do the checks for whether or not you should be able to buy the gun, an awful lot of people who have been convicted of domestic violence problems are able to escape.

Again, when we look at the record, there is absolutely no reason that we should allow this to happen. So I really hope that everybody joins with me and we get that done before going home.

Mr. Speaker, we heard yesterday from both candidates a lot of discussion about crime and what they were going to do. I do not think we are ever going to solve totally the crime in the street and the violence in the society until we crack the culture of violence in the home.

□ 1300

Imagine if you are afraid to be out on the street, if you are afraid to walk down the street; that is terrible, and we have to do everything we can so that Americans do not become prisoners in their home and afraid to go outdoors. But think how much worse it is, Mr. Speaker, if you are also afraid to go home because you get beat up at home, too.

I think that we have been too casual about this for much too long a time. And we have begun to make some real progress with the Violence Against Women Act, with the Brady bill, with the antiassault weapon ban, and now that we have Speaker GINGRICH saying this could go forward, I hope it does, because we need to keep making that kind of progress.

If a child sees every dispute in the home solved with violence, I cannot think of anyone who can put together a good enough conflict resolution course that they can teach in the school a couple hours a week that would change and overpower what the child learned in the home. Examples are so much more powerful.

So here is something we could do before we go home that could make a real difference. It would also save a tremendous amount of money on health care because of the costs that we see every year in our emergency rooms. I am not quite sure what we are doing here. I mean last week we hardly had any votes. September 30 is coming. That means the whole government gets shut down again.

I see us doing all sorts of namby-pamby things. Why do we not do some of these things that apparently we now have agreement?

The other thing I hope that we would be able to do after the Speaker's appearance on television this week is get the report out. He said he did not have problems with that. I would hope that we could get that done before we go home, to have issues that have been floating around this House for 2 years, that is settled, I think needs to be settled before we go home.

PREVENT GOVERNMENT SHUTDOWNS

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning business for 5 minutes.

Mr. GEKAS. Mr. Speaker, if you want to see a shutdown of Government occur again, then please ignore what I have to say for the next 5 minutes. I have been struggling for a long time now to convince the Congress that we ought to engage in a proposal which would end the prospect of Government shutdown forever. We can do it very easily.

Each of the proposals that I have offered to the Congress since 1989 has encompassed this concept, Mr. Speaker, that if at the end of the fiscal year, which is now looming upon us again as September 30, the appropriations bills have not been passed, then automatically the next day those appropriations bills that have not been passed shall

automatically be passed, by virtue of instant replay, by adopting last year's numbers. That would mean that never again would we ever have a Government shutdown.

Now, what does this mean in practical terms? It means that the negotiators for the unfinished business of the Congress can continue to work on a full budget or to complete those appropriations bills, but in the meantime we would not have the chaos, unemployment, uncertainty, confusion, embarrassment and all the other negatives that accompany the shutdown of Government.

I believe that President Clinton should have signed the appropriations bills last time around, which would have prevented the Government shutdown, but it did not happen that way. But if you passed my legislation, neither the President nor the Congress would be at sword's end to force a Government shutdown.

Now, what happens if after the fiscal year is over and my bill comes into play and already there is a continuing appropriation, shall we say? That does not prevent even the establishment of a new temporary funding like a continuing resolution by the negotiators. So we have the best of all worlds. Nothing would be stopped by the proposal that I am setting forth here today. Only Government shutdown would be prevented.

I remember and many of us do that in the winter of 1990, in December 1990, as our young people, 500,000 strong, were amassing their strength in Saudi Arabia, poised to do battle to free Kuwait in Desert Shield, as it was then known, we had the embarrassment of the Government of the United States, the patrons of those valiant young people, the Government in back of those valiant youngsters, shut down here in Washington. They were in Saudi Arabia without a country. They technically had no Government back home because the Government had shut down.

That was solved, fortunately, in time for Desert Storm, so we were a country when we effected the assault on Kuwait later on. But is that not a historical note that should bring shame on American citizens and especially on Members of Congress, that Government should shut down in the middle of hostilities?

That is just one example. Add to that the chaos in which Federal employees were put, the impossibility of getting a passport, of having national parks shut down, 100 other ills that have been brought to the floor of the House in anecdote after anecdote by both Republicans and Democrats as they followed the effects of the Government shutdown.

We have now introduced, I am ready to introduce the newest version, the latest version of my bill which we called the Government Shutdown Prevention Act. This one has several cosponsors. It follows the track of all the legislation that I have heretofore introduced. All of them, this one included, would prevent Government shutdown forever. I cannot say it enough. That is so important.

This has the added feature of saying that when the appropriations cycle ends and there is no new appropriations, then it would revert to last year's lowest number or the House-passed version or the Senate-passed version, and then you take only 75 percent of that. So 75 percent of those levels would pass automatically into law, continuing the flow of Government and allowing the appropriators and the negotiators to deal with the continuing appropriations and the balance of the budget.

I urge consideration by every Member of this legislation and invite their cosponsorship. Prevent Government shutdown.

JUNETEENTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Michigan [Miss COLLINS] is recognized during morning business for 5 minutes.

Miss COLLINS of Michigan. Mr. Speaker, I rise today to introduce a bill that will recognize the significance of the oldest black celebration in American history, June 19—known affectionately as "Juneteenth." This bill would recognize Juneteenth as the day of celebrating the end of slavery in the United States and as the true day of independence for African-Americans in this country.

Juneteenth is the traditional celebration of the day on which the last slaves in America were freed. Although slavery was officially abolished in 1863, news of freedom did not spread to all slaves for another 2½ years—June 19, 1865. On that day, U.S. General Gordon Granger, along with a regiment of Union Army soldiers, rode into Galveston, TX, and announced that the State's 200,000 slaves were free. Vowing to never forget the date, the former slaves coined a nickname for their cause of celebration—a blend of the words "June" and "nineteenth."

June 19, 1865, has been traditionally associated with the end of slavery in the Southwest. However, because of the importance of the holiday, it did not take long for Juneteenth celebrations to spread beyond the States in the Southwest and into other parts of the country. Today, due in large part to the hard work and dedication of individuals, like Lula Briggs Galloway and Dr. Ronald Meyer of the National Association of Juneteenth lineage, who have fought hard to revive and preserve the Juneteenth celebration, the holiday is celebrated by several million blacks and whites in more than 130 cities across the United States and Canada. In Texas and Oklahoma, Juneteenth is an official State holiday.

As we prepare to revitalize the observance of Juneteenth as the true day of independence for African-Americans, it is important that we acknowledge the historical as well as political significance of the celebration. We must acknowledge, for example, that while the slaves of Texas had cause to celebrate the news of their freedom on June 19, 1865, the truth is that at the time of General Granger's historical pronouncement, the slaves were already legally free. This is because the Emancipation Proclamation had become effective nearly 2½ years earlier—on January 1, 1863.

From a political standpoint, therefore, Juneteenth is significant because it exemplifies how harsh and cruel the consequences can be when a breakdown in communication occurs between the Government and the American people. Yes, Mr. Speaker, the dehumanizing and degrading conditions of slavery were unnecessarily prolonged for hundreds of thousands of black men, women, and children, because our American Government failed to communicate the truth.

As Juneteenth celebrations continue to spread, so does a greater appreciation of African-American history. We must revive and preserve Juneteenth not only as the end of a painful chapter in American history—but also as a reminder of the importance of preserving the lines of communication between the powerful and powerless in our society.

Juneteenth allows us to look back on the past with an increased awareness and heightened respect for the strength of the African-American men, women, and children, who endured unspeakable cruelties in bondage. Out of respect to our ancestors, upon whose blood, sweat, and tears, this great Nation was built, the bill I introduce today acknowledges that African-Americans in this country are not truly free, until the last of us are free.

The bill I introduce today, Mr. Speaker, recognizes June 19, 1865, as a day of celebrating the end of slavery in America and as the true day of independence for African-Americans in this country.

I ask all of my colleagues to cosponsor this bill.

ARTHUR SHERWOOD FLEMMING—ONE OF OUR CENTURY'S GREATEST PUBLIC SERVANTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. HORN] is recognized during the morning business for 5 minutes.

Mr. HORN. Mr. Speaker, last week one of America's great citizens passed

away at the age of 91, Arthur S. Flemming. He grew up in upstate New York where his father was a lawyer, an active Republican, and an active Methodist. But instead of pursuing the family tradition in the law after he graduated from Ohio Wesleyan, Arthur came to Washington during the Coolidge administration. He joined David Lawrence on what later became the weekly U.S. News and World Report. His assignment was to cover the Supreme Court of the United States.

During the 1930's he became more and more interested in the evolution of public administration as an academic discipline. He became the founding dean of the School of Public Affairs at the American University in Washington. President Franklin D. Roosevelt tapped him to fill the Republican slot on the U.S. Civil Service Commission. For almost a decade his Democratic colleagues yielded to him to run the Commission. So he was in charge of the policies to build a larger civilian work force as the Second World War came and went.

Following the war, President Truman utilized Flemming's skills as assistant director of defense mobilization. After President Eisenhower was elected in 1952, Flemming was made director. He sat with Eisenhower in the White House as the President listened to the Vice President, the Secretary of State, the Chief of Naval Operations, and others all try to urge him to go to the aid of the French troops who were surrounded at Dien Bien Phu in Vietnam. The President listened very carefully and after several hours of discussion said, we will not go to the aid of the French; and the President was right, America should not have been involved in the conflict in Vietnam and except for a few hundred advisers who could not be in the battles, our Nation never was during the Eisenhower administration.

In 1958, the President made Arthur Flemming the Secretary of Health, Education, and Welfare. During the Kennedy and Johnson administrations, Flemming served on the National Advisory Commission of the Peace Corps. Being a dedicated teacher, educator at heart, Flemming spent most of the 1960's as president of the University of Oregon and, later, Macalester College in St. Paul. In the late 1940's, he had been a university president during the Truman administration. He was mostly in Washington as assistant director of the Office of Defense Mobilization. But on weekends, he would take the train to his alma mater, Ohio Wesleyan, and provide leadership by holding faculty meetings on Saturdays. Arthur was probably the only college president in America who could get away with that.

His energy and determination were endless. His oratory could move an audience to action.

□ 1315

Whether he was the chairman of the National Council of Churches or heading Senator Jacob K. Javits' Task Force on Health Care, which worked on bills that were the precursor of Medicare in the middle sixties, Flemming always had the public interest at heart.

With the coming of the Nixon administration, in 1969, he became the head of the White House Conference on Aging and the Administrator of the Aging Program, in the Department of Health, Education, and Welfare where a decade before he had served as Secretary. Flemming was one of only two Cabinet officers who went back to the Department in which they had served as a Cabinet member. Public service was his calling. Flemming's commitment to public administration was all encompassing. He was one of the founding and most esteemed members of the National Academy of Public Administration. In the late 1940's and early 1950's, he had served on the two Hoover commissions on organization of the executive branch of the Government. President Truman had brought former President Hoover out of retirement.

In the mid-1970's, President Nixon asked Arthur Flemming to serve as Chairman of the U.S. Commission on Civil Rights.

Mr. Speaker, served as vice chairman with him for most of his tenure there. Arthur always saw the positive side and the good in people. He was constantly in motion. Whatever "hat" he was wearing at the time meant flying to make a speech to help bring people together. He would have written the speech himself and composed it on his faithful typewriter. His skills as a journalist never left him.

Mr. Speaker, Dr. Arthur S. Flemming was one of the great public servants of this century. He cared. He was dedicated. He was the epitome of distinguished public service and proof that one citizen who cares can, indeed, make a difference.

Mr. Speaker, I enclose the Flemming obituary which appeared in The Washington Post on September 9, 1996.

[From the Washington Post, Sept. 9, 1996]

ARTHUR FLEMMING DIES; KEY ADVISER TO PRESIDENTS FROM FDR TO REAGAN

(By Martin Weil)

Arthur S. Flemming, 91, a former Health, Education and Welfare secretary who championed the aged and ill during a decades-long and much-admired public service career under presidents from Roosevelt to Reagan, died Sept. 7, in Alexandria.

Described as a role model to generations of government officials and social activists, Mr. Flemming also was known for his commitment to education and to civil rights. He was president of three colleges and was chairman of the U.S. Civil Rights Commission from 1972 to 1981.

In government, he was a chairman of the old Civil Service Commission and one of the major figures in the mobilization of the government civilian work force during World War II. A man to whom religion was important, he was an active Methodist layman and had headed the National Council of Churches of Christ in America.

As depicted by those who knew and worked with him both in public life and in his many private roles, Mr. Flemming possessed a rare and perhaps unequaled combination of bureaucratic competence, compassion for the needy and ability to inspire that endured from the New Deal into the '90s.

He "was one of the great intellects of social policy, combining extraordinary knowledge with a rare gift for policy-making," said Donna E. Shalala, Secretary of Health and Human Services, a successor department of HEW. "He never stopped fighting for the elderly and the poor."

Mr. Flemming's tenure as HEW secretary ran from 1958 to 1961. He served under President Dwight D. Eisenhower, a Republican, and was himself a Republican. But Mr. Flemming "transcended party, generation and race in search of consensus on some of the great issues of our day," President Clinton said in a statement.

Mr. Flemming had lived for the last four years at Washington House, a retirement home in Alexandria, but his son Thomas said he traveled each day to work in the District, where he was active in such groups as Save Our Security, a Social Security advocacy group.

According to John Rother, legislative director of the American Association of Retired Persons, the speech Mr. Flemming gave just last year to the White House Conference on Aging was considered the "highlight of the conference."

Thomas Flemming said his father's health had deteriorated since a fall in his downtown office building about a month ago. Mr. Flemming's death in the clinic of Washington House was attributed to acute renal failure, his son said.

Mr. Flemming was born June 12, 1905, in Kingston, N.Y., the son of Harry Hardwicke Flemming, a lawyer who was an active Methodist layman. Mr. Flemming worked for a year after high school graduation as a newspaper reporter and then entered Ohio Wesleyan University, where he was a member of the Republican Club.

After graduation, he came to Washington. He received a master's degree in political science from American University, where he also taught government and served as debate coach. In the early 1930s, Mr. Flemming, known for his ability to juggle a vast array of activities, received a law degree from George Washington University; covered the Supreme Court as a reporter for the old United States Daily, which later became U.S. News & World Report; and directed American University's School of Public Affairs. He also edited a current affairs newspaper for high school students.

In 1939, President Franklin D. Roosevelt tapped him for what became a nine-year stint as a member of the Civil Service Commission. He held key government personnel posts during World War II and was a member of the Hoover commissions, which studied the organization of the federal executive branch, from 1947 to 1949 and again from 1953 to 1955.

From 1948 to 1953 and 1957 to 1958, he served as president of Ohio Wesleyan. For part of his tenure, he worked in Washington at federal posts during the week, returning to Ohio and his collegiate duties on weekends.

Throughout the Eisenhower administration, he was a member of the President's Advisory Committee on Government Organization, serving as its chairman from 1958 to

1961. During the Kennedy and Johnson administrations, he was a member of the Peace Corps National Advisory Commission.

He also was president of the University of Oregon from 1961 to 1968 and president of Macalester College in St. Paul, Minn., from 1968 to 1971. He was chairman of the White House Conference on Aging in 1971 and was appointed U.S. commissioner on aging during the Nixon administration.

In trying to characterize his career, Mr. Flemming, according to his son, often adopted words first used by Roosevelt. Mr. Flemming would frequently say that he was trying "to help people deal with the hazards and vicissitudes of life."

One of the ways in which he tried to do that, according to Robert J. Myers, former chief actuary of the Social Security system, was in trying to preserve and strengthen Social Security.

"He was always very much interested in doing this and doing it soundly," Myers said.

Mr. Flemming received the Presidential Medal of Freedom two years ago from President Clinton.

In addition to his son Thomas, of Alexandria, survivors include his wife, Bernice, of Washington; two other sons, Arthur H., of South Pasadena, Calif., and Harry, of Alexandria; a daughter, Elizabeth Speece of Delaware, Ohio; a sister, Elizabeth Sherbondy of Pittsburgh; 12 grandchildren; and 12 great-grandchildren. A daughter, Susan Parker died in 1993.

WHY WE HAVE COCAINE IN SOUTH CENTRAL LOS ANGELES

The SPEAKER pro tempore (Mr. HANCOCK). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. WATERS] is recognized during morning business for 5 minutes.

Ms. WATERS. Mr. Speaker, I come today to try and create a real discussion about drugs. In this election year, we have begun to hear a discussion, a discussion of blame. Obviously President Dole has decided he is going to make drugs an issue, and we kind of hear them talking about who funded what and who did not fund what.

While this discussion is going on, there is a startling revelation about something that took place in America that will outrage the average citizen. The San Jose Mercury News published a series of articles starting August 18, 19, and 20. These articles were done by an award-winning journalist named Gary Webb. After over a year of investigation, what did he find out? I think it is all reported, maybe in the first paragraph of the article that you see displayed here.

It says,

For the better part of a decade a Bay Area drug ring sold tons of cocaine to the Cripps and Blood street gangs of Los Angeles and funneled millions of drug profits to a Latin American guerrilla army run by the U.S. Central Intelligence Agency, a Mercury News investigation has found.

Now Gary Webb is indeed an award-winning journalist who developed these articles, and they are extraordinary because it describes starting back as far as 1979 how CIA operatives came into south central Los Angeles, part of the district that I represent, connected with a young man named Ricky "Freeway" Ross. One of the operatives was Mr. Danilo Blandon, the other was a Mr. Meneses. They connected with this man in south central Los Angeles, supplied him with tons of cocaine which was cooked into rock cocaine, spread out among street gangs and others who began to sell this drug at a very cheap price.

Before they came into south central Los Angeles, cocaine was not known there. Cocaine was the drug of kind of the elite, the rich, and the famous. It could not be afforded in poor neighborhoods. But when they learned to cook it up and put it into rock cocaine, they could sell it for very small amounts of money.

But not only did they bring the drugs in, they brought the guns along with them.

I went a week ago to the San Diego Federal Detention Center, the metropolitan center in San Diego, and met with Mr. Ricky Ross to find out whether or not he could confirm what is displayed in the series of articles. Not only did he take me back to 1979, when he was 19 years old and started selling these drugs, he said:

"Ms. WATERS, they brought the guns in. I didn't know what an uzi was. They brought us so many weapons, we had a huge arsenal," and he went on to verify that they even brought in a grenade launcher.

But of course they were putting drugs out on the street on consignment, which simply means you can pass them around, people do not have to have money to become drug dealers, you pass them around, but they better bring the profits back, and the guns were there to ensure.

Back in the 1980's we saw this terrific activity. Something was happening in south central Los Angeles. We began to see the drug addiction, the crime, the gang warfares, the violence. None of us in our wildest imagination would have thought that our own Government may have been involved. To have this revealed to us helps us to understand the devastation, not only in Los Angeles, but all across America as the gangs spread out, as the drug dealers spread out to sell crack cocaine.

As a result of this we have crack addicted babies, we have women walking the streets of America cracked out, we have homelessness. Much of the homelessness, whether it is in New York, St. Louis, Philadelphia, Los Angeles, are crack addicts. The cost of health care in our emergency rooms has gone up.

Mr. Speaker, this is just a beginning. I am going to talk about it every day. We are going to get to the bottom of it. We are calling for investigations. We are going to find out who is behind all of this. We are going to do something about it.

RECESS

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

Accordingly (at 1 o'clock and 23 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker (Mr. MILLER of Florida) at 2 p.m.

PRAYER

The Reverend Robert McConnell, Presbytery of Lake Michigan, Brighton, MI, offered the following prayer:

In this Nation of gifted and talented people, we are particularly thankful for the men and women who honor this House with the courage of their convictions, the spirit of their debate, the toughness of their minds, and the will to succeed in the name of their country.

As pressures mount in the next few weeks, we ask Thee, O Lord, to pay special attention to these our public servants. Give them that serenity of mind and spirit that seldom knows defeat. Inspire them to travel the high road of hope so that, by their example, we can sense, too, the higher calling of service to others. And grant them wisdom that will reflect on the greatness of our country—this land of unlimited horizons for all.

Now hear the calls, Lord, for an even better America, an America that knows no limits to the values of opportunity, justice, and liberty. Let our leadership help fashion us into an even stronger union of spirit and mind with respect for one another's differences. And may bridges be built to heal divisions among us as we do our best to follow the prophet's words "* * * to do justice, to love kindness, and to walk humbly with Thee."

And so, great God, continue to give the Members of this House the grace to stand up for what is noble and just and the hope to see fresh, new visions for this land of freedom.

This is our hope. This is our prayer. We ask this in Thy name. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MILLER of Florida). 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 California [Mr. DOOLITTLE] come forward and lead the House in the Pledge of Allegiance.

Mr. DOOLITTLE 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 an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3259. An act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3259) "An Act to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. LUGAR, Mr. SHELBY, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mrs. HUTCHISON, Mr. COHEN, Mr. BROWN, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. JOHNSTON, and Mr. ROBB; and from the Committee on Armed Services, Mr. THURMOND, and Mr. NUNN, to be the conferees on the part of the Senate.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is private calendar day. The Clerk will call the bill on the Private Calendar.

JOHN WESLEY DAVIS

The Clerk called the bill (H.R. 1886) for the relief of John Wesley Davis.

There being no objection, the Clerk read the bill as follows:

H.R. 1886

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of Veterans Affairs in the amount of $6,296.00;

(2) Department of the Navy in the amount of $42,123.84;

(3) Department of the Treasury in the amount of $12,508.20; and

(4) District of Columbia in the amount of $174.97 for local tax refund.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

The committee amendment in the nature of a substitute was agreed to.

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.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

WELCOME TO REV. CAM McCONNELL

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

Mr. CHRYSLER. Mr. Speaker, it is with great pleasure today that I welcome the Reverend Cam McConnell, a fourth-generation Presbyterian minister, to the House of Representatives and to thank him for leading this great body in prayer this afternoon.

I have known Reverend McConnell for over a decade as my pastor and as my best friend, and it is with great pride that I join him here on the floor today.

Reverend McConnell has meant a great deal to myself, my family, and hundreds more in the mid-Michigan community, serving as senior pastor for the First Presbyterian Church of Brighton, MI.

His guidance and support throughout the years has been invaluable not only to me, but also to the community for which he and his family have served so faithfully and freely.

His optimism, dedication, and encouragement are matched only by his unwavering devotion to God and his people.

His humble words of faith and wisdom have warmed the hearts of so many in our community. And it is with great respect and admiration that I thank him for his words and presence here today.

DOLE CAMPAIGN'S ACT OF POLITICAL DESPERATION: THE SENATOR WHO WAS FOOLED IN BAGHDAD CRITICIZES THE PRESIDENT WHO BOMBED IT

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

Mr. BERMAN. Mr. Speaker, before a campaign led by Senator Bob Dole lashes out at President Clinton's policy on Iraq, humility should compel him to admit how deeply he misread Saddam Hussein before Desert Storm.

When we were trying to pass sanctions on Iraq that would have stopped Iraqi imports of Kansas wheat, Dole tried to derail those sanctions.

It was Dole who assured his colleagues that Saddam Hussein has chemical weapons but "does not intend to use them" although the entire world knew he had already used nerve gas against the Kurds

Dole who said on TV shortly after the Iraqi invasion "We're a foreign power. We don't belong in that part of the world * * * It ought to be settled by Arabs."

Dole who said in October 1990 "we are in the Midwest for three letters, oil, O-I-L."

President Bush responded that day, charging, "You know, some people never get the word. The fight isn't about oil. The fight is about naked aggression that will not stand."

In fact, conservative columnist William Safire called Dole's attitude cynical and labeled him "a prime appeaser of Saddam Hussein."

The Senator who was fooled in Baghdad is on weak ground criticizing the President who bombed it.

FLOATING HOLIDAYS

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

Mr. METCALF. Mr. Speaker, our Nation's holidays were established by the people of the United States to honor, to celebrate, to remember, and reflect on major events in American history and culture. The celebration of Veterans Day, Thanksgiving, Memorial Day, and Independence Day is critical to our heritage, and truly brings Americans together.

Recently, however, a constituent of mine who works for a large corporation, has informed me that his employer is trying to make Independence

Day a floating holiday through union negotiations. They have already eliminated Veterans Day as a designated holiday.

This trend is very disturbing. The Fourth of July celebrates the very founding of our Nation.

A proper respect for our heritage and our history demands that we firmly resist allowing our historic celebrations to degenerate into nothing more than 3-day weekends or an excuse for stores to have special sales.

RAIL VOLUTION

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

Mr. BLUMENAUER. Mr. Speaker, last week Washington, DC, was host to an annual conference, Rail Volution, where over 700 people from 8 countries, 41 States, and 118 cities gathered. As impressive as those numbers were, what was more impressive was the purpose of that gathering, working together, learning how to build livable communities using principles of sustainable development.

We are talking about light rail, intercity rail, managing the auto and transportation infrastructure, mixed use development. At a time when we are concerned about making our communities livable while dealing with the deficit, the Rail Volution message was a breath of fresh air: spending wiser, not raising taxes, making change, solving problems rather than creating them, and viewing citizen input as a valuable tool not citizens as an enemy.

This is an important message for us in Congress to hear and to act upon.

INCREASED DRUG USE IS INTOLERABLE

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

Mr. BURTON of Indiana. Mr. Speaker, Bill Clinton said on June 16, 1992, when asked about inhaling marijuana: Sure, I would inhale marijuana if I could, I tried before.

After the took office, Bill Clinton effectively abandoned the war on drugs. He slashed the White House Office of Drug Control Policy by 80 percent. He cut the number of drug enforcement agents and cut training for them. His National Security Council dropped the war on drugs from third to dead last among their priorities. His Surgeon General even suggested legalizing drugs.

What has been the result of all this? Overall drug use among kids 12 to 17 years old has gone up 78 percent. Marijuana use among the same group has gone up 105 percent, and LSD use has gone up 183 percent.

Mr. Speaker, this is intolerable. The American people need to know these facts. I hope they remember them in November.

LUXURY SUITES IN HOSPITALS FOR THE RICH

(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, while hospitals across America are cutting services for mom and dad, the same hospitals are building luxury suites for the fat cats that make the Ritz Carlton look like Motel 6. A VIP can now get monogrammed bathrobes, satin sheets, antique furniture, a wet bar. And if that is not enough to inflame our hemorrhoids, VIP's can enjoy a spot of tea served by a waiter in a tuxedo carrying around silver trays of strawberries and truffles. Unbelievable.

While VIP's get gourmet food, mom and dad get line itemed, line itemed for toilet paper and aspirin. Beam me up.

Mr. Speaker, the truth is the CEO's of these HMO's keep lining their pockets with cash. I say they should be handcuffed to a chain link fence and flogged. Then sent to jail. Think about it. I yield back the balance of those line itemed toilet paper bills.

DRUG USE AND LOST OPPORTUNITY

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

Mr. DOOLITTLE. Mr. Speaker, marijuana use for teenagers is up, but interdiction is down. Teenage cocaine use is up, but enforcement is down. LSD and heroin use for teenagers are way up, but prison time for drug dealers is down.

Mr. Speaker, obviously what should be down is up, and what should be up is down. The Clinton administration has its priorities backward. Instead of cutting back on interdiction efforts, we should be stopping the flow of drugs at our borders. Instead of slapping the hands of drug dealers, we should be putting them in prison.

The Clinton administration's cuts in America's antidrug efforts have had their effect: Teenage drug use has exploded, and most schools unfortunately are not drug-free.

Mr. Speaker, we are losing the war on drugs because we have an administration unwilling to provide the leadership needed to stop our children from turning to a life of drugs and lost opportunity.

THE NATION'S POLICE ARE FIRMLY IN THE PRESIDENT'S CORNER

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

Mr. RICHARDSON. Mr. Speaker, yesterday President Clinton received the endorsement of the Fraternal Order of Police, an organization that represents the sizable majority of our country's policy officers.

President Clinton is the first Democrat running for President or being President endorsed by this organization. The endorsement came because of the President's strong anticrime, antidrug policies and initiatives for his tough sentencing policies, for community policing, 100,000 cops on the street.

Mr. Speaker, I am proud to say that the president of the FOP is Gil Gallegos of Albuquerque, NM. So, Mr. Speaker, despite all this lofty rhetoric that the President is soft on crime, I am proud to say that the Nation's police officers are firmly in the President's corner.

SALUTE TO MISS AMERICA

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

Mrs. MEYERS of Kansas. Mr. Speaker, this past Saturday evening in Atlantic City a constituent of mine, Miss Kansas, Tara Dawn Holland, was crowned Miss America 1996. Miss America lives in Overland Park, KA.

While I realize we must share Tara Dawn Holland's triumph with the State of Florida where she received her bachelors degree, and with the State of Missouri where she is working toward a masters degree at the University of Missouri at Kansas City, Kansans are proud of her achievement just the same.

Tara Dawn hopes to teach music in a middle school, and as Miss America wants to lead a national campaign against illiteracy.

Because Miss America is such a positive role model for many young Americans, Tara Dawn's willingness to be involved in the fight against illiteracy represents an opportunity to take another step forward in educating children to read.

Congratulations to Tara Dawn Holland.

□ 1415

RELEASE THE GINGRICH ETHICS REPORT

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today to once again add my voice to the growing chorus of Members of this House, editorial board writers, public interest groups, and American citizens calling for the release of the ethics report on Speaker GINGRICH.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Georgia [Mr. Lewis] will suspend.

The gentleman from Georgia [Mr. LINDER] will state his point of order.

Mr. LINDER. Mr. Speaker, is it within the rules of the House to refer to matters before the Committee on Standards of Official Conduct on the floor of the House?

The SPEAKER pro tempore. That is not in order and the gentleman must proceed in order.

Mr. LINDER. Mr. Speaker, further point of order. Is the gentleman in the well speaking out of order?

The SPEAKER pro tempore. The Chair rules the gentleman is out of order.

Mr. LINDER. Mr. Speaker, if the gentleman continues, will the Chair rule that he sit down?

The SPEAKER pro tempore. The Chair will take that under advisement.

The gentleman from Georgia [Mr. LEWIS] may proceed in order.

Mr. LEWIS of Georgia. Mr. Speaker, the American public has paid $500,000 for this report and deserves the right to know what is in it.

This weekend the Speaker himself said: "I am totally in favor of releasing the report. The Speaker of the House is second in line to be President, is a very powerful position and the country deserves to know."

Mr. Speaker, the country does deserve the right to know, and they deserve to know right now. Stop the stonewalling, stop the delay, stop the stalling. Release the outside counsel's report now and let the public draw their own conclusion. Anything less——

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, the gentleman is ignoring the rule of the Chair and he is referring to matters before the Committee on Standards of Official Conduct, and it strikes me that it is the appropriate time to have him sit down.

The SPEAKER pro tempore. The Chair sustains the point of order. The gentleman's time has expired.

WHERE ARE THE FUNDS COMING FROM TO PAY FOR TAX CUTS?

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

Mr. GENE GREEN of Texas. Mr. Speaker, we heard earlier last week and over the weekend that this year's campaign is about trust. I am concerned about what may happen to some of our programs, that if we go forward with what Senator Dole wants, proposed tax cuts of $548 billion, that could lead to higher deficits and also increased interest rates.

Mr. Speaker, I think we only need to look at recent history to show the concern that last year, in which there was only $245 billion in tax cuts, Medicare was on the chopping block. Senator Dole has promised the American people he will not cut Medicare, Social Security, or veterans benefits to pay for the cuts, but we just do not know where the money is coming from. Where is it? Are we going to cut Border Patrol or education funding even more? Senator Dole's cut, according to the article in this week's Time Magazine, the Border Patrol, FBI, and drug enforcement programs may be faced with cuts as deep as 40 percent.

Yesterday, Senator Dole said he will get tough on drug enforcement and crime. I do not know if this is any trust. We need to know where these tax cuts are coming from to be paid for. Are they really going to come out of drug enforcement?

WHERE IS "IT" OF WHICH WE CANNOT SPEAK?

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

Mrs. SCHROEDER. Mr. Speaker, apparently under the ruling of the Chair, there is not a lot we can say here except there is a committee that we cannot talk about that has an "it" that we cannot name. But that "it" cost a half a million dollars and we cannot see it.

This morning's Washington Post has a clarification of what the Speaker said about the "it" in it. And I hope that everybody reads it, because while the Speaker said one thing on NBC, this morning's Washington Post clarifies that and sets out the different complaints that have been filed and what has happened to them.

I think it is very sad we cannot talk about "it" on the floor. Especially since the taxpayers paid for "it." And if I were a taxpayer, I think I would be angry and wondering what in the world is going on when the House Floor has been gagged from talking about the most important thing we could have in front of us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

NORTH PLATTE NATIONAL WILDLIFE REFUGE

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2679) to revise the boundary of the North Platte National Wildlife Refuge.

The Clerk read as follows:

Senate amendments: Strike out all after the enacting clause and insert:

TITLE I—NORTH PLATTE NATIONAL WILDLIFE REFUGE

SEC. 101. REVISION OF BOUNDARY OF NORTH PLATTE NATIONAL WILDLIFE REFUGE.

(a) TERMINATION OF JURISDICTION.—The secondary jurisdiction of the United States Fish and Wildlife Service over approximately 2,470 acres of land at the North Platte National Wildlife Refuge in the State of Nebraska, as depicted on a map entitled "Relinquishment of North Platte National Wildlife Refuge Secondary Jurisdiction", dated August 1995, and available for inspection at appropriate offices of the United States Fish and Wildlife Service, is terminated.

(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order Number 2446, dated August 21, 1916, is revoked with respect to the land described in subsection (a).

TITLE II—PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE

SEC. 201. EXPANSION OF PETTAQUAMSCUTT COVE NATIONAL WILDLIFE REFUGE.

Section 204 of Public Law 100-610 (16 U.S.C. 668dd note) is amended by adding at the end the following:

"(e) EXPANSION OF REFUGE.—

"(1) ACQUISITION.—The Secretary may acquire for addition to the refuge the area in Rhode Island known as 'Foddering Farm Acres', consisting of approximately 100 acres, adjacent to Long Cove and bordering on Foddering Farm Road to the south and Point Judith Road to the east, as depicted on a map entitled 'Pettaquamscutt Cove NWR Expansion Area', dated May 13, 1996, and available for inspection in appropriate offices of the United States Fish and Wildlife Service.

"(2) BOUNDARY REVISION.—The boundaries of the refuge are revised to include the area described in paragraph (1).

"(f) FUTURE EXPANSION.—

"(1) IN GENERAL.—The Secretary may acquire for addition to the refuge such lands, waters, and interests in land and water as the Secretary considers appropriate and shall adjust the boundaries of the refuge accordingly.

"(2) APPLICABLE LAWS.—Any acquisition described in paragraph (1) shall be carried out in accordance with all applicable laws.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 206(a) of Public Law 100-610 (16 U.S.C. 668dd note) is amended by striking "designated in section 4(a)(1)" and inserting "designated or identified under section 204".

SEC. 203. TECHNICAL AMENDMENTS.

Public Law 100-610 (16 U.S.C. 668dd note) is amended—

(1) in section 201(a)—

(A) by striking "and the associated" and inserting "including the associated"; and

(B) by striking "and dividing" and inserting "dividing";

(2) in section 203, by striking "of this Act" and inserting "of this title";

(3) in section 204—

(A) in subsection (a)(1), by striking "of this Act" and inserting "of this title"; and

(B) in subsection (b), by striking "purpose of this Act" and inserting "purposes of this title";

(4) in the second sentence of section 205, by striking "of this Act" and inserting "of this title"; and

(5) in section 207, by striking "Act" and inserting "title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, on April 23 of this year, the House overwhelmingly adopted H.R. 2679, a bill introduced by our colleague from Nebraska, BILL BARRETT, to remove certain lands from the North Platte National Wildlife Refuge.

The other body has now acted on this legislation and while they made no changes in the North Platte provision, they did add a new title to the bill dealing with the Pettaquamscutt Cove National Wildlife Refuge in Rhode Island.

This refuge was established in 1988 to protect valuable coastal wetlands that provide essential habitat to a diverse group of species of waterfowl, shore and wading birds, small mammals, reptiles, and amphibians. In fact, it is my understanding that this cove is the most important habitat in Rhode Island for the black duck population under the North American waterfowl management plan.

While the boundaries of the refuge now encompass about 460 acres of salt marsh and forest habitat, title II of H.R. 2679 will authorize the Secretary of the Interior to acquire a 100-acre parcel of land known as Foddering Farm Acres. This property is privately owned and there are certain commercial interests that desire to develop these lands.

Fortunately, the people who own this property, the Rotelle family, have indicated their willingness to donate a portion of the value of the property to the U.S. Fish and Wildlife Service.

Mr. Speaker, I have been advised by the author of this measure, the distinguished chairman of the Senate Environment and Public Works Committee, that there is some urgency in moving this legislation forward.

I am pleased to present this bill to the House and strongly believe that these modifications in two refuge units in Nebraska and Rhode Island will greatly enhance the fundamental goal of our National Wildlife Refuge System.

I urge an "aye" vote on H.R. 2679 and compliment BILL BARRETT and Senator JOHN CHAFEE for their outstanding leadership in this matter.

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

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

Mr. Speaker, I rise in support of this noncontroversial bill. We are concurring in the Senate amendment and sending this bill to the President for his signature. The bill transfers land from the Fish and Wildlife Service to the Bureau of Land Management in Nebraska so that it can continue to be used for public recreation. The Senate added a provision, which I support, to authorize the expansion of a wildlife refuge in Rhode Island. This bill is sound management of our public lands, promotes wildlife conservation, and is supported by the administration. I urge my colleagues to support the bill.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Nebraska [Mr. BARRETT], the author of this bill.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the distinguished gentleman from New Jersey [Mr. SAXTON] the subcommittee chairman, for yielding.

Mr. Speaker, I do rise in support of H.R. 2679. As all of my colleagues know, we are less than 2 months away from an election and, unfortunately, many people are not going to vote in November because they believe that their vote does not count; perhaps their voice cannot or will not be heard.

Those cynics who believe that one or two people cannot make a difference need to hear a little story and the many others that occur like it all the time in this country.

Let me share with you, Mr. Speaker, about a couple out in my district, Mr. and Mrs. Ehrhart, Barbara and Ed Ehrhart. They are residents of Lake Minatare, NE. That is the small lake outside of Scotts Bluff, which is a community in the panhandle of my district. Lake Minatare, which is part of the North Platte Wildlife Refuge, is a part of the particular bill in question and it is the residence of the Ehrharts.

Mr. Speaker, you may remember a few years ago when the U.S. Fish and Wildlife Service was sued for allowing wildlife refuges to be administered without being in compliance with existing environmental regulations. The Fish and Wildlife Service decided that the best way at that time to bring Lake Minatare into compliance was to turn the lake into a nonresidential and nonrecreational area. This would have forced about 60 families out of their homes and closed the only major recreational facility in the area. The next closest major recreational lake was 100 miles away.

The Ehrharts, Mr. and Mrs. Ehrhart, decided that this so-called solution was unacceptable. They had made their home on this lake for 13 years and they were avid recreationists. They believed that the lake did not benefit the bird migrations. They thought that the refuge was built for irrigation, and a later impact statement did confirm that belief.

Barb and Ed Ehrhart met with local residents in the area. I met with them in their lake home one afternoon. They got excited and went to the community business interests and so forth and took their case to a little higher level. Thus began a letter writing campaign that conjured up about 5,000 individual letter into my office.

At the urging of the Ehrharts and the whole Scotts Bluff community, the agencies charged with administering the lake undertook an environmental assessment to determine the wildlife value of Lake Minatare. It was determined that the lake was not an effective refuge and that the boundaries should be altered to reflect the needs of that community.

So, Mr. Speaker, I introduced H.R. 2679 to reflect those recommendations. I would like to thank Mr. and Mrs. Ehrhart and the community for the interest that they have shown in the future of this particular area. And I am very pleased to have been a part of the process. I would like to believe that Scotts Bluff County has learned a valuable lesson in how to work together and to manage the resources for the future.

Certainly, Mr. Speaker, I again thank Barb and Ed Ehrhart and the many, many people out across the country just like them; I thank my colleagues, of course, for their support of H.R. 2679; and again I thank the subcommittee chairman for yielding.

Mr. SAXTON. Mr. Speaker, before yielding back, let me yield myself such time as I may consume to thank the gentleman from New Mexico [Mr. RICHARDSON], my friend and the ranking member of the committee, for the great cooperation that he has shown on this bill, as well as many other bills that we have done together. I have a report here which I just looked at which indicates that already our subcommittee has had 13 bills signed into law in this session. Without the cooperation of the gentleman, and the other members of the minority, that would not have happened.

I would also like to point out, Mr. Speaker, the gentleman from Nebraska [Mr. BARRETT] has worked so hard and has been so diligent on this bill in overcoming hurdle after hurdle in the subcommittee and committee process. We were going to vote on this bill I think a week or two ago, and something came up and the gentleman was right back at it bringing to our attention the urgent nature of getting this done. So I commend the gentleman from Nebraska [Mr. BARRETT] for his very hard work.

Mr. REED. Mr. Speaker, I am pleased that the House of Representatives is considering H.R. 2679, as amended by the Senate. By clearing this measure for President Clinton's signature, Congress is taking an important step toward protecting the environmental treasures of Rhode Island.

H.R. 2679 expands the Pettaquamscutt Cove National Wildlife Refuge to include the vulnerable coastal wetlands that have been identified as vital habitat for a range of species. For example, our State's declining black duck population relies heavily on these areas.

H.R. 2679 also illustrates the great potential of cooperation between government and private citizens. Among the lands that this bill adds to the refuge are 100 acres known as Foddering Farms. The owners of this property are interested in donating a portion of its value to the U.S. Fish and Wildlife Service, helping Congress to advance critical environmental interests at a reasonable cost.

In addition, H.R. 2679 allows the Fish and Wildlife Service to expand the refuge as other important habitats become available. I urge my colleagues to support this important bill and send it to President Clinton, who is committed to preserving our environment.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2679.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

NATIONAL PARK SERVICE ADMINISTRATIVE REFORM ACT OF 1996

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2941) to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2941

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Park Service Administrative Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. National Park Service Housing Improvement Act.
Sec. 3. Minor boundary revision authority.
Sec. 4. Authorization for certain park facilities to be located outside of units of the National Park System.
Sec. 5. Elimination of unnecessary congressional reporting requirements.
Sec. 6. Senate confirmation of the Director of the National Park Service.
Sec. 7. National Park System Advisory Board authorization.
Sec. 8. Challenge cost-share agreement authority.
Sec. 9. Cost recovery for damage to national park resources.

SEC. 2. NATIONAL PARK SERVICE HOUSING IMPROVEMENT ACT.

(a) PURPOSES.—The purposes of this section are—

(1) to develop where necessary an adequate supply of quality housing units for field employees of the National Park Service within a reasonable time frame;

(2) to expand the alternatives available for construction and repair of essential government housing;

(3) to rely on the private sector to finance or supply housing in carrying out this section, to the maximum extent possible, in order to reduce the need for Federal appropriations;

(4) to provide increased opportunities for the ownership of housing by field employees, together with the equity and tax benefits associated with home ownership;

(5) to ensure that adequate funds are available to provide for long-term maintenance needs of field employee housing; and

(6) to eliminate unnecessary government housing and locate such housing as is required in a manner such that primary resource values are not impaired.

(b) GENERAL AUTHORITY.—To enhance the ability of the Secretary of the Interior (hereinafter in this section referred to as "the Secretary"), acting through the Director of the National Park Service, to effectively manage units of the National Park System, the Secretary is authorized where necessary and justified to make available employee housing, on or off the lands under the administrative jurisdiction of the National Park Service, and to rent or lease such housing to field employees of the National Park Service at rates based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

(c) REVIEW AND REVISION OF HOUSING CRITERIA.—Upon the enactment of this Act, the Secretary shall review and revise the existing criteria under which housing is provided to employees of the National Park Service. The review and revision shall include consideration of the following criteria:

(1) Required occupancy (whether and under what circumstances the National Park Service requires, as a condition of employment, that an employee live at a particular site or in a specific geographic area). For each instance in which occupancy is required, full consideration shall be given to the concept of adequate response time.

(2) Availability and adequacy of non-Federal housing in the geographic area, including consideration of the degree of isolation (the time and distance that separate other potential housing from the workplace of a National Park Service employee).

(3) Category of employment (seasonal or permanent).

(d) SUBMISSION OF REPORT.—A report detailing the results of the revisions required by subsection (c) shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate not later than 180 days after the date of the enactment of this Act. The report shall include justifications for keeping, or for changing, each of the criteria or factors used by the Department of the Interior with regard to the provision of housing to employees of the National Park Service.

(e) REVIEW OF CONDITION OF AND COSTS RELATING TO HOUSING.—Using the revised criteria developed under subsection (c), the Secretary shall undertake a review, for each unit of the National Park System, of existing government-owned housing provided to employees of the National Park Service. The review shall include an assessment of the physical condition of such housing and the suitability of such housing to effectively carry out the missions of the Department of the Interior and the National Park Service. For each unit of such housing, the Secretary shall determine whether the unit is needed and justified. The review shall include estimates of the cost of bringing each such unit that is needed and justified into usable condition that meets all applicable legal housing requirements or, if the unit is determined to be obsolete but is still warranted to carry out the missions of the Department of the Interior and the National Park Service, the cost of replacing the unit.

(f) AUTHORIZATION FOR HOUSING AGREEMENTS.—For those units of the National Park System for which the review required by subsections (c) and (e) has been completed, the Secretary is authorized, pursuant to the authorities contained in this Act and subject to the appropriation of necessary funds in advance, to enter into housing agreements with housing entities under which such housing entities may develop, construct, rehabilitate, or manage housing, located on or off public lands, for rent or lease to National Park Service employees who meet the housing eligibility criteria developed by the Secretary pursuant to this Act.

(g) JOINT PUBLIC-PRIVATE SECTOR HOUSING PROGRAMS.—

(1) LEASE TO BUILD PROGRAM.—Subject to the appropriation of necessary funds in advance, the Secretary may—

(A) lease Federal land and interests in land to qualified persons for the construction of field employee quarters for any period not to exceed 50 years; and

(B) lease developed and undeveloped non-Federal land for providing field employee quarters.

(2) COMPETITIVE LEASING.—Each lease under paragraph (1)(A) shall be awarded through the use of publicly advertised, competitively bid, or competitively negotiated contracting procedures, except that a lease to a field employee housing cooperative may be awarded noncompetitively if construction on the leased land is then competitively bid or competitively negotiated.

(3) TERMS AND CONDITIONS.—Each lease under paragraph (1)(A)—

(A) shall stipulate whether operation and maintenance of field employee quarters is to be provided by the lessee, field employees or the Federal Government;

(B) shall require that the construction and rehabilitation of field employee quarters be done in accordance with the requirements of the National Park Service and local applicable building codes and industry standards;

(C) shall contain such additional terms and conditions as may be appropriate to protect

the Federal interest, including limits on rents the lessee may charge field employees for the occupancy of quarters, conditions on maintenance and repairs, and agreements on the provision of charges for utilities and other infrastructure; and

(D) may be granted at less than fair market value if the Secretary determines that such lease will improve the quality and availability of field employee quarters available.

(4) CONTRIBUTIONS BY UNITED STATES.—The Secretary may make payments, subject to appropriations, or contributions in kind either in advance of or on a continuing basis to reduce the costs of planning, construction, or rehabilitation of quarters on or off Federal lands under a lease under this subsection.

(5) THIRD PARTY PARTICIPATION.—A lease under this subsection may include provision for participation by a third party, when third party presence is needed or required, and approved by the Secretary.

(h) RENTAL GUARANTEE PROGRAM.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into a lease to build arrangement as set forth in subsection (g) with further agreement to guarantee the occupancy of field employee quarters constructed or rehabilitated under such lease. A guarantee made under this subsection shall be in writing.

(2) LIMITATIONS.—The Secretary may not guarantee—

(A) the occupancy of more than 75 percent of the units constructed or rehabilitated under such lease; and

(B) at a rental rate that exceeds the rate based on the reasonable value of the housing in accordance with requirements applicable under section 5911 of title 5, United States Code.

In no event shall outstanding guarantees be in excess of $3,000,000.

(3) RENTAL TO GOVERNMENT EMPLOYEES.—A guarantee may be made under this subsection only if the lessee agrees to permit the Secretary to utilize for housing purposes any units for which the guarantee is made.

(4) FAILURE TO MAINTAIN A SATISFACTORY LEVEL OF OPERATION AND MAINTENANCE.—The lease shall be null and void if the lessee fails to maintain a satisfactory level of operation and maintenance.

(i) JOINT DEVELOPMENT AUTHORITY.—The Secretary may use authorities granted by statute in combination with one another in the furtherance of providing where necessary and justified affordable field employee housing.

(j) CONTRACTS FOR THE MANAGEMENT OF FIELD EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to the appropriation of necessary funds in advance, the Secretary may enter into contracts of any duration for the management, repair, and maintenance of field employee quarters.

(2) TERMS AND CONDITIONS.—Any such contract shall contain such terms and conditions as the Secretary deems necessary or appropriate to protect the interests of the United States and assure that necessary quarters are available to field employees.

(k) JOINT EMPLOYEE-AGENCY HOUSING PROGRAMS.—

(1) SALE OF QUARTERS.—

(A) GENERAL AUTHORITY.—Notwithstanding any other provision of law, the Secretary may sell field employee quarters to field employees of the agency or a cooperative whose membership is made up exclusively of field employees of the agency.

(B) INTEREST IN LANDS.—The Secretary may only sell a leasehold interest in lands attendant to the sale of any quarters under subparagraph (A).

(2) LEASE OF QUARTERS.—The Secretary may lease Federal land to field employees of the National Park Service or a cooperative made up of field employees of the National Park Service for purposes of constructing employee housing.

(3) RIGHT OF FIRST REFUSAL.—The Secretary shall have right of first refusal when any property transferred under this subsection is for sale.

(4) COVENANTS.—The Secretary may establish and enforce such covenants as may be appropriate to the property, upon its sale by the Secretary under this subsection.

(5) FAIR MARKET VALUE.—The Secretary may sell or transfer employee quarters under this subsection for less than fair market value if the Secretary determines that such a sale or transfer will improve the quality of field employee quarters available and keep the quarters affordable at the salary ranges of field employees normally occupying them.

(6) RULE OF CONSTRUCTION.—Disposal of employee quarters under this subsection to field employees and cooperatives whose membership is made up exclusively of field employees shall not be considered disposal of excess Federal real property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(7) CONTINUING EMPLOYMENT REQUIREMENT.—An individual may occupy employee quarters under this subsection only if the individual or a member of the family of the individual is employed at the National Park System unit with respect to which the quarters are made available.

(8) NOTICE.—The Secretary may not take any action authorized pursuant to this section until 180 days after the Secretary submits a report to the appropriate congressional committees respecting the authority of this subsection.

(l) LEASING OF SEASONAL EMPLOYEE QUARTERS.—

(1) GENERAL AUTHORITY.—Subject to paragraph (2), the Secretary may lease quarters at or near a unit of the national park system for use as seasonal quarters for field employees. The rent charged to field employees under such a lease shall be a rate based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(2) LIMITATION.—The Secretary may only issue a lease under paragraph (1) if the Secretary finds that there is a shortage of adequate and affordable seasonal quarters at or near such unit and that—

(A) the requirement for such seasonal field employee quarters is temporary; or

(B) leasing would be more cost effective than construction of new seasonal field employee quarters.

(3) UNRECOVERED COSTS.—The Secretary may pay the unrecovered costs of leasing seasonal quarters under this subsection from annual appropriations for the year in which such lease is made.

(m) SURVEY OF EXISTING FACILITIES.—The Secretary shall—

(1) complete a condition assessment for all field employee housing, including the physical condition of such housing and the necessity and suitability of such housing for the effective prosecution of the agency mission, using existing information; and

(2) develop a agency-wide priority listing, by structure, identifying those units in greatest need for repair, rehabilitation, replacement, or initial construction.

(n) USE OF HOUSING-RELATED FUNDS.—Expenditure of any funds authorized and appropriated for new construction, repair, or rehabilitation of housing under this section shall follow the housing priority listing established by the agency under subsection (m), in sequential order, to the maximum extent practicable.

(o) ANNUAL BUDGET SUBMITTAL.—The President's proposed budget to Congress for the first fiscal year beginning after enactment of this Act, and for each subsequent fiscal year, shall include identification of nonconstruction funds to be spent for National Park Service housing maintenance and operations which are in addition to rental receipts collected.

(p) EMPLOYEE TRANSPORTATION.—The Secretary may use applicable appropriations of the National Park System for transportation to and from work, outside of regular working hours, of field employees, residing in or near a national park system unit, such transportation to be between the unit and the city, or intervening points, at reasonable rates to be determined by the Secretary taking into consideration, among other factors, comparable rates charged by transportation companies in the locality for similar services, the amounts collected for such transportation to be credited to the current appropriation account available for administration of the national park system unit concerned and shall be available to the Secretary for obligation or expenditure. Any surplus proceeds shall be retained by the agency for those purposes until expended. If adequate transportation facilities are available, or shall be available by any common carrier, at reasonable rates, then and in that event the services contemplated by this subsection shall not be offered.

(q) STUDY OF HOUSING ALLOWANCES.—Within 12 months after the date of enactment of this Act, the Secretary shall conduct a study to determine the feasibility of providing eligible employees of the National Park Service with housing allowances rather than government housing. The study shall specifically examine the feasibility of providing rental allowances to temporary and lower paid permanent employees. Whenever the Secretary submits a copy of such study to the Office of Management and Budget, he shall concurrently transmit copies of the report to the Resources Committee of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

(r) GENERAL PROVISIONS.—

(1) CONSTRUCTION LIMITATIONS ON FEDERAL LANDS.—The Secretary may not utilize any lands for the purposes of providing field employee housing under this section which could impact primary resource values of the area or adversely affect the mission of the agency. Any construction carried out under this section shall be fully consistent with approved land management agency plans.

(2) RENTAL RATES.—The Secretary shall establish rental rates for all quarters occupied by field employees of the National Park Service that are based on the reasonable value of the quarters in accordance with requirements applicable under section 5911 of title 5, United States Code.

(3) EXEMPTION FROM LEASING REQUIREMENTS.—The provisions of section 5 of the Act of July 15, 1968 (82 Stat. 354, 356; 16 U.S.C. 4601-22), and section 321 of the Act of June 30, 1932 (40 U.S.C. 303b; 47 Stat. 412), shall not apply to leases issued by the Secretary under this section.

(s) PROCEEDS.—The proceeds from any lease under subsection (g)(1)(A)(i), any lease

under subsection (k)(2), and any lease of seasonal quarters under subsection (l), shall be retained by the National Park Service. Such proceeds shall be deposited into the special fund established for maintenance and operation of quarters.

(t) DEFINITIONS.—For purposes of this section:

(1) The term "field employee" means—

(A) an employee of the National Park Service who is exclusively assigned by the National Park Service to perform duties at a field unit, and the members of their family; and

(B) other individuals who are authorized to occupy Government quarters under section 5911 of title 5, United States Code, and for whom there is no feasible alternative to the provision of Government housing, and the members of their family.

(3) The term "land management agency" means the National Park Service, Department of the Interior.

(4) The term "primary resource values" means resources which are specifically mentioned in the enabling legislation or identified in the general management plan for that field unit or other resource value recognized under Federal statute.

(5) The term "quarters" means quarters owned or leased by the Government.

(6) The term "seasonal quarters" means quarters typically occupied by field employees who are hired on assignments of 6 months or less.

SEC. 3. MINOR BOUNDARY REVISION AUTHORITY.

Section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9(c)) is amended as follows:

(1) In the first sentence, by striking "Committee on Natural" and inserting "Committee on".

(2) By striking ": *Provided, however,*" and all that follows through "1965" and inserting the following after the first sentence: "In all cases except the case of technical boundary revisions (resulting from such causes as survey error or changed road alignments), the authority of the Secretary under clause (i) shall apply only if each of the following conditions is met:

"(1) The sum of the total acreage of lands, waters, and interests therein to be added to the area and the total such acreage to be deleted from the area is not more than 5 percent of the total Federal acreage authorized to be included in the area and is less than 200 acres in size.

"(2) The acquisition, if any, is not a major Federal action significantly affecting the quality of the human environment, as determined by the Secretary.

"(3) The sum of the total appraised value of the lands, water, and interest therein to be added to the area and the total appraised value of the lands, waters, and interests therein to be deleted from the area does not exceed $750,000.

"(4) The proposed boundary revision is not an element of a more comprehensive boundary modification proposal.

"(5) The proposed boundary has been subject to a public review and comment period.

"(6) The Director of the National Park Service obtains written support for the boundary modification from all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein, will be added to or deleted from the area by the boundary modification.

Minor boundary revisions involving only deletions of acreage owned by the Federal Government and administered by the National Park Service may be made only by Act of Congress.".

SEC. 4. AUTHORIZATION FOR CERTAIN PARK FACILITIES TO BE LOCATED OUTSIDE OF UNITS OF THE NATIONAL PARK SYSTEM.

Section 4 of the Act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" approved August 18, 1970 (16 U.S.C. 1a-1 et seq.), is amended to read as follows:

"SEC. 4. AUTHORIZATION FOR PARK FACILITIES OUTSIDE BOUNDARIES OF SYSTEM UNITS.

"(a) AUTHORITY.—In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to establish essential facilities for park administration, visitor use, and park employee residential housing outside the boundaries, but within the vicinity, of units of the national park system for purposes of assuring conservation, visitor use, and proper management of such units. Such facilities, and the use thereof, shall be in conformity with approved plans for the unit concerned. The Secretary shall use existing facilities wherever feasible. Such facilities may only be constructed by the Secretary upon finding that location of such facilities would—

"(1) avoid undue degradation of the primary natural or cultural resources within the unit;

"(2) enhance service to the public; or

"(3) provide a cost saving to the Federal Government.

"(b) AGREEMENTS, LEASES, GUIDELINES, AND CONSTRUCTION.—For the purpose of establishing facilities under subsection (a):

"(1) The Secretary may enter into agreements permitting the Secretary to use for such purposes those Federal lands that the head of a Federal agency having primary authority over the administration of such land and the Secretary determine to be suitable for such use.

"(2) The Secretary, under such terms and conditions as the Secretary determines are reasonable, may, subject to the appropriation of necessary funds in advance, lease or acquire (from willing sellers only) by purchase or donation, real property (other than Federal land), for the purposes specified in this section.

"(3) For real property acquired pursuant to paragraph (2), the Secretary shall establish written guidelines setting forth criteria to be used in determining whether the acquisition would—

"(A) reflect unfavorably upon the ability of the Department or an employee to carry out its responsibilities or official duties in a fair and objective manner; or

"(B) compromise the integrity, or the appearance of integrity, of the Department's programs or of any official involved in those programs.

"(4) The Secretary may, subject to the appropriation of necessary funds in advance, construct, operate, and maintain such permanent and temporary buildings and facilities as the Secretary deems appropriate on land which is in the vicinity of any unit of the national park system for which the Secretary has acquired authority under this section, except that the Secretary may not begin construction, operation, or maintenance of buildings or facilities on land not owned by the United States until the owner of such lands has entered into a binding agreement with the Secretary, the terms of which assure the continued use of such buildings and facilities for a period of time commensurate with the level of Federal investment.

"(c) COOPERATIVE AGREEMENTS AND JOINT VENTURES FOR INFRASTRUCTURE FACILITIES.—The Secretary is authorized, subject to the appropriation of necessary funds in advance, to enter into cooperative agreements or joint ventures with local or State governmental agencies, other Federal agencies, Indian Tribes, and private entities either on or off the lands subject to the jurisdiction of the Secretary, to provide appropriate and necessary utility and other infrastructure facilities in support of park administration, visitor use, and park employee residential housing.".

SEC. 5. ELIMINATION OF UNNECESSARY CONGRESSIONAL REPORTING REQUIREMENTS.

(a) REPEALS.—The following provisions are hereby repealed:

(1) Section 302(c) of the Act entitled "An Act to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes (Public Law 95-344; 92 Stat. 478; 16 U.S.C. 2302(c)).

(2) Section 503 of the Act of December 19, 1980 (Public Law 96-550; 94 Stat. 3228; 16 U.S.C. 410ii-2).

(3) Subsections (b) and (c) of section 4 of the Act of October 15, 1982 (Public Law 97-335; 96 Stat. 1628; 16 U.S.C. 341 note).

(4) Section 7 of Public Law 89-671 (96 Stat. 1457; 16 U.S.C. 284f).

(5) Section 3(c) of the National Trails System Act (Public Law 90-543; 82 Stat. 919; 16 U.S.C. 1242(c)).

(6) Section 4(b) of the Act of October 24, 1984 (Public Law 98-540; 98 Stat. 2720; 16 U.S.C. 1a-8).

(7) Section 106(b) of the National Visitor Center Facilities Act of 1968 (Public Law 90-264; 82 Stat. 44; 40 U.S.C. 805(b)).

(8) Section 6(f)(7) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 900; 16 U.S.C. 4601-8(f)(7)).

(9) Subsection (b) of section 8 of the Act of August 18, 1970 (Public Law 91-383; 90 Stat. 1940; 16 U.S.C. 1a-5(b)).

(10) The last sentence of section 10(a)(2) of the National Trails System Act (Public Law 90-543; 82 Stat. 926; 16 U.S.C. 1249(a)(2)).

(11) Section 4 of the Act of October 31, 1988 (Public Law 100-573; 102 Stat. 2891; 16 U.S.C. 460o note).

(12) Section 104(b) of the Act of November 19, 1988 (Public Law 100-698; 102 Stat. 4621).

(13) Section 1015(b) of the Urban Park and Recreation Recovery Act of 1978 (Public Law 95-625; 92 Stat. 3544; 16 U.S.C. 2514(b)).

(14) Section 105 of the Act of August 13, 1970 (Public Law 91-378; 16 U.S.C. 1705).

(15) Section 307(b) of the National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470w-6(b)).

(b) AMENDMENTS.—The following provisions are amended:

(1) Section 10 of the Archaeological Resources Protection Act of 1979, by striking the last sentence of subsection (c) (Public Law 96-95; 16 U.S.C. 470ii(c)).

(2) Section 5(c) of the Act of June 27, 1960 (Public Law 86-523; 16 U.S.C. 469a-3(c); 74 Stat. 220), by inserting a period after "Act" and striking "and shall submit" and all that follows.

(3) Section 7(a)(3) of the Act of September 3, 1964 (Public Law 88-578; 78 Stat. 903; 16 U.S.C. 4601-9(a)(3)), by striking the last sentence.

(4) Section 111 of the Petroglyph National Monument Establishment Act of 1990 (Public

Law 101–313; 104 Stat. 278), by striking out the second sentence.

(5) Section 307(a) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470w–6(a)) is amended by striking the first and second sentences.

(6) Section 101(a)(1)(B) of the National Historic Preservation Act (Public Law 89–665; 16 U.S.C. 470a) by inserting a period after "Register" the last place such term appears and by striking "and submitted" and all that follows.

SEC. 6. SENATE CONFIRMATION OF THE DIRECTOR OF THE NATIONAL PARK SERVICE.

(a) IN GENERAL.—The first section of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1; commonly referred to as the "National Park Service Organic Act"), is amended in the first sentence by striking "who shall be appointed by the Secretary" and all that follows and inserting "who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall have substantial experience and demonstrated competence in land management and natural or cultural resource conservation. The Director shall select two Deputy Directors. The first Deputy Director shall have responsibility for National Park Service operations, and the second Deputy Director shall have responsibility for other programs assigned to the National Park Service.".

(b) EFFECTIVE DATE AND APPLICATION.—The amendment made by subsection (a) shall take effect on February 1, 1997, and shall apply with respect to the individual (if any) serving as the Director of the National Park Service on that date.

SEC. 7. NATIONAL PARK SYSTEM ADVISORY BOARD AUTHORIZATION.

(a) NATIONAL PARK SYSTEM ADVISORY BOARD.—Section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463) is amended as follows:

(1) In subsection (a) by striking the first 3 sentences and inserting in lieu thereof: "There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service. The Board shall advise the Director on matters submitted to the Board by the Director as well as any other issues identified by the Board. Members of the Board shall be appointed on a staggered term basis by the Secretary for a term not to exceed 4 years and shall serve at the pleasure of the Secretary. The Board shall be comprised of no more than 12 persons, appointed from among citizens of the United States having a demonstrated commitment to the mission of the National Park Service. Board members shall be selected to represent various geographic regions, including each of the administrative regions of the National Park Service. At least 6 of the members shall have outstanding expertise in 1 or more of the following fields: history, archaeology, anthropology, historical or landscape architecture, biology, ecology, geology, marine science, or social science. At least 4 of the members shall have outstanding expertise and prior experience in the management of national or State parks or protected areas, or national or cultural resources management. The remaining members shall have outstanding expertise in 1 or more of the areas described above or in another professional or scientific discipline, such as financial management, recreation use management, land use planning or business management, important to the mission of the National Park Service. At least 1 individual shall be a locally elected official from an area adjacent to a park. The Board shall hold its first meeting by no later than 60 days after the date on which all members of the Advisory Board who are to be appointed have been appointed. Any vacancy in the Board shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. The Board may adopt such rules as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel. All members of the Board shall be reimbursed for travel and per diem in lieu of subsistence expenses during the performance of duties of the Board while away from home or their regular place of business, in accordance with subchapter 1 of chapter 57 of title 5, United States Code. With the exception of travel and per diem as noted above, a member of the Board who is otherwise an officer or employee of the United States Government shall serve on the Board without additional compensation.".

(2) By redesignating subsections (b) and (c) as (f) and (g) and by striking from the first sentence of subsection (f), as so redesignated "1995" and inserting in lieu thereof "2006".

(3) By adding the following new subsections after subsection (a):

"(b)(1) The Secretary is authorized to hire 2 full-time staffers to meet the needs of the Advisory Board.

"(2) Service of an individual as a member of the Board shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Board, or as an employee of the Board, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

"(c)(1) Upon request of the Director, the Board is authorized to—

"(A) hold such hearings and sit and act at such times,

"(B) take such testimony,

"(C) have such printing and binding done,

"(D) enter into such contracts and other arrangements,

"(E) make such expenditures, and

"(F) take such other actions,

as the Board may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(2) The Board may establish committees or subcommittees. Any such subcommittees or committees shall be chaired by a voting member of the Board.

"(d) The provisions of the Federal Advisory Committee Act shall apply to the Board established under this section with the exception of section 14(b).

"(e)(1) The Board is authorized to secure directly from any office, department, agency, establishment, or instrumentality of the Federal Government such information as the Board may require for the purpose of this section, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Board, upon request made by a member of the Board.

"(2) Upon the request of the Board, the head of any Federal department, agency, or instrumentality is authorized to make any of the facilities and services of such department, agency, or instrumentality to the Board, on a nonreimbursable basis, to assist the Board in carrying out its duties under this section.

"(3) The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies in the United States.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Park System Advisory Board $200,000 per year to carry out the provisions of section 3 of the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463).

(c) EFFECTIVE DATE.—This section shall take effect on December 7, 1997.

SEC. 8. CHALLENGE COST-SHARE AGREEMENT AUTHORITY.

(a) DEFINITIONS.—For purposes of this section—

(1) The term "challenge cost-share agreement" means any agreement entered into between the Secretary and any cooperator for the purpose of sharing costs or services in carrying out authorized functions and responsibilities of the Secretary of the Interior with respect to any unit or program of the National Park System (as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))), any affiliated area, or any designated National Scenic or Historic Trail.

(2) The term "cooperator" means any State or local government, public or private agency, organization, institution, corporation, individual, or other entity.

(b) CHALLENGE COST-SHARE AGREEMENTS.—The Secretary of the Interior is authorized to negotiate and enter into challenge cost-share agreements with cooperators.

(c) USE OF FEDERAL FUNDS.—In carrying out challenge cost-share agreements, the Secretary of the Interior is authorized to provide the Federal funding share from any funds available to the National Park Service.

SEC. 9. COST RECOVERY FOR DAMAGE TO NATIONAL PARK RESOURCES.

Public Law 101–337 is amended as follows:

(1) In section 1 (16 U.S.C. 19jj), by amending subsection (d) to read as follows:

"(d) 'Park system resource' means any living or non-living resource that is located within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(2) In section 1 (16 U.S.C. 19jj) by adding at the end thereof the following:

"(g) 'Marine or aquatic park system resource' means any living or non-living part of a marine or aquatic regimen within or is a living part of a marine or aquatic regimen within the boundaries of a unit of the National Park System, except for resources owned by a non-Federal entity.".

(3) In section 2(b) (16 U.S.C. 19jj–1(b)), by inserting "any marine or aquatic park resource" after "any park system resource".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

□ 1430

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. HEFLEY], the author of the bill.

Mr. HEFLEY. Mr. Speaker, the first title of this bill, H.R. 2941, is our attempt to deal with the backlog of housing needs in the National Park Service. The extent of the National Park Service's housing needs is vague but has been estimated to be as high as $500 million. I wish it was possible to write a check for that amount, but in these times of trying to balance the budget, that is simply not possible.

Instead, H.R. 2941 will provide the Park Service with the a number of creative authorities to encourage others besides the Federal Government to invest in employee housing.

Several years ago Rocky Mountain National Park, in cooperation with the National Park Foundation, attempted to address its own housing needs by purchasing a nearby church camp that was on the market. The deal fell through because, according to the National Park Foundation and the park superintendent, the authorities were not available for them to close the deal. Randy Jones, the Rocky Mountain superintendent, claims he could solve most of his housing needs tomorrow if he only had the flexibility this bill would give him.

We have worked with the Park Service, and they tell us the bill gives them what they need. Several of these authorities were borrowed from legislation crafted for the military where the authorities are proving useful in improving the quality of housing.

The bill also urges the Park Service to examine such options as paid transportation from home to work site and employee cooperatives, in which rangers can build up this equity while they are being moved around the country.

As I have stated, the Park Service estimates its housing needs to be more than $500 million. However, in several reports from the General Accounting Office we cannot account for quite that much, but we know that there is a significant need there. For that reason, we have adopted an amendment by my friend, the gentleman from Minnesota [Mr. VENTO], which withholds the use of these authorities from individual park units until those units justify their needs, which seems perfectly reasonable.

Further, in response to CBO's concerns about out year costs, the amendment before you makes the entire section subject to appropriations. I understand this amendment has been cleared with the Committee on the Budget.

In conclusion, I would ask my colleagues to recall the horror stories we have heard in recent years of park rangers living in tents or packing crates. We have a problem, one which we need to be flexible and creative in order to try to solve, a problem which is fixable in fairly short order if the Park Service had the authorities to do so.

Mr. Speaker, this bill attempts to give them those authorities, and I ask Members' support of the amendment and of this bill.

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

Mr. Speaker, although H.R. 2941, as introduced, dealt solely with employee housing, a comprehensive substitute was adopted by the Resources Committee that incorporated several diverse park proposals that were pending before the committee. I did not object to this procedure being used in this instance. In fact, Representative HANSEN and his staff worked with Democratic members of the committee and the administration to craft a package we can all support.

The centerpiece of this legislative package is the National Park Service employee housing initiative.We have all seen or heard of examples of deplorable employee housing. We know problems exist. If we are to properly address this issue, the Congress needs an accurate assessment of employee housing requirements, the costs associated with those requirements, and a viable working plan to address housing needs. Representative VENTO who worked on this issue for several years took the lead to develop language that was adopted by the committee to address this important aspect of the program. It is a better bill because of these provisions.

Several other elements of H.R. 2941, amended, are specific legislative initiatives of the National Park Service and their inclusion will provide the NPS with some useful management tools.

I would note that based on the committee hearing last fall, there was certainly potential for controversy regarding the provision on the appointment of the NPS Director. I am glad to see that cooler heads prevailed and that the language was amended to its current form.

All in all Mr. Speaker, H.R. 2941, as amended, is a good package. The bill is an example of how we can work together on park issues.

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

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

Mr. Speaker, I rise in strong support of H.R. 2941, legislation which provides for a number of needed administrative reforms in the National Park Service. This important bill contains eight different reform proposals ranging from relatively minor proposals, to important, long-debated measures, and reflects the work of several different authors.

Mr. Speaker, many of these proposals are just good common sense; proposals which will make National Park Service operations more efficient, and reduce unnecessary work here in Congress. These are precisely the types of proposals which could have been expected from an administration which claims to be reinventing Government. Unfortunately, Secretary Babbitt has ignored the National Park Service.

For example, several years ago Secretary Babbitt announced a major initiative to improve housing in our national parks. After building a single house for a publicity venture at Great Smokey Mountains National Park, Secretary Babbitt has essentially abandoned the program. In this legislation, Congress has provided a comprehensive solution to the housing problems of the National Park Service. This legislative proposal is not intended as a publicity stunt; I'm not even sure that Mr. HEFLEY, author of the provision, has issued a press release about it. Rather this legislation is being advanced because Members believe that National Park Service employees deserve a decent place to live.

Mr. Speaker, this entire legislative package is bipartisan in nature and reflects the strong input from Democrats as well as Republicans on the Resources Committee. I thank Mr. RICHARDSON and Mr. VENTO for their valuable assistance in developing this legislation.

As I mentioned, section 2 of the bill provides for a variety of authorities to address the unacceptable condition of housing which many NPS employees are required to live in. We heard in testimony about park employees living in uninsulated houses in severe climates, living in buildings which do not meet basic life-safety codes, living in 50-year old repossessed trailers, even in one case, living in a land-sea shipping container.

These conditions must be addressed, and the first step to addressing them is to make absolutely sure that every single housing unit in every park can be fully justified. Second, we must figure out how to fund the necessary housing improvements. Although the Appropriation Committee has provided substantial funds for housing in the past, it is unrealistic to expect they will fully fund the hundreds of millions needed for this program in the near future. Therefore, this legislation, authorizes a number of cooperative ventures with the private sector, designed to seek their assistance in solving this problem. The legislation even authorizes the Secretary to sell housing to employee cooperatives which would eliminate the need for Federal maintenance of housing while at the same time permitting employees to gain the benefits of home ownership. Third, we must make sure that every single dollar is spent wisely, and that the funds go to the highest priority needs.

Section 3 of the bill provides for generic authority for the National Park

Service to make minor park boundary adjustments. While this authority does exist for all parks established after 1965, and for selected other parks, many parks do not have such authority. Further, there is no definition of what constitutes a minor boundary adjustment. Therefore, we find that the NPS has administratively accepted donation of about 30 acres at the Presidio which has a Federal liability of $65 million for rehabilitation of currently unusable structures, while Congress is passing legislation to add several hundred square yards of land administered by another Federal agency to Independence National Historic Park. This legislation will save time and money for Congress and the administration.

Section 4 of the bill provides generic authority for the NPS to establish administrative and visitor facilities outside of park boundaries. This authority will permit the NPS to establish joint interagency visitor centers, or locate visitor centers or headquarter offices outside of park boundaries where it makes sense. There are currently several proposals now working through Congress to establish such centers, and each of them now requires a separate act.

Section 5 deletes 22 unnecessary congressional reporting requirements. Many of these requirements are simply outdated, such as requiring an annual report on the National Visitor Center at Union Station which was closed over 15 years ago; while others have never been complied with, such as the national trails system report. But mostly, this section will save the agency time and money preparing reports which are of little use in the congressional process.

Section 6 provides for Senate confirmation of the National Park Service Director, in the same manner as the other land management agency heads within the Interior Department—Director of the Fish and Wildlife Service and the Director of the Bureau of Land Management. While many persons have long believed that the head of this important agency should be subject to congressional scrutiny, the issue gained renewed support when Secretary Babbitt announced that his top two candidates for the Office of NPS Director were Tom Brokaw and Robert Redford. While these two gentlemen are well-respected in their chosen fields, they know nothing about running the best park system in the world. Public exposure of these selections was a clear signal of the purely political manner in which Secretary Babbitt intended to operate the NPS, and resulted in both Democratic and Republican-authored measures to require that the head of the NPS know something about parks other than having vacationed there.

Section 7 of the bill reauthorizes the National Park System advisory board. The statutory authorization for this board expired a couple years ago. While the board has been reauthorized administratively, the role of this board as an independent advisor to the Secretary could be enhanced if it were reestablished by law.

Section 8 establishes and expands the Challenge Cost Share Program for the NPS on a permanent basis. This program, which permits Federal dollars to be leveraged with non-Federal dollars, has proven very effective for the Forest Service; and it is expected to provide similar benefits for the National Park Service at a time when appropriations are limited.

Finally, section 9 of the bill permits the NPS to recover costs from damages to natural resources in the same manner as costs are recovered from damages to marine resources. When the Federal Government recovers costs from such damage, it makes far more sense to apply those funds to restore the resources than to deposit such funds into the Treasury, as is currently the policy.

Mr. Speaker, as Members can see, this bill contains a number of very important provisions which will help our parks, its employees, and make congressional oversight more effective. I commend all Members who have provided input into the bill, Democrats and Republicans alike, and urge all Members to support this bipartisan legislation.

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

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

Mr. Speaker, let me just say that I had hoped that we could keep this discussion of this bill bipartisan. Obviously, I have to disagree with some of the chairman's comments. This is a good bill.

Employee housing, I had a chance to go to Yellowstone over the recess and had a chance to spend some time with our Park Service employees, not just in law enforcement but also park rangers, men and women. The quality of these men and women is really outstanding. They are hard workers. Of course Yellowstone is the crown jewel.

They talked to me about this housing issue. Basically what you have is some of our, especially bachelor, park rangers living in what is generously called some very substandard housing. We have to do better. We have to do better for our park employees.

Let me address some of the chairman's statements. I disagree. I think Secretary Babbitt has done a good job with the Park Service. I think Director Kennedy has done a good job, too. I differ with the chairman on whether Tom Brokaw or Robert Redford would have been good directors of the Park Service. I think what Secretary Babbitt is looking at is somebody with high visibility, to give the parks the visibility that they need.

I know the chairman agrees with me. We have got to find ways to ensure that these parks are funded. We need the private sector to help. I think that was one of the objectives viewed there. But I am not going to get into an argument with him, except to say that this administration has done a good job with the environment and with the Park Service, particularly Director Kennedy and Secretary Babbitt.

This is an occasion where, perhaps a few times that we have come together on a bill, we should recognize that that has happened. I commend the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. HANSEN] for this bill. It is a good one. They work with us. They compromise. We compromise. We have a good product that I think will advance the national interest.

□ 1445

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

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

Mr. Speaker, I appreciate the words from the ranking member of the committee. Let me say that, as a Republican member, we have no desire to close any parks, contrary to what people have said, but to make them better.

I think this particular piece of legislation, as we waded through all the sections, points out and expedites the things that will make the parks better and make them work better; and we are very strong on the idea of taking care of our national parks. We have no argument with the administration on most things that they do, but in some of these areas we feel that what they do, but in some of these areas we feel that what should be done should be done not for what is politically expedient, but done fore the benefit of the parks, and that is the agreement we thought we had when we first got into the business of this committee.

I appreciate all those who have worked so diligently on this bill. I personally feel this is an excellent piece of legislation, and I urge all Members to support it.

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

Mr. VENTO. Mr. Speaker, I rise today to support this important piece of legislation, which is the result of much effort and hard work. As the former chairman of the National Parks, Forests and Public Lands Subcommittee, I maintain a deep concern for this issue. In 1994, I released a General Accounting Office report, which was undertaken at my request, that called for reexamination of employee housing needs within the National Park Service [NPS]. During consideration of H.R. 2941 in the Resources Committee this year, I continued to offer my input to improve it, including an amendment I offered which is now part of the bill. I want to commend my colleagues, Mr. HEFLEY and Chairman HANSEN,

along with Mr. RICHARDSON for their positive efforts regarding this proposed policy.

I support efforts to ensure that the housing needs of National Park Service employees are met. In this time of downsizing and fiscal constraints, we must scrutinize all programs including our natural resources programs, to make sure scarce Federal dollars are allocated fairly. This bill provides general authority for the Park Service to make housing available for its employees, both on and off Federal lands, at costs commensurate with comparable housing in the surrounding area. Authorization is given for leasing of Federal land to private contractors to permit them to build and maintain housing for parks employees.

When the bill was considered in the Resources Committee, my amendment added several important provisions. To ensure that the needs of parks employees and our responsibilities to the American taxpayer are both met, this bill grants additional housing authority to the Park Service only where that authority is necessary and justified. The NPS will have to review and revise the existing criteria under which housing is provided to employees of the Park Service. My additions also require that the NPS submit a plan on how to meet the housing needs of parks employees. When this review is completed for specific units of the NPS, and the need is established, authorization is given to enter into housing agreements to develop, construct, rehabilitate, or manage housing on, or off public lands for rent, or lease by NPS employees.

Clearly there are many NPS units today that do not require or justify public employee or private employee housing within or outside of the parks units. Times have changed and it is appropriate for the policy to recognize reality. Transportation and development have greatly improved and the necessity of NPS housing is much reduced. The problems associated with managing a National Park unit in the 1990's are tremendous, and park housing policy too often flows to business as usual, imposing more management headaches that are not justified by the circumstance. The National Forest Service and the Bureau of Land Management with vast land, nearly 600 million acres, have far less, not even 20 percent of the employee housing, that exists in the 90 million acres of NPS lands. This speaks for itself even as we recognize the different missions and responsibilities. It is time the NPS reevaluate and refocus its housing policy. This measure is one such opportunity—a tough but necessary task.

With these provisions, this bill has been improved and updated. The bill is consistent with good management practices and sound policymaking. I urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2941, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2941, the bill just passed.

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

There was no objection.

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

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 "Electronic Freedom of Information Act Amendments of 1996".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. APPLICATION OF REQUIREMENTS TO ELECTRONIC FORMAT INFORMATION.

Section 552(f) of title 5, United States Code, is amended to read as follows:

"(f) For purposes of this section, the term—

"(1) 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

"(2) 'record' and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.".

SEC. 4. INFORMATION MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEXATION OF RECORDS.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the second sentence, by striking "or staff manual or instruction" and inserting "staff manual, instruction, or copies of records referred to in subparagraph (D)";

(2) by inserting before the period at the end of the third sentence the following: ", and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made";

(3) by inserting after the third sentence the following: "If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made.";

(4) in subparagraph (B), by striking "and" after the semicolon;

(5) by inserting after subparagraph (C) the following:

"(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

"(E) a general index of the records referred to under subparagraph (D);";

(6) by inserting after the fifth sentence the following: "Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999."; and

(7) by inserting after the first sentence the following: "For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means.".

SEC. 5. HONORING FORM OR FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) by inserting "(A)" after "(3)";

(2) by striking "(A)" the second place it appears and inserting "(i)";

(3) by striking "(B)" and inserting "(ii)"; and

(4) by adding at the end the following new subparagraphs:

"(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

"(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.

"(D) For purposes of this paragraph, the term 'search' means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.".

SEC. 6. STANDARD FOR JUDICIAL REVIEW.

Section 552(a)(4)(B) of title 5, United States Code, is amended by adding at the end the following new sentence: "In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).".

SEC. 7. ENSURING TIMELY RESPONSE TO REQUESTS.

(a) MULTITRACK PROCESSING.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

"(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

"(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

"(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.".

(b) UNUSUAL CIRCUMSTANCES.—Section 552(a)(6)(B) of title 5, United States Code, is amended to read as follows:

"(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

"(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limit specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

"(iii) As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

"(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

"(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

"(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

"(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.".

(c) EXCEPTIONAL CIRCUMSTANCES.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting "(i)" after "(C)", and by adding at the end the following new clauses:

"(ii) For purposes of this subparagraph, the term 'exceptional circumstances' does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

"(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.".

SEC. 8. TIME PERIOD FOR AGENCY CONSIDERATION OF REQUESTS.

(a) EXPEDITED PROCESSING.—Section 552(a)(6) of title 5, United States Code (as amended by section 7(a) of this Act), is further amended by adding at the end the following new subparagraph:

"(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records—

"(I) in cases in which the person requesting the records demonstrates a compelling need; and

"(II) in other cases determined by the agency.

"(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure—

"(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

"(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

"(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

"(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

"(v) For purposes of this subparagraph, the term 'compelling need' means—

"(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

"(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

"(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.".

(b) EXTENSION OF GENERAL PERIOD FOR DETERMINING WHETHER TO COMPLY WITH A REQUEST.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking "ten days" and inserting "20 days".

(c) ESTIMATION OF MATTER DENIED.—Section 552(a)(6) of title 5, United States Code (as amended by section 7 of this Act and subsection (a) of this section), is further amended by adding at the end the following new subparagraph:

"(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.".

SEC. 9. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9) by inserting after the period the following: "The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.".

SEC. 10. REPORT TO THE CONGRESS.

Section 552(e) of title 5, United States Code, is amended to read as follows:

"(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include—

"(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

"(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

"(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

"(C) the number of requests for records pending before the agency as of September 30

of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

"(D) the number of requests for records received by the agency and the number of requests which the agency processed;

"(E) the median number of days taken by the agency to process different types of requests;

"(F) the total amount of fees collected by the agency for processing requests; and

"(G) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

"(2) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

"(3) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

"(4) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

"(5) The Attorney General of the United States shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.".

SEC. 11. REFERENCE MATERIALS AND GUIDES.

Section 552 of title 5, United States Code, is amended by adding after subsection (f) the following new subsection:

"(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including—

"(1) an index of all major information systems of the agency;

"(2) a description of major information and record locator systems maintained by the agency; and

"(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.".

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PROVISIONS EFFECTIVE ON ENACTMENT.—Sections 7 and 8 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

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

Mr. HORN. Mr. Speaker, I will take 2 minutes, and then I am going to yield to the gentleman from Washington [Mr. TATE] for the explanation of the bill.

The hallmark of a free society is that those who are governed have access to the information within the control of those who govern.

James Madison put it very well when he wrote very elegantly over two centuries ago:

> A popular government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be the governors, must arm themselves with the power knowledge gives.

Madison, whom we honor with the Madison Library of the Library of Congress, was certainly one of the most thoughtful of our founders and considered by many to be the Father of The Constitution.

In this spirit, 30 years ago Congress passed the Freedom of Information Act, commonly referred to as the FOIA. The committee report that accompanied the original act summarized it as providing a "true Federal public records statute by requiring the availability, to any member of the public, of all executive branch records" described in that act. Since its enactment, the annual number of requests which departments and agencies received has grown to more than 600,000 requests a year.

The benefits that the Freedom of Information Act provides the public matter deeply to Congress. In 1995, the very first report issued by the House Committee on Government Reform and Oversight was A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. This popular publication, available from the Government Printing Office helps average citizens understand their right to obtain government records.

H.R. 3802 clarifies that records kept electronically are subject to disclosure under the Freedom of Information Act. The bill also makes procedural changes in the administration of the law. It strengthens agency reporting requirements. It also requires that more information be available to the public via the Internet.

The Electronic Freedom of Information Amendments of 1996 was introduced by the gentleman from Washington [Mr. TATE], our subcommittee's ranking member, the gentlewoman from New York [Mrs. MALONEY], the gentleman from Minnesota [Mr. PETERSON], and myself. We were the original cosponsors.

I understand that Senator LEAHY intends to offer this identical bill on the floor of the other body as a substitute to S. 1090. The Senate Committee on the Judiciary had previously favorably reported that legislation. We have worked very closely with Senators LEAHY and SPECTER and the administration in producing a bill that now enjoys broad support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. TATE], my colleague, the prime author of this legislation.

Mr. TATE. Mr. Speaker, I want to thank Chairman CLINGER and Representative HORN for their hard work and leadership.

As chairman of the Government Reform and Oversight Committee—Chairman CLINGER has played a vital role in bringing H.R. 3802—the Electronic Freedom of Information Act Amendments of 1996—before us today.

And Chairman HORN of the Subcommittee on Government Management, Information and Technology—has served on the front lines in our efforts to improve the efficiency and responsiveness of Government operations.

I have been fortunate to work alongside Representative HORN in the area of Federal information policy and the Electronic Freedom of Information Act amendments.

I would also like to acknowledge the support of Representative CAROLYN MALONEY and Representative COLLIN PETERSON. Their contributions have ensured that H.R. 3802 is a truly bipartisan effort.

Opening the work of the Federal Government to the watchful and vigilant eyes of the American taxpayers and the public is an effort that both parties and the administration can and should embrace wholeheartedly.

Thirty years ago—Congress passed the Freedom of Information Act [FOIA] to advance one of the basic tenets of our Constitution—that our Federal Government is always open, accessible, and accountable to the American people.

Government works best under the watchful and vigilant eyes of its owners—the American people.

The more visible and accessible we make the work of the Federal Government—the easier it becomes for all of us to stem Government excess and curb Government abuse.

Before the enactment of the Freedom of Information Act—agencies and departments of the Federal Government regularly restricted the public's access to information.

FOIA was enacted in order to honor—preserve—and promote the public's right to know—ensuring that Government information is—with few very exceptions—public information.

Unfortunately—time after time—FOIA's promise to make Government information open and accessible has been broken.

On many occasions—simple requests for information have languished—unanswered—for years.

In addition—many agencies have not responded to the needs of a public that has already moved into the information age—continuing to focus on answering with volumes of paper rather than with CD-ROM's or computer disks.

In the 30 years since the implementation of the original Freedom of Information Act—our Nation has witnessed enormous technological advances.

My area of the country—the Puget Sound region in Washington State—is the home of Microsoft—the largest computer software company in the world.

My district has welcomed a manufacturing plant for Intel—the largest of the Pentium chip that goes into computer throughout the world.

And my hometown of Puyallup has been to a manufacturing plant owned by Matsushita—one of the largest computer chip producers in the world.

These technological marvels have made the laptop computer—cellular phone—fax—and internet possible—bringing the public into the information age.

It is only fitting that we now work to use modern-day technology to deliver common-sense efficiency and Government accountability to the American people.

H.R. 3802 puts FOIA information online on agency websites, ensuring that citizens in every home—in every town—and in every city—across the Nation will be able to access Government information from the comfort of their own homes.

My neighbors will be able to turn on their computers—click onto the internet—and download information made accessible by the Electronic Freedom of Information Act Amendments of 1996.

Our Government should be user-friendly by making an effort to deliver information to Americans in the format of their choosing.

H.R. 3802 requires Federal agencies to make a concerted effort to produce records in the preferred format—such as CD-ROM or computer disk—ensuring that Government information is not only readily available but also readily usable.

The use of the latest technology by Government agencies will harness the benefits of computer technology and deliver to everyone increased Government accessibility.

This legislation also addresses the problems many citizens face when requesting Federal records—unacceptable delays in getting an answer.

This bill encourages Federal agencies to develop multitrack processing based on the complexity of requests.

For example—simple requests should be answered as if they were going through the express lane at your local supermarket—quickly and efficiently.

Those who seek information which relates to life or safety or is of urgent public interest will receive the timely processing that they need.

In addition—agencies are given an incentive to actively work with the public to deliver the most useful information as fast as possible.

These changes send a clear message that the Federal Government—and its public servants—must always strive for increased Government openness—efficiency—and accountability.

Openness—efficiency—and accountability are the hallmarks of the Electronic Freedom of Information Act amendments. The American people expect their Government to deliver no less.

In a March 21 letter to Chairman HORN, I and Representatives SCARBOROUGH, DAVIS, FOX, BASS, and FLANAGAN urged House consideration of EFOIA and I am delighted to have H.R. 3802 before us today on the House floor.

I thank all my colleagues on the Government Reform and Oversight Committee for their hard work and support in ensuring that the advancement of free information to the American people is pursued on a bipartisan basis.

H.R. 3802 has received endorsements from a broad array of groups—including Americans for Tax Reform—the Newspaper Association of America—the National Association of Broadcasters—and the American Library Association.

The Freedom of Information Act turned 30 this year—it's time to bring the law into the modern information age and require the Federal Government to deliver cutting-edge service to the American people.

We in Congress—as their public servants—should aspire to nothing less. I urge all my colleagues to support the Electronic Freedom of Information Act of 1996.

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

Mr. Speaker, like much of the work that the Committee on Government Reform and Oversight has done this year on legislation, this bill is a triumph of policy over partisanship. In the most partisan Congress in memory, this committee has passed several bills with broad bipartisan support that will collectively save the taxpayers billions of dollars and make Government work better for the average American taxpayer; the Paperwork Reduction Act, the debt collection bill which Treasury estimates will save taxpayers $10 billion over 5 years, the Federal Acquisition Reform Act, the Single Audit Act, and the General Accounting Office Act, to name a few. These achievements are a credit to the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from California [Mr. HORN], who chairs the Subcommittee on Government Management Information and Technology on which I serve as the ranking member. They are also a credit to a ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], whose leadership will be greatly missed when she retires at the end of the year. On this particular bill I want to thank the gentleman from Washington [Mr. TATE], for his active leadership and Senator PATRICK LEAHY who has been the driving force behind the bill in the Senate.

I appreciate the majority's willingness to adopt my amendments, in particular one amendment that would track how agencies are responding or not responding to Freedom of Information requests. As Senator LEAHY testified at our committee hearing, long delays in access can mean no access at all.

Mr. Speaker, in short, the Electronic Freedom of Information Act will bring the Freedom of Information Act from the technological stone age into the information age. It has been 30 years since President Johnson set upon signing the original Freedom of Information Act, and I quote:

> This legislation springs from one of our most essential principles, a democracy works best when people have all the information that the security of the Nation permits.

That principle still holds true today, but as written, the Freedom of Information Act is woefully outdated, drafted for a time when personnel computers were unheard of and cyberspace was no more accessible than outer space.

□ 1500

This bill will change all of that. It clarifies that there is no legal distinction between Government records stored on paper and Government records stored electronically, that records maintained in an electronic format can be subject to FOIA requests.

Government agencies are increasingly storing their information on personal computers, computer databases, and electronic storage media such as CD-ROM's. But some Government agencies have denied freedom of information requests for information stored electronically. They are seeking the green light from Congress to provide access to that information, and this bill gives it to them by placing substance over form instead of form over substance.

The rationale for this provision is obvious. Today our information warehouses are on computer and compact disks, not in huge buildings in industrial zones. By using technology, Government bureaucrats can avoid going through endless file cabinets hunting for information, often to provide identical or overlapping information from previous FOIA requests. And ordinary

American citizens can access that information without leaving their desks or driving to the post office, or in some cases having any contact with Government workers at all.

With Government downsizing, Government employees' workloads are mounting, so avoiding the need for contact with them at all can dramatically expedite fulfillment of freedom of information requests, as in the case of identical FOIA requests which have been filed before.

Mr. Speaker, the bill also forces agencies to exercise foresight when installing computer systems which must help expedite agency FOIA requests and operations, rather than impeding them. Furthermore, it would encourage agencies to offer online access to Government information, effectively transforming an individual's home computer into a Government agency's public reading room.

Most importantly, the bill would tackle the mother of all complaints lodged against the Freedom of Information Act: that is, the often ludicrous amount of time it take some agencies to respond, if they respond at all, to freedom of information requests.

By the time freedom of information requests are fulfilled, the information is often useless to the requester, if the requester has not died of old age. If you request a document from the FBI, you may be forced to wait for more than 4 years before you receive it, if not longer.

This bill will make several commonsense changes. It will establish that all freedom of information requests are not created equal. The bill creates a compelling need standard, warranting faster FOIA processing.

Two categories of compelling need would be created. In the first category, the failure to obtain the records within an expedited deadline poses an imminent threat to an individual's life or physical safety. The second category requires a request by someone, and I quote, "Primarily engaged in disseminating information," and "urgency to inform the public concerning actual or alleged government activity."

This would apply to our good friends from the media. Marlin Fitzwater once talked about the need to constantly feed the beast, meaning the media, with information. This provision will help keep the media informed in a quicker and faster way.

Mr. Speaker, the bill would further differentiate and prioritize FOIA requests based on size, giving requesters an incentive to frame narrower requests. Agencies would no longer be able to delay responding to FOIA requests on the grounds of "exceptional circumstances" if those circumstances are nothing more than the predictable agency overload.

This clause would strengthen the requirement that agencies respond to freedom of information requests on time. However, this bill does recognize the great demands placed on agencies to fulfill FOIA requests by extending the deadline for responding to requests to 20 workdays from the current 10-day workday requirement, which is simply unworkable for many agencies.

The bill also gives agencies an incentive to comply with statutory time limits by allowing them to retain half of the fees. The amendment that I introduced, which has been adopted, acknowledges that we need to make agencies more accountable to the public by requiring them to report to Congress and the public on their efforts to comply with FOIA or their failure in complying with FOIA. Information delayed is certainly information denied.

The bill requires each agency to report on its FOIA workload during the year, the number of requests received and completed, as well as the amount of backlog and the steps the agency is taking to reduce it. Each agency will also report on how long it normally takes to process the request. Finally, each agency will report on the resources, dollars, and persons devoted to responding. This will allow us to make a judgment about whether adequate resources are being devoted to these requests and whether agencies are making a sufficient effort to comply with the law of the land.

The bill also requires agencies to become more user-friendly to the public, informing average Americans in a readily understandable way how one makes a FOIA request, how long it takes for normal requests to be processed, how the Government responds to a request, and in what circumstances the Government is not required to fulfill the request.

One issue not addressed in this legislation is the recent D.C. Circuit Court decision in the case of Armstrong versus the Executive Office of the President. In that decision the court ruled that the National Security Council is not an agency. This is contrary to 20 years of freedom of information practice and contrary to the way Congress has treated the National Security Council in other legislation. I hope the courts will correct this error; but if they do not, I am sure that we will address it in the 105th Congress.

To summarize, Mr. Speaker, this is a comprehensive, bipartisan bill that facilitates the dissemination of public information. It makes the Freedom of Information Act for the 1990's instead of for the 1960's. It helps make Government truly for the people, not just for Government insiders. In passing it unanimously, the Committee on Government Reform and Oversight has proudly lived up to its name.

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

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

Mr. Speaker, let me say in closing on this I thank, again, the gentleman from Washington for his very constructive ideas, and the gentlewoman from New York for her most helpful suggestions. She has mentioned a few of them. The Subcommittee on Government Management, Information, and Technology held a very thorough hearing on H.R. 3802.

This has truly been, as have most of the bills from this subcommittee, based on bipartisan cooperation. Good ideas know no bounds, and what we need to do is get the good ideas into legislation. This is one aspect of that.

We mentioned earlier the 600,000 requests a year. The gentlewoman from New York mentioned the 4-year lag to get a file out of the Federal Bureau of Investigation. That is simply unacceptable in a free society. How are we going to solve that? As we suggested in the hearings, and this was, again, both sides of the aisle suggesting it to the executive branch, we need the Cabinet officers in charge of particular departments to take this seriously, to look at how their needs and how they might better staff and organize to serve the public and the media with this information. The agencies need to put a price tag on the service. Do not necessarily come to Congress to solve every fiscal problem that arises. The Secretary should be looking at reprogramming money within the department so the public and the media can be served.

So, Mr. Speaker, we expect agencies to look for reprogramming funds. We also expect the appropriations committees to take this up piece by piece as to how well the agencies are dealing with serving the public in the freedom of information area.

I would hope that all parties in the legislative and executive branches take this matter seriously. In the coming year we will be watching the degree to which the backlog is reduced through the oversight conducted by our Committee on Government Reform and Oversight.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days within which to revise and extend their remarks on H.R. 3802, the bill just considered.

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

There was no objection.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 191) to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa, as amended.

The Clerk read as follows:

H.J. RES. 191

Whereas the United States has conferred honorary citizenship on only three occasions in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Agnes Gonxha Bojaxhiu, better known through out the world as Mother Teresa, has worked tirelessly with orphaned and abandoned children, the poor, the sick, and the dying;

Whereas Mother Teresa founded the Missionaries of Charity in 1950, and has taken in those who have been rejected as "unacceptable" and cared for them when no one else would, regardless of race, color, creed, or condition;

Whereas Mother Teresa has deservedly received numerous honors, including the 1979 Nobel Peace Prize and the 1985 Presidential Medal of Freedom;

Whereas Mother Teresa has worked in areas all over the world, including the United States, to provide comfort to the world's neediest; and

Whereas Mother Teresa through her Missionaries of Charity has established within the United States numerous soup kitchens, emergency shelters for women, shelters for unwed mothers, shelters for men, after-school and summer camp programs for children, homes for the dying, prison ministry, nursing homes, and hospital and shut-in ministry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Agnes Gonxha Bojaxhiu, also known as Mother Teresa, is proclaimed to be an honorary citizen of the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

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

GENERAL LEAVE

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 191, the joint resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of House Joint Resolution 191, legislation which I introduced that confers honorary U.S. citizenship upon Mother Teresa.

Mr. Speaker, Mother Teresa is a living saint. Her work has affected people around the globe. She has worked tirelessly for the sick and the dying, giving them comfort and care. Mother Teresa has always, through her Missionaries of Charity, taken in those who are "unacceptable," and thus unwanted, and cared for them when no one else would. Her commitment to humanity is unwavering.

Born on August 27, 1910, Mother Teresa has worked for over 65 years for the betterment of mankind. She began her religious studies in Ireland in 1928. Later that same year, she went to Calcutta, India, where she has so nobly performed countless acts of faith and devotion.

Mother Teresa's caregiving has reached beyond creed, nationality, race, or place. She has extended her service to those who are poor and those who are unwanted around the world. Aside from her work in India, Mother Teresa has touched the lives of many in Ireland, Venezuela, Tanzania, Australia, Jordan, her own Albania, and of course, right here in the United States, to name but just a few of the more than 90 countries where Mother Teresa and her order have been active.

Bestowing such a prestigious tribute as honorary U.S. citizenship does not come easily. There have been only three other occasions on which this privilege has been awarded. Only four individuals have received honorary citizenship. They are, first, Sir Winston Churchill, Prime Minister of Great Britain during World War II, America's greatest ally, second, Raoul Wallenberg, a Swedish diplomat who, during World War II, saved the lives of thousands of Jews, and third, William Penn and his wife, Hannah Callowhill Penn, were honored for their role in the colonial days of our great country.

Honorary U.S. citizenship does not grant any legal rights or obligations. It does not give the recipient any voting privileges. This has been a concern in the past. It is crystal clear from the legislative history of the Churchill, Wallenberg, and Penn bills that conferral of honorary citizenship is purely a symbolic gesture. It is recognition of their outstanding commitment to their fellow man and to America.

There is no question that Mother Teresa is a worthy recipient of this prestigious honor. She has established numerous soup kitchens, women's shelters, shelters for unwed mothers, religious education programs, nursing homes, orphanages, after school and summer camp programs for children, homes for the dying, prison ministry, family counseling programs, and missionary work in the United States. She has also been awarded the 1979 Nobel Peace Prize for her work as well as the 1985 U.S. Presidential Medal of Freedom and countless other honors. It would surely take up the rest of the day to list them all.

The Missionaries of Charity, Mother Teresa's order, was founded in India in 1950. The order was established in the United States in 1971. There are approximately 4,500 sisters affiliated with the congregation. It is represented in the United States in the Archdioceses of Atlanta, Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York, Newark, Philadelphia, San Francisco, St. Louis, and Washington. Also in the Dioceses of Baton Rouge, Brooklyn, Dallas, Fall River, Gallup, Lafayette, Lexington, Little Rock, Peoria, Phoenix, and Memphis. It's very possible that more have been added since the last official report. God only knows where Mother Teresa's influence and good works may turn up next.

Mother Teresa is a woman of simple, yet eloquent, faith. This is best illustrated by an observation she once made. She said:

> We do not accept any government assistance or church subsidies, salaries or fixed income. The birds of the air and the flowers of the field do not have an income, but God takes care of them. Therefore, will not God also take care of us, who are more important than flowers and birds?

But, it is Mother Teresa and her Missionaries of Charity who, through their good works throughout the world have, in some way, shape, or form, taken care of us by touching our lives. We should all be honored that we have had the privilege to have lived in her lifetime.

To those who sometimes ask the question, "Why is there so much evil in the world?" I ask the converse question, "Why is there so much good?" The answer is that there are humble people like Mother Teresa and those who work with her. Malcolm Muggeridge entitled his biography of Mother Teresa, "Something Beautiful for God." I would simply add to that, that Mother Teresa is also something beautiful for the world.

Mr. Speaker, it is important that we recognize and reward the actions of this living saint. Mother Teresa is undeniably a worthy recipient of honorary citizenship and I ask my colleagues to join with me in bestowing this high honor and distinction upon Mother Teresa.

□ 1515

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

Mr. FLANAGAN. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FLANAGAN] for bringing this measure to the floor and to pay proper respects for this saintly servant of God who has done so much good for so many

throughout the world. It is with a great deal of pride and pleasure that I join with the gentleman in honoring Mother Teresa in this manner.

Mr. FLANAGAN. I thank the distinguished chairman.

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

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

Mr. Speaker, I rise in support of the bill. As the gentleman from Illinois has mentioned, this bill would provide honorary citizenship to Mother Theresa and that is a symbolic gesture, it does not provide for voting, citizenship and the like, but it is an honor that I feel ought to be conferred upon Mother Theresa. I would note that this measure has come up late in this Congress, but the Committee on the Judiciary did consider it last week and on voice vote did unanimously approve the measure.

As the gentleman from Illinois [Mr. FLANAGAN] has indicated, there have only been three other occasions when honorary citizenship has been conferred by the United States, and they are all amazing people, Winston Churchill, Raoul Wallenberg, and William Penn. Certainly Mother Theresa belongs in this group of honored citizens of the world.

I note that Mother Theresa was actually born in Yugoslavia, of Albanian parents. She has received an honor from India, the Jewel of India, as well as the Nobel Peace Prize, and the Order of the British Empire. Adding honorary U.S. citizenship would add our country's honor to her which she so richly deserves.

I would note, as my colleague from Illinois has, that what she has done in her life deserves the admiration of all of us here in the United States and all around the world. Like many here in America when she fell ill a short while ago, I offered up a small prayer that she might be left here with us a little while longer to continue her good works. We do not know how long the Lord will see fit to leave her with us, but I hope that this bill bestowing honorary citizenship does pass in time for her to know that we call her our own as well. She embodies all the things that we believe is best for our country: hope, and reaching out to those in need.

I thank the gentleman from Illinois [Mr. FLANAGAN] for introducing the bill.

Mr. FLANAGAN. Mr. Speaker, will the gentlewoman yield?

Ms. LOFGREN . I yield to the gentleman from Illinois.

Mr. FLANAGAN. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her excellent remarks and her endorsement of the bill. It is worthy of her endorsement and her endorsement certainly is most helpful.

Mr. Speaker, I just wanted to observe quickly that the gentlewoman remarked she was born in Yugoslavia, this is true, in Skopje, but at the time she was born, she has been with us so long, Skopje was in the Ottoman Empire at the time she was born. That is how long she has been with us, out doing her good works. That is an amazing fact in and of itself.

Ms. LOFGREN. It certainly is.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman from California for yielding me this time. Obviously no one, no one on this planet dare ever question Mother Teresa's good works and her qualification for this.

The only reason I rise is to say I certainly hope that we are not trying to cloak some of the things that we have done to the less fortunate in our society by conferring this on Mother Teresa. I am not too sure she would not have preferred a little different outcome in some of the things that this body did this year. In fact, I am almost sure she had almost rather have that done in her name rather than this.

I keep thinking if we look at the real character of Mother Teresa, she would have been horrified by probably many provisions of the regressive welfare bill. And, in fact, if she were here, because she is not a real citizen, she could not qualify, even though she has taken vows of poverty, for any of those benefits.

I think she would be saddened by many of the debates we have had about the poor children in this country and the poor people in this country. I cannot help but point out we have an immigration bill where she could still not come to this country to live even with this honorary citizenship unless she had a relative that was 200 percent over the poverty line willing to sponsor her. And if she got here and then she wanted to bring some of her relatives here to be with her in her last few days, she could not do that, either, because she has taken a vow of poverty and she would fit under our immigration bill.

So I have to say as we get close to election time and all of that, let us not try to take her tremendous good works and hope that that reflects on us when I think we have a record that she really would not particularly want her good works being used to cloak. I certainly do not come out against this bill. Obviously this woman deserves honors from every country, from every person anywhere. But I really wonder if she would not have preferred us spending this time to do something about the people who have fallen through the cracks in our society that are Americans and especially those who are least able to do anything, the young children, those who are terribly sick, those who are elderly and disabled. Those have been the people she has spoken for. And too many times in these last 2 years, we have had more of a motto of trying to keep hate alive, where we have politically preyed on the backs of the poor and the people who are defenseless.

So, yes, of course everybody is for this bill. But let me just say, I am not sure that the record of this body would qualify many of us for the kind of good works she has gotten. And I certainly hope none of us use this bill to try and cover up some of the votes that Mother Theresa would have never have made—never have made—had she been a Member of this body. I think to say, well, I cannot defend those votes but guess what I did, I tried to honor Mother Theresa, would make her very, very angry.

So as she has reentered the hospital, and we are all very saddened by that, I think it is also terribly important to be very serious about what her life message was to each and every one of us, and, that was, to do good things and to not ever attack those among us who are least able to fight back, whether I look at the welfare bill, nutrition bills, things that have been done in jobs bills, things that have been done in immigration bills, things that have been done in English only. Again she would be in trouble because she does not speak English well. I must say, I am sure she would kind of wonder why we did not try to correct some of those in her good name and follow her good works rather than just honor it. I am sure she would prefer we followed her good works first, and that would be the best way to honor her.

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

Mr. Speaker, I join the gentlewoman from Colorado in her desire not to have Mother Theresa's name used for a crass political purpose. Certainly that is not the intention of this side. I hope it is not anywhere in the body.

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

Mr. Speaker, I would just add that clearly there are few if any Members of this body as saintly as Mother Teresa. And we should not only honor her with honorary U.S. citizenship, but use her faith and the action that her faith has led her to us as a model for each of us.

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

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

The SPEAKER pro tempore. (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

Mr. FLANAGAN. Mr. Speaker, I object to the vote on the ground that a

quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

FEDERAL COURTS IMPROVEMENT ACT OF 1996

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3968) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3968

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

Sec. 101. New authority for probation and pretrial services officers.

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

Sec. 201. Duties of magistrate judge on emergency assignment.
Sec. 202. Registration of judgments for enforcement in other districts.
Sec. 203. Vacancy in clerk position; absence of clerk.
Sec. 204. Removal of cases against the United States and Federal officers or agencies.
Sec. 205. Appeal route in civil cases decided by magistrate judges with consent.
Sec. 206. Reports by judicial councils relating to misconduct and disability orders.
Sec. 207. Consent to trial in certain criminal actions.

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

Sec. 301. Refund of contribution for deceased deferred annuitant under the Judicial Survivors' Annuities System.
Sec. 302. Bankruptcy judges reappointment procedure.
Sec. 303. Technical correction related to commencement date of temporary judgeships.
Sec. 304. Full-time status of court reporters.
Sec. 305. Court interpreters.
Sec. 306. Technical amendment related to commencement date of temporary bankruptcy judgeships.
Sec. 307. Contribution rate for senior judges under the Judicial Survivors' Annuities System.
Sec. 308. Proceedings on complaints against judicial conduct.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 401. Increase in civil action filing fee.
Sec. 402. Interpreter performance examination fees.
Sec. 403. Judicial panel on multidistrict litigation.
Sec. 404. Disposition of fees.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

Sec. 501. Qualification of Chief Judge of Court of International Trade.

TITLE VI—PLACES OF HOLDING COURT

Sec. 601. Place of holding court in the Southern District of New York.
Sec. 602. Place of holding court in the Eastern District of Texas.

TITLE VII—MISCELLANEOUS

Sec. 701. Participation in judicial governance activities by district, senior, and magistrate judges.
Sec. 702. The Director and Deputy Director of the Administrative Office as officers of the United States.
Sec. 703. Removal of action from State court.
Sec. 704. Federal Judicial Center employee retirement provisions.
Sec. 705. Abolition of the special court, Regional Rail Reorganization Act of 1973.
Sec. 706. Exception of residency requirement for district judges appointed to the Southern District and Eastern District of New York.
Sec. 707. Civil justice expense and delay reduction plans.
Sec. 708. Venue for territorial courts.

TITLE I—CRIMINAL LAW AND CRIMINAL JUSTICE AMENDMENTS

SEC. 101. NEW AUTHORITY FOR PROBATION AND PRETRIAL SERVICES OFFICERS.

(a) PROBATION OFFICERS.—Section 3603 of title 18, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (8)(B);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following new paragraph:

"(9) if approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe; and".

(b) PRETRIAL SERVICES OFFICERS.—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (13) as paragraph (14); and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) If approved by the court, be authorized to carry firearms under such regulations as the Director of the Administrative Office of the United States Courts may prescribe.".

TITLE II—JUDICIAL PROCESS IMPROVEMENTS

SEC. 201. DUTIES OF MAGISTRATE JUDGE ON EMERGENCY ASSIGNMENT.

The first sentence of section 636(f) of title 28, United States Code, is amended by striking out "(a) or (b)" and inserting in lieu thereof "(a), (b), or (c)".

SEC. 202. REGISTRATION OF JUDGMENTS FOR ENFORCEMENT IN OTHER DISTRICTS.

(a) IN GENERAL.—Section 1963 of title 28, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 1963. Registration of judgments for enforcement in other districts";

(2) in the first sentence—

(A) by striking out "district court" and inserting in lieu thereof "court of appeals, district court, or bankruptcy court"; and

(B) by striking out "such judgment" and all that follows through "Trade," and inserting in lieu thereof "the judgment"; and

(3) by adding at the end thereof the following new undesignated paragraph:

"The procedure prescribed under this section is in addition to other procedures provided by law for the enforcement of judgments.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 125 of title 28, United States Code, relating to section 1963 is amended to read as follows:

"1963. Registration of judgments for enforcement in other districts.".

SEC. 203. VACANCY IN CLERK POSITION; ABSENCE OF CLERK.

(a) IN GENERAL.—Section 954 of title 28, United States Code, is amended to read as follows:

"§ 954. Vacancy in clerk position; absence of clerk

"When the office of clerk is vacant, the deputy clerks shall perform the duties of the clerk in the name of the last person who held that office. When the clerk is incapacitated, absent, or otherwise unavailable to perform official duties, the deputy clerks shall perform the duties of the clerk in the name of the clerk. The court may designate a deputy clerk to act temporarily as clerk of the court in his or her own name.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 28, United States Code, relating to section 954 is amended to read as follows:

"954. Vacancy in clerk position; absence of clerk.".

SEC. 204. REMOVAL OF CASES AGAINST THE UNITED STATES AND FEDERAL OFFICERS OR AGENCIES.

(a) IN GENERAL.—Section 1442 of title 28, United States Code, is amended—

(1) in the section heading by inserting "**or agencies**" after "**officers**"; and

(2) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking out "persons"; and

(B) in paragraph (1) by striking out "Any officer of the United States or any agency thereof, or person acting under him, for any act under color of such office" and inserting in lieu thereof "The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 28, United States Code, is amended by amending the item relating to section 1442 to read as follows:

"1442. Federal officers or agencies sued or prosecuted.".

SEC. 205. APPEAL ROUTE IN CIVIL CASES DECIDED BY MAGISTRATE JUDGES WITH CONSENT.

Section 636 of title 28, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3) by striking out "In this circumstance, the" and inserting in lieu thereof "The";

(B) by striking out paragraphs (4) and (5); and

(C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5); and

(2) in subsection (d) by striking out ", and for the taking and hearing of appeals to the district courts,".

SEC. 206. REPORTS BY JUDICIAL COUNCILS RELATING TO MISCONDUCT AND DISABILITY ORDERS.

Section 332 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) No later than January 31 of each year, each judicial council shall submit a report to the Administrative Office of the United States Courts on the number and nature of orders entered under this section during the preceding calendar year that relate to judicial misconduct or disability.".

SEC. 207. CONSENT TO TRIAL IN CERTAIN CRIMINAL ACTIONS.

(a) AMENDMENTS TO TITLE 18.—(1) Section 3401(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting ", other than a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction," after "misdemeanor";

(B) in the second sentence by inserting "judge" after "magistrate" each place it appears;

(C) by striking out the third sentence and inserting in lieu thereof the following: "The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record."; and

(D) by striking out "judge of the district court" each place it appears and inserting in lieu thereof "district judge".

(2) Section 3401(g) of title 18, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "The magistrate judge may, in a petty offense case involving a juvenile, that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in any other class B or C misdemeanor case involving a juvenile in which consent to trial before a magistrate judge has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title.".

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended—

(1) by striking out ", and" at the end of paragraph (3) and inserting in lieu thereof a semicolon; and

(2) by striking out paragraph (4) and inserting the following:

"(4) the power to enter a sentence for a petty offense that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction; and

"(5) the power to enter a sentence for a class A misdemeanor, or a class B or C misdemeanor not covered by paragraph (4), in a case in which the parties have consented.".

TITLE III—JUDICIARY PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

SEC. 301. REFUND OF CONTRIBUTION FOR DECEASED DEFERRED ANNUITANT UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(o)(1) of title 28, United States Code, is amended by striking out "or while receiving 'retirement salary'," and inserting in lieu thereof "while receiving retirement salary, or after filing an election and otherwise complying with the conditions under subsection (b)(2) of this section,".

SEC. 302. BANKRUPTCY JUDGES REAPPOINTMENT PROCEDURE.

Section 120 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 28 U.S.C. 152 note), is amended—

(1) in subsection (a) by adding at the end thereof the following new paragraph:

"(3) When filling vacancies, the court of appeals may consider reappointing incumbent bankruptcy judges under procedures prescribed by regulations issued by the Judicial Conference of the United States."; and

(2) in subsection (b) by adding at the end thereof the following: "All incumbent nominees seeking reappointment thereafter may be considered for such a reappointment, pursuant to a majority vote of the judges of the appointing court of appeals, under procedures authorized under subsection (a)(3).".

SEC. 303. TECHNICAL CORRECTION RELATED TO COMMENCEMENT DATE OF TEMPORARY JUDGESHIPS.

Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 104 Stat. 5101; 28 U.S.C. 133 note) is amended by adding at the end thereof the following: "For districts named in this subsection for which multiple judgeships are created by this Act, the last of those judgeships filled shall be the judgeship created under this subsection.".

SEC. 304. FULL-TIME STATUS OF COURT REPORTERS.

Section 753(e) of title 28, United States Code, is amended by inserting after the first sentence the following: "For the purposes of subchapter III of chapter 83 of title 5 and chapter 84 of such title, a reporter shall be considered a full-time employee during any pay period for which a reporter receives a salary at the annual salary rate fixed for a full-time reporter under the preceding sentence.".

SEC. 305. COURT INTERPRETERS.

Section 1827 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(1) Notwithstanding any other provision of this section or section 1828, the presiding judicial officer may appoint a certified or otherwise qualified sign language interpreter to provide services to a party, witness, or other participant in a judicial proceeding, whether or not the proceeding is instituted by the United States, if the presiding judicial officer determines, on such officer's own motion or on the motion of a party or other participant in the proceeding, that such individual suffers from a hearing impairment. The presiding judicial officer shall, subject to the availability of appropriated funds, approve the compensation and expenses payable to sign language interpreters appointed under this subsection in accordance with the schedule of fees prescribed by the Director under subsection (b)(3) of this section.".

SEC. 306. TECHNICAL AMENDMENT RELATED TO COMMENCEMENT DATE OF TEMPORARY BANKRUPTCY JUDGESHIPS.

Section 3(b) of the Bankruptcy Judgeship Act of 1992 (Public Law 102-361; 106 Stat. 965; 28 U.S.C. 152 note) is amended in the first sentence by striking out "date of the enactment of this Act" and inserting in lieu thereof "appointment date of the judge named to fill the temporary judgeship position".

SEC. 307. CONTRIBUTION RATE FOR SENIOR JUDGES UNDER THE JUDICIAL SURVIVORS' ANNUITIES SYSTEM.

Section 376(b)(1) of title 28, United States Code, is amended to read as follows:

"(b)(1) Every judicial official who files a written notification of his or her intention to come within the purview of this section, in accordance with paragraph (1) of subsection (a) of this section, shall be deemed thereby to consent and agree to having deducted and withheld from his or her salary a sum equal to 2.2 percent of that salary, and a sum equal to 3.5 percent of his or her retirement salary. The deduction from any retirement salary—

"(A) of a justice or judge of the United States retired from regular active service under section 371(b) or section 372(a) of this title,

"(B) of a judge of the United States Court of Federal Claims retired under section 178 of this title, or

"(C) of a judicial official on recall under section 155(b), 373(c)(4), 375, or 636(h) of this title,

shall be an amount equal to 2.2 percent of retirement salary.".

SEC. 308. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL CONDUCT.

(a) IN GENERAL.—Section 372(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(c)(1)"; and

(B) by adding at the end the following: "In the case of a complaint so identified, the chief judge shall notify the clerk of the court of appeals of the complaint, together with a brief statement of the facts underlying the complaint.

"(B) Complaints filed under subparagraph (A) in one judicial circuit shall be referred to another judicial circuit for proceedings under this subsection, in accordance with a system established by rule by the Judicial Conference, which prescribes the circuits to which the complaints will be referred. The Judicial Conference shall establish and submit to the Congress the system described in the preceding sentence not later than 180 days after the date of the enactment of this subparagraph.";

(2) in paragraph (2)—

(A) by amending the first sentence to read as follows: "Upon receipt of a complaint filed or notice of a complaint identified under paragraph (1) of this subsection, the clerk shall promptly transmit such complaint or (in the case of a complaint identified under paragraph (1)) the statement of facts underlying the complaint to the chief judge of the circuit assigned to conduct proceedings on the complaint in accordance with the system established under paragraph (1)(B) (hereafter in this subsection referred to as the 'chief judge').."; and

(B) in the second sentence by inserting "or statement of facts underlying the complaint (as the case may be)" after "copy of the complaint";

(3) in paragraph (4)(A) by inserting "(to which the complaint or statement of facts underlying the complaint is referred)" after "the circuit";

(4) in paragraph (5)—

(A) in the first sentence by inserting "to which the complaint or statement of facts underlying the complaint is referred" after "the circuit"; and

(B) in the second sentence by striking "the circuit" and inserting "that circuit";

(5) in the first sentence of paragraph (15) by inserting before the period at the end the following: "in which the complaint was filed or identified under paragraph (1)"; and

(6) by amending paragraph (18) to read as follows:

"(18) The Judicial Conference shall prescribe rules, consistent with the preceding provisions of this subsection—

"(A) establishing procedures for the filing of complaints with respect to the conduct of

any judge of the United States Court of Federal Claims, the Court of International Trade, or the Court of Appeals for the Federal Circuit, and for the investigation and resolution of such complaints; and

"(B) establishing a system for referring complaints filed with respect to the conduct of a judge of any such court to any of the first eleven judicial circuits or to another court for investigation and resolution.

The Judicial Conference shall establish and submit to the Congress the system described in subparagraph (B) not later than 180 days after the date of the enactment of the Federal Courts Improvement Act of 1996.".

(b) EFFECTIVE DATE.—The amendments made by this section apply to complaints filed on or after the 180th day after the date of the enactment of this Act.

TITLE IV—JUDICIAL FINANCIAL ADMINISTRATION

SEC. 401. INCREASE IN CIVIL ACTION FILING FEE.

(a) FILING FEE INCREASE.—Section 1914(a) of title 28, United States Code, is amended by striking out "$120" and inserting in lieu thereof "$150".

(b) DISPOSITION OF INCREASE.—Section 1931 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out "$60" and inserting in lieu thereof "$90"; and

(2) in subsection (b)—

(A) by striking out "$120" and inserting in lieu thereof "$150"; and

(B) by striking out "$60" and inserting in lieu thereof "$90".

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

SEC. 402. INTERPRETER PERFORMANCE EXAMINATION FEES.

(a) IN GENERAL.—Section 1827(g) of title 28, United States Code, is amended by redesignating paragraph (5) as paragraph (6) and inserting after paragraph (4) the following new paragraph:

"(5) If the Director of the Administrative Office of the United States Courts finds it necessary to develop and administer criterion-referenced performance examinations for purposes of certification of interpreters, or other examinations for the selection of otherwise qualified interpreters, the Director may prescribe for each examination a uniform fee for applicants to take such examination. In determining the rate of the fee for each examination, the Director shall consider the fees charged by other organizations for examinations that are similar in scope or nature. Notwithstanding section 3302(b) of title 31, the Director is authorized to provide in any contract or agreement for the development or administration of examinations and the collection of fees that the contractor may retain all or a portion of the fees in payment for the services. Notwithstanding paragraph (6) of this subsection, all fees collected after the effective date of this paragraph and not retained by a contractor shall be deposited in the fund established under section 1931 of this title and shall remain available until expended.".

(b) PAYMENT FOR CONTRACTUAL SERVICES.—Notwithstanding sections 3302(b), 1341, and 1517 of title 31, United States Code, the Director of the Administrative Office of the United States Courts may include in any contract for the development or administration of examinations for interpreters (including such a contract entered into before the date of the enactment of this Act) a provision which permits the contractor to collect and retain fees in payment for contractual services in accordance with section 1827(g)(5) of title 28, United States Code.

SEC. 403. JUDICIAL PANEL ON MULTIDISTRICT LITIGATION.

(a) IN GENERAL.—(1) Chapter 123 of title 28, United States Code, is amended by adding after section 1932 the following new section:

"§ 1933. Judicial Panel on Multidistrict Litigation

"The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.".

(2) The table of sections for chapter 123 of title 28, United States Code, is amended by adding after the item relating to section 1931 the following:

"1933. Judicial Panel on Multidistrict Litigation.".

(b) RELATED FEES FOR ACCESS TO INFORMATION.—Section 303(a) of the Judiciary Appropriations Act, 1992 (Public Law 102–140; 105 Stat. 810; 28 U.S.C. 1913 note) is amended in the first sentence by striking out "1926, and 1930" and inserting in lieu thereof "1926, 1930, and 1932".

SEC. 404. DISPOSITION OF FEES.

(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, $30 of that portion of the fee exceeding $20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding $5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding $120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act.

TITLE V—FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS

SEC. 501. QUALIFICATION OF CHIEF JUDGE OF COURT OF INTERNATIONAL TRADE.

(a) IN GENERAL.—Chapter 11 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 258. Chief judges; precedence of judges

"(a)(1) The chief judge of the Court of International Trade shall be the judge of the court in regular active service who is senior in commission of those judges who—

"(A) are 64 years of age or under;

"(B) have served for 1 year or more as a judge of the court; and

"(C) have not served previously as chief judge.

"(2)(A) In any case in which no judge of the court meets the qualifications under paragraph (1), the youngest judge in regular active service who is 65 years of age or over and who has served as a judge of the court for 1 year or more shall act as the chief judge.

"(B) In any case under subparagraph (A) in which there is no judge of the court in regular active service who has served as a judge of the court for 1 year or more, the judge of the court in regular active service who is senior in commission and who has not served previously as chief judge shall act as the chief judge.

"(3)(A) Except as provided under subparagraph (C), the chief judge serving under paragraph (1) shall serve for a term of 7 years and shall serve after expiration of such term until another judge is eligible under paragraph (1) to serve as chief judge.

"(B) Except as provided under subparagraph (C), a judge of the court acting as chief judge under subparagraph (A) or (B) of paragraph (2) shall serve until a judge meets the qualifications under paragraph (1).

"(C) No judge of the court may serve or act as chief judge of the court after attaining the age of 70 years unless no other judge is qualified to serve as chief judge under paragraph (1) or is qualified to act as chief judge under paragraph (2).

"(b) The chief judge shall have precedence and preside at any session of the court which such judge attends. Other judges of the court shall have precedence and preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

"(c) If the chief judge desires to be relieved of the duties as chief judge while retaining active status as a judge of the court, the chief judge may so certify to the Chief Justice of the United States, and thereafter the chief judge of the court shall be such other judge of the court who is qualified to serve or act as chief judge under subsection (a).

"(d) If a chief judge is temporarily unable to perform the duties as chief judge, such duties shall be performed by the judge of the court in active service, able and qualified to act, who is next in precedence.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Chapter 11 of title 28, United States Code, is amended—

(1) in section 251 by striking out subsection (b) and redesignating subsection (c) as subsection (b);

(2) in section 253—

(A) by amending the section heading to read as follows:

"§ 253. Duties of chief judge";

and

(B) by striking out subsections (d) and (e); and

(3) in the table of sections for chapter 11 of title 28, United States Code—

(A) by amending the item relating to section 253 to read as follows:

"253. Duties of chief judge.";

and

(B) by adding at the end thereof the following:

"258. Chief judges; precedence of judges.".

(c) APPLICATION.—(1) Notwithstanding the provisions of section 258(a) of title 28, United States Code (as added by subsection (a) of this section), the chief judge of the United States Court of International Trade who is in office on the day before the date of enactment of this Act shall continue to be such chief judge on or after such date until any one of the following events occurs:

(A) The chief judge is relieved of his duties under section 258(c) of title 28, United States Code.

(B) The regular active status of the chief judge is terminated.

(C) The chief judge attains the age of 70 years.

(D) The chief judge has served for a term of 7 years as chief judge.

(2) When the chief judge vacates the position of chief judge under paragraph (1), the position of chief judge of the Court of International Trade shall be filled in accordance with section 258(a) of title 28, United States Code.

TITLE VI—PLACES OF HOLDING COURT

SEC. 601. PLACE OF HOLDING COURT IN THE SOUTHERN DISTRICT OF NEW YORK.

The last sentence of section 112(b) of title 28, United States Code, is amended to read as follows:

"Court for the Southern District shall be held at New York, White Plains, and in the Middletown-Wallkill area of Orange County or such nearby location as may be deemed appropriate.".

SEC. 602. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) The second sentence of section 124(c)(3) of title 28, United States Code, is amended by inserting "and Plano" after "held at Sherman".

(b) Sections 83(b)(1) and 124(c)(6) of title 28, United States Code, are each amended in the last sentence by inserting before the period the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

TITLE VII—MISCELLANEOUS

SEC. 701. PARTICIPATION IN JUDICIAL GOVERNANCE ACTIVITIES BY DISTRICT, SENIOR, AND MAGISTRATE JUDGES.

(a) JUDICIAL CONFERENCE OF THE UNITED STATES.—Section 331 of title 28, United States Code, is amended by striking out the second undesignated paragraph and inserting in lieu thereof the following:

"The district judge to be summoned from each judicial circuit shall be chosen by the circuit and district judges of the circuit and shall serve as a member of the Judicial Conference of the United States for a term of not less than 3 successive years nor more than 5 successive years, as established by majority vote of all circuit and district judges of the circuit. A district judge serving as a member of the Judicial Conference may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title.".

(b) BOARD OF THE FEDERAL JUDICIAL CENTER.—Section 621 of title 28, United States Code, is amended—

(1) in subsection (a) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) two circuit judges, three district judges, one bankruptcy judge, and one magistrate judge, elected by vote of the members of the Judicial Conference of the United States, except that any circuit or district judge so elected may be either a judge in regular active service or a judge retired from regular active service under section 371(b) of this title but shall not be a member of the Judicial Conference of the United States; and"; and

(2) in subsection (b) by striking out "retirement," and inserting in lieu thereof "retirement pursuant to section 371(a) or section 372(a) of this title,".

SEC. 702. THE DIRECTOR AND DEPUTY DIRECTOR OF THE ADMINISTRATIVE OFFICE AS OFFICERS OF THE UNITED STATES.

Section 601 of title 28, United States Code, is amended by adding at the end thereof the following: "The Director and Deputy Director shall be deemed to be officers for purposes of title 5, United States Code.".

SEC. 703. REMOVAL OF ACTION FROM STATE COURT.

Section 1446(c)(1) of title 28, United States Code, is amended by striking out "petitioner" and inserting in lieu thereof "defendant or defendants".

SEC. 704. FEDERAL JUDICIAL CENTER EMPLOYEE RETIREMENT PROVISIONS.

Section 627(b) of title 28, United States Code, is amended—

(1) in the first sentence by inserting "Deputy Director," before "the professional staff"; and

(2) in the first sentence by inserting "chapter 84 (relating to the Federal Employees' Retirement System)," after "(relating to civil service retirement),".

SEC. 705. ABOLITION OF THE SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973.

(a) ABOLITION OF THE SPECIAL COURT.—Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended in subsection (b)—

(1) by inserting "(1)" before "Within 30 days after"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The special court referred to in paragraph (1) of this subsection is abolished effective 90 days after the date of the enactment of the Federal Courts Improvement Act of 1996. On such effective date, all jurisdiction and other functions of the special court shall be assumed by the United States District Court for the District of Columbia. With respect to any proceedings that arise or continue after the date on which the special court is abolished, the references in the following provisions to the special court established under this subsection shall be deemed to refer to the United States District Court for the District of Columbia:

"(A) Subsections (c), (e)(1), (e)(2), (f) and (g) of this section.

"(B) Sections 202 (d)(3), (g), 207 (a)(1), (b)(1), (b)(2), 208(d)(2), 301 (e)(2), (g), (k)(3), (k)(15), 303 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 304 (a)(1)(B), (i)(3), 305 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 306 (a), (b), (c)(4), and 601 (b)(3), (c) of this Act (45 U.S.C. 712 (d)(3), (g), 717 (a)(1), (b)(1), (b)(2), 718(d)(2), 741 (e)(2), (g), (k)(3), (k)(15), 743 (a)(1), (a)(2), (b)(1), (b)(6)(A), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), 744 (a)(1)(B), (i)(3), 745 (c), (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(8), (e), (f)(1), (f)(2)(B), (f)(2)(D), (f)(2)(E), (f)(3), 746 (a), (b), (c)(4), 791 (b)(3), (c)).

"(C) Sections 1152(a) and 1167(b) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105(a), 1115(a)).

"(D) Sections 4023 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A) and 4025(b) of the Conrail Privatization Act (45 U.S.C. 1323 (2)(A)(iii), (2)(B), (2)(C), (3)(C), (3)(E), (4)(A), 1324(b)).

"(E) Section 24907(b) of title 49, United States Code.

"(F) Any other Federal law (other than this subsection and section 605 of the Federal Courts Improvement Act of 1996), Executive order, rule, regulation, delegation of authority, or document of or relating to the special court as established under paragraph (1) of this subsection.".

(b) APPELLATE REVIEW.—(1) Section 209(e) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended by striking paragraph (3) and inserting in lieu thereof the following:

"(3) An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(2) Section 303 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743) is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) APPEAL.—An order or judgment entered by the United States District Court for the District of Columbia pursuant to subsection (c) of this section or section 306 shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(3) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) APPEAL.—An order or judgment of the United States District Court for the District of Columbia in any action referred to in this section shall be reviewable in accordance with sections 1291, 1292, and 1294 of title 28, United States Code.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 209 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719) is amended—

(A) in subsection (g) by inserting "or the Court of Appeals for the District of Columbia Circuit" after "Supreme Court"; and

(B) by striking out subsection (h).

(2) Section 305(d)(4) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(d)) is amended by striking out "a judge of the United States district court with respect to such proceedings and such powers shall include those of".

(3) Section 1135(a)(8) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(8)) is amended to read as follows:

"(8) 'Special court' means the judicial panel established under section 209(b)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)(1)) or, with respect to any proceedings that arise or continue after the panel is abolished pursuant to section 209(b)(2) of such Act, the United States District Court for the District of Columbia.".

(4) Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is further amended by striking out subsection (d).

(d) PENDING CASES.—Effective 90 days after the date of the enactment of this Act, any case pending in the special court established under section 209(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 719(b)) shall be assigned to the United States District Court for the District of Columbia as though the case had originally been filed in that court. The amendments made by subsection (b) of this section shall not apply to any final order or judgment entered by the special court for which—

(1) a petition for writ of certiorari has been filed before the date on which the special court is abolished; or

(2) the time for filing a petition for writ of certiorari has not expired before that date.

(e) EFFECTIVE DATE.—The amendments made by subsections (b) and (c) of this section shall take effect 90 days after the date of the enactment of this Act and, except as provided in subsection (d), shall apply with respect to proceedings that arise or continue on or after such effective date.

SEC. 706. EXCEPTION OF RESIDENCY REQUIREMENT FOR DISTRICT JUDGES APPOINTED TO THE SOUTHERN DISTRICT AND EASTERN DISTRICT OF NEW YORK.

Section 134(b) of title 28, United States Code, is amended—

(1) by inserting "the Southern District of New York, and the Eastern District of New York," after "the District of Columbia,";

(2) by inserting "or she" after "he"; and

(3) by inserting at the end the following: "Each district judge of the Southern District of New York and the Eastern District of New York may reside within 20 miles of the district for which he or she is appointed.".

SEC. 707. CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

(a) AUTHORIZATION OF ARBITRATION.—Section 473(a)(6)(B) of title 28, United States Code, is amended by inserting "arbitration," before "mediation".

(b) REPORT ON DEMONSTRATION PROGRAM.—Section 104(d) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

(c) REPORT ON PILOT PROGRAM.—Section 105(c)(1) of the Civil Justice Reform Act of 1990 (28 U.S.C. 471 note) is amended by striking out "December 31, 1996," and inserting in lieu thereof "June 30, 1997,".

SEC. 708. VENUE FOR TERRITORIAL COURTS.

(a) CHANGE OF VENUE.—Section 1404(d) of title 28, United States Code, is amended to read as follows:

"(d) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(b) CURE OR WAIVER OF DEFECTS.—Section 1406(c) of title 28, United States Code, is amended to read as follows:

"(c) As used in this section, the term 'district court' includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands, and the term 'district' includes the territorial jurisdiction of each such court.".

(c) APPLICABILITY.—The amendments made by this section apply to cases pending on the date of the enactment of this Act and to cases commenced on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from Colorado [Mrs. Schroeder] each will control 20 minutes.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 3968, the Federal Courts Improvement Act of 1996. This legislation embodies a series of proposals pertaining to the Federal courts system and the administration thereof, that have been endorsed by the Judicial Conference of the United States. The provisions of the bill address administrative, financial, personnel, organizational, and technical changes that are needed by the courts and their supporting agencies. H.R. 3968 represents a scaled-back version of earlier legislation, H.R. 1989, that my colleague from Colorado, Mrs. SCHROEDER and Chairman MOORHEAD introduced at the request of the judicial conference.

The provisions in H.R. 3968 are noncontroversial and affect a wide range of judicial branch programs and operations. The reappointment procedure of bankruptcy judges is simplified and the term definition of certain temporary bankruptcy judgeships is clarified. Provisions affecting court reporters, court interpreters, and employees of the administrative office of the U.S. Courts are included. The bill corrects inconsistencies in the operations of the Judicial Survivors' Annuities System and civil action filing fees and other user fees are increased for the first time in 10 years. Clarification of statutory removal and venue provisions are made, as well as other changes. I think it is clear that H.R. 3968 will have a positive impact on the operations of the Federal courts and enhance the delivery of justice in the Federal system and I urge my colleagues' support for the legislation.

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

Mr. FLANAGAN. I yield to the gentleman from New York

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding. I want to thank him for bringing this measure to the floor. I thank the Committee on the Judiciary.

Mr. Speaker, I rise in strong support for H.R. 3968, the Federal Courts Improvement Act. I want to thank Chairman MOORHEAD for all of his hard work on this bill and for the inclusion of section 601, title VI, which establishes the Middletown-Wallkill Area of Orange County, NY, as a place for court proceedings in the southern district of New York.

The need for a Federal court facility in the Middletown-Wallkill Area is genuine and well founded. This issue has been considered and approved by all of the judges of the southern district of New York, all of the members of the judicial council of the second circuit, as well as the Judicial Conference of the United States.

As Chairman MOORHEAD knows, the judicial conference takes the issue of establishing a place for holding court very seriously and studies all requests fully before granting any approval. I am confident that the importance of this fact will be duly recognized by the Senate during consideration of this matter.

I look forward to working with Chairman MOORHEAD on the Middletown-Wallkill Court facility issue, and I again thank him for his efforts on behalf of the southern district of New York.

Accordingly, I urge my colleagues to fully support his bill.

Mr. FLANAGAN. I thank the distinguished chairman for his remarks.

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

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

Mr. Speaker, I clearly rise in support of this bill, and I really want to thank the chairman of the subcommittee, CARLOS MOORHEAD, from California, who has done such a wonderful job to move this bill in the very short period of time we have left.

We worked very hard to take this bill, which came at the request of the judicial conference, to put in it every single thing we could, but we also tried to make sure that we minimized controversy so we could maximize the results and get it done. We full well knew that there was not going to be time to bring controversial things or have long hearings. In the end, I think we have done a very good job of getting as much as we possibly can at this time that will be noncontroversial.

I am particularly pleased this bill includes a provision that will produce considerable efficiency gains for the Federal courts by providing for trial before magistrate judges in most petty offense cases, while at the same time we can protect the right to trial before a district judge in all class B misdemeanors.

□ 1530

That may sound like gobbledygook to most people, but it will help the efficiency of the courts.

In language that was approved by the Committee on the Judiciary, it differs a little bit from that proposed by the Judicial Conference, because the committee did recognize that class B misdemeanors do carry the potential for a level of punishment many people would consider to be significant.

We want to recognize the special needs of those districts that have this very high caseload of petty offenses that are Federal cases only because of the accident of geography; that is, the offense occurred on Federal property, therefore, it goes into a Federal court.

We realized that clutters the court, but, at the same time, we drew the line making sure that there were some core Federal law concerns, such as illegal entry charges under our immigration laws that would give people access to a title III judge and it was terribly important that we preserve that part.

So that is the real main difference from what the Judicial Conference asked us to do, but we did it and I think it is going to be fine.

I really join the gentleman from California and the gentleman from Illinois in urging my colleagues to support this bill so that we can do everything we can to help the Judicial Conference move forward efficiently.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to thank the gentlewoman for her remarks and her support for the bill, one

she has worked so hard to move forward.

Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. MOORHEAD], the distinguished chairman of the subcommittee.

Mr. MOORHEAD. Mr. Speaker, I wish to at this time thank the gentlewoman from Colorado [Mrs. SCHROEDER] for the work that she has done for this subcommittee during this 2-year period. It has been outstanding with her assistance, and she has been a great, great help to the committee during that time.

Betty Wheeler, who is her counsel, has certainly done a marvelous job in all the work she has done, along with our staff on our side of the aisle. All of the staff have been outstanding this year. This is the culmination, one of the fine pieces of legislation that we have gotten out of the committee.

H.R. 1989 was the original bill that was introduced by the gentlewoman from Colorado [Mrs. SCHROEDER] and myself, and H.R. 3968 represents a scaled-back version of that bill. But it is a fine piece of legislation that has been requested by the Judicial Conference, and I know that it will improve the general laws of the United States relating to the courts.

Mrs. SCHROEDER. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I just wanted to say something briefly about the gentlewoman from Colorado [Mrs. SCHROEDER] and the gentleman from California [Mr. MOORHEAD].

As a new Member of this Congress and of the Committee on the Judiciary, I do not know that they have received sufficient praise for the really excellent bipartisan work that they have done in this Congress on issues that really matter in patent law and other areas that just are so sensible.

Clearly, there are things they do not agree on, and they are very open about that, but they work together in a bipartisan way. They have made the country a better place as a consequence, and I, for one, commend them and thank them, and I am going to miss them both in the next Congress, if the voters send me back.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentlewoman.

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

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentlewoman from California [Ms. LOFGREN].

As has been the case, I have remarked on three separate occasions so far in this Congress, this is yet another worthy chairman and a ranking member that are retiring together, and what a fine job they have done through decades of service to the Congress. I thank them both for not only their fine work on this bill but the good work they have done through the years.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the bill, H.R. 3968, as amended.

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

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 533) to clarify the rules governing removal of cases to Federal court, and for other purposes.

The Clerk read as follows:

S. 533

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

SECTION 1. REMOVAL.

The first sentence of section 1447(c) of title 28, United States Code, is amended by striking "any defect in removal procedure" and inserting "any defect other than lack of subject matter jurisdiction".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 533.

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

There was no objection.

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

Today, I rise in support of S. 533. In the Judicial Improvements and Access to Justice Act of 1988, Congress required under section 1447(c) of title 28 of the United States Code that a "motion to remand the case on the basis of any defect in removal must be made within 30 days after the filing of the notice of removal under section 1446(a)."

The intent of the Congress is not entirely clear from the current wording of section 1447(c), and courts have interpreted it differently. S. 533 merely clarifies the intent of the Congress that a motion to remand a case on the basis of any defect other than subject matter jurisdiction must be made within 30 days after the filing of the notice of removal under section 1446(a).

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

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

Mr. Speaker, I rise in support of S. 533, to clarify the rule governing removal of cases.

As the gentleman from California has noted, this is a technical clarification made necessary by some language in section 1447(c) of title 28 that is not as clear as it should be.

Section 1447(c) requires motions to remand based on "any defect in removal procedure" to be filed within 30 days of the filing of the notice of removal. This language is unclear because no time limit applies to motions to remand based on lack of subject matter jurisdiction. S. 533 clarifies that "defect" encompasses any defect other than subject matter jurisdiction.

This correction is necessary to remove the ambiguity in the law. I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

REPEALING A REDUNDANT VENUE PROVISION

Mr. MOORHEAD. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 677) to repeal a redundant venue provision, and for other purposes.

The Clerk read as follows:

S. 677

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

SECTION 1. REPEAL.

(a) REPEAL.—Subsection (a) of section 1392 of title 28, United States Code, is repealed.

(b) TECHNICAL AMENDMENT.—Subsection (b) of section 1392 of title 28, United States Code, is amended by striking "(b) Any" and inserting "Any".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. MOORHEAD] and the gentlewoman from Colorado [Mrs. SCHROEDER] each will control 20 minutes.

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

GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 677.

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

There was no objection.

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

Mr. Speaker, today, I rise in support of S. 677. S. 677 implements a proposal made by the Judicial Conference of the United States to eliminate a redundant provision governing venue, section 1392(a) of title 28 of the United States Code, which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping provision to eliminate any confusion regarding venue in title 28.

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

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

Mr. Speaker, I rise in support of S. 677, a bill to repeal a redundant venue provision.

This bill implements a Judicial Conference proposal to eliminate a provision governing venue, 28 U.S.C. §1392(a), which duplicates provisions of the Judicial Improvements Act of 1990. This is a housekeeping measure to eliminate any confusion regarding venue caused by the redundant provision.

I urge my colleagues to support this technical correction.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 677.

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

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3723) to amend title 18, United States Code, to protect proprietary economic information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3723

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 "Economic Espionage Act of 1996".

SEC. 2. PROTECTION OF TRADE SECRETS.

(a) IN GENERAL.—Chapter 31 of title 18, United States Code, is amended by adding at the end the following:

"§ 670. Protection of trade secrets

"(a) OFFENSE.—Whoever—

"(1) with the intent to, or with reason to believe that the offense will, benefit any foreign government, foreign instrumentality, or foreign agent; or

"(2) with the intent to divert a trade secret, that is related to or is included in a product that is produced for or placed in interstate or foreign commerce, to the economic benefit of anyone other than the owner thereof, and with the intent to, or with reason to believe that the offense will, disadvantage any owner of that trade secret;

wrongfully copies or otherwise controls a trade secret, or attempts or conspires to do so shall be punished as provided in subsection (b).

"(b) PUNISHMENT.—

"(1) GENERALLY.—The punishment for an offense under this section is—

"(A) in the case of an offense under subsection (a)(1), a fine under this title or imprisonment for not more than 25 years, or both; and

"(B) in the case of an offense under subsection (a)(2), a fine under this title or imprisonment for not more than 15 years.

"(2) INCREASED MAXIMUM FINE FOR ORGANIZATIONS.—If an organization commits an offense—

"(A) under subsection (a)(1), the maximum fine, if not otherwise larger, that may be imposed is $10,000,000; and

"(B) under subsection (a)(2), the maximum fine, if not otherwise larger, that may be imposed is $5,000,000.

"(c) DEFINITIONS.—As used in this section—

"(1) the term 'foreign instrumentality' means any agency, bureau, ministry, component, institution, association, or any legal, commercial, or business organization, corporation, firm, or entity that is substantially owned, controlled, sponsored, commanded, managed, or dominated by a foreign government;

"(2) the term 'foreign agent' means any officer, employee, proxy, servant, delegate, or representative of a foreign government;

"(3) the term 'trade secret' means all forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing if—

"(A) the owner thereof has taken reasonable measures to keep such information secret; and

"(B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, the public; and

"(4) the term 'owner', with respect to a trade secret, means the person or entity in whom or in which rightful legal or equitable title to, or license in, the trade secret is reposed.

"(d) CRIMINAL FORFEITURE.—

"(1) Notwithstanding any other provision of State law, any person convicted of a violation under this section shall forfeit to the United States—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit or facilitate the commission of such violation, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense.

"(2) The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this section, that the person forfeit to the United States all property described in this section.

"(3) Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections (d) and (j) of such section, which shall not apply to forfeitures under this section.

"(e) ORDERS TO PRESERVE CONFIDENTIALITY.—In any prosecution or other proceeding under this section, the court shall enter such orders and take such other action as may be necessary and appropriate to preserve the confidentiality of trade secrets, consistent with the requirements of the Federal Rules of Criminal and Civil Procedure, the Federal Rules of Evidence, and all other applicable laws. An interlocutory appeal by the United States shall lie from a decision or order of a district court authorizing or directing the disclosure of any trade secret.

"(f) CIVIL PROCEEDINGS TO ENJOIN VIOLATIONS.—

"(1) GENERALLY.—The Attorney General may, in a civil action, obtain appropriate injunctive relief against any violation of this section.

"(2) EXCLUSIVE JURISDICTION.—The district courts of the United States shall have exclusive original jurisdiction of civil actions under this subsection.

"(g) TERRITORIAL APPLICATION.—

"(1) This section applies to conduct occurring within the United States.

"(2) This section also applies to conduct occurring outside the United States if—

"(A) the offender is—

"(i) a United States citizen or permanent resident alien; or

"(ii) an organization substantially owned or controlled by United States citizens or permanent resident aliens, or incorporated in the United States; or

"(B) an act in furtherance of the offense was committed in the United States.

"(h) NONPREEMPTION OF OTHER REMEDIES.—This section shall not be construed to preempt or displace any other remedies, whether civil or criminal, provided by United States Federal, State, commonwealth, possession, or territory law for the misappropriation of a trade secret.

"(i) EXCEPTIONS TO PROHIBITION.—

"(1) This section does not prohibit and shall not impair any otherwise lawful activity conducted by an agency or instrumentality of the United States, a State, or a political subdivision of a State.

"(2) This section does not prohibit the reporting of any suspected criminal activity to any law enforcement agency or instrumentality of the United States, a State, or a political subdivision of a State, to any intelligence agency of the United States, or to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 31, United States Code, is amended by adding at the end the following new item:

"670. Protection of trade secrets.".

SEC. 3. WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS.

Section 2516(1)(c) of title 18, United States Code, is amended by inserting "section 670 (relating to economic espionage)," after "(bribery in sporting contests),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I am pleased to speak in favor of H.R. 3723, the Economic Espionage Act of 1996. This bill was introduced by Representative BILL MCCOLLUM, chairman of the Subcommittee on Crime, and cosponsored by Mr. SCHUMER, the ranking minority member of the subcommittee. The bill is based, in large part, on draft legislation forwarded to the Subcommittee on Crime from the Department of Justice and the Federal Bureau of Investigation.

Mr. Speaker, this bill is designed to help Federal law enforcement better combat the theft of proprietary economic information, more commonly known as trade secrets. According to the American Society for Industrial Security, thefts of this type of property cost American businesses approximately $24 billion a year in losses. Generally speaking, these types of crime fall into two broad categories: First, there are thefts by foreign companies, often with the cooperation of foreign governments. The FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organizations from 23 different countries. A number of these countries maintain friendly relations with the United States, yet in some cases these nations take advantage of their access to U.S. information and their ability to collect information more easily than our traditional adversaries. The second category of these crimes are committed by Americans or U.S. nationals who leave their employment and steal proprietary information which they deliver to new employers.

The Federal Government has been frustrated in its attempts to combat this type of crime because existing laws are insufficient. There is no Federal criminal statute which directly addresses economic espionage or the protection of proprietary economic information. The statutes which Federal law enforcement does use to combat this crime were drafted decades ago, long before anyone had conceived of the kind of property we now call "intellectual property." Another obstacle to enforcing these crimes under existing law is that there is no statutory procedure in place to protect the victim's stolen information during criminal proceedings. As a result, victims are often reluctant to prosecute for fear that the prosecution itself will further disseminate the economic information stolen from them.

H.R. 3723 will establish criminal penalties that prohibit the wrongful copying or other acts of wrongfully controlling proprietary economic information if done either to benefit a foreign government, instrumentality, or agent, or disadvantage the rightful owner and to benefit another person. The term proprietary economic information is defined in the bill and includes financial, business, scientific, or economic information as to which the owner has taken reasonable measure to keep confidential and which has value, in part, by virtue of the fact that the information is not widely known.

The bill provides for a significant enhanced penalty if the entity committing the crime is an organization. It also provides for criminal forfeiture of the proceeds of the crime and limited forfeiture of the property used to commit the crime. Additionally, it requires courts hearing cases brought under the statute to enter such orders as may be necessary to protect the confidentiality of the information involved in the case.

Mr. Speaker, this bill gives Federal law enforcement agencies the tools they need to combat economic espionage. It is the product of a bipartisan effort and was reported favorably by a unanimous voice vote of the full Judiciary Committee. I urge all of my colleagues to support its passage today.

□ 1545

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

Mr. HYDE. Mr. Speaker, when the cold war ended, Americans rightly hoped that our national security would no longer be threatened. We soon learned, however, that new or previously overlooked threats would replace the Eastern bloc in the struggle for progress and freedom throughout the world. We learned that evil despots in remote regions of the world could shatter the peace and threaten world stability when it suited their selfish interests. We also learned that ruthless terrorists, willing and able to strike anywhere and at anytime, would pose a growing threat to our Nation's security. But largely overlooked as a threat to our national security is the attack being waged against our Nation's economic interests.

In my opinion, our economic interests should be seen as an integral part of its national security interests, because America's standing in the world depends on its economic strength and productivity.

That's why the measure we are considering today is of great importance. Testimony before the Judiciary Committee's Subcommittee on Crime indicated that economic espionage crimes cost American businesses approximately $24 billion a year in losses. But of even greater concern than those financial losses, and they are significant in themselves, is the fact that a large portion of these thefts are committed by agents of foreign governments or companies. FBI Director Freeh testified that the FBI currently is investigating allegations of economic espionage conducted against the United States by individuals or organization from 23 different countries. Most disturbing is the fact that a number of these countries maintain friendly relations with the United States, yet take advantage of their access to U.S. information and their ability to steal the innovations of American businesses.

Mr. Speaker, we simply cannot allow this type of crime to occur. The Justice Department has told us that the existing laws dealing with the theft of property are insufficient to combat these crimes. And no wonder, those statutes were written in the 1930's. With all of the technological innovation of the computer age, criminals are finding new ways to steal the property—even the intangible property—of others.

I support this bill because it will enact a comprehensive statute to combat this crime. It creates criminal penalties for the wrongful copying or control of trade secrets if done to benefit a foreign government or instrumentality. It also penalizes the wrongful diversion of a trade secret to the economic benefit of someone other than its owners.

Americans have long been known as the most innovative people in the world. It is entirely appropriate that the Federal Government be equipped with the legal tools for protecting U.S. innovations. After all, it is our creative spirit that has made America the leader of the business and financial world. Protecting this position requires protecting our creative developments from unscrupulous international competitors.

Mr. Speaker, simply put, it is in our national interest to prevent economic espionage. This bill will help the Federal Government to fulfill this critical mission. Enacting this measure now is of the utmost importance.

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

Mr. Speaker, I rise in support of the Economic Espionage Act.

Mr. Speaker, I introduced this legislation together with the chairman of the Crime Subcommittee, Mr. MCCOLLUM. The Justice Department came to both of us and identified a serious loophole in current Federal law that applies to the protection of intellectual property.

As America moves toward a high-tech economy, some of most valuable economic assets are intangible. They are plans, formula, inventions and databases. Unfortunately, the Stolen Property Act, written back in the 1930's, applies to physical property and not to these trade secrets that many companies value even more highly. No other statute has been a satisfactory substitute either.

The Economic Espionage Act simply adds a new offense to the law prohibiting the theft of trade secrets. The new provision will help Federal investigators and prosecutors stop economic competitors from pilfering this valuable information. It will also send a clear message to foreign governments, including many of our traditional allies, that are currently spying on America's private companies. Their agents will now be held accountable for their criminal activity.

Two different reports have estimated conservatively that our economy loses $2 billion a month from economic espionage. At our subcommittee hearing in May, we heard from several businesses that had been victimized by industrial spying. Raymond Damadian, CEO of the Fonar Corp., estimated that his 300-person workforce would be twice as large if not for economic espionage.

We cannot, Mr. Speaker, afford to let this loophole remain in our law. American inventiveness is the key to our economy. From Benjamin Franklin to Thomas Edison to Bill Gates, our national ingenuity has been one of our greatest assets, and preserving it is our goal.

Finally, Mr. Speaker, I want to mention two concerns that have been raised as this bill moved through the committee process and explain how each has been addressed in the legislation before us today. This explanation is for the benefit of other Members and also for prosecutors and judges who will interpret this act later on.

First, some Members thought that this legislation might inhibit common and acceptable business practices. For example, employees who leave one company to work for another naturally take their general knowledge and experience with them and no one, no one wishes to see them penalized as a result. Similarly, reverse engineering is an entirely legitimate practice.

Our bill was carefully drafted to avoid this problem. The very high intent requirements and the narrow definition of a trade secret make it clear that we are talking about extraordinary theft, not mere competition.

Second, several Members were concerned that people acting in the public interest as whistleblowers would be subject to the penalties in this bill.

Again, we have carefully fine-tuned the language to avoid this problem. There is a specific exemption for people who report information about suspected criminal activity to government authorities. In addition, the intent requirement for domestic economic espionage specifies that the offender intends to confer an economic benefit to someone other than the owner of a trade secret. If the motivation truly is the well-being of the public, the activity is not covered by this intent requirement. In other words, we are talking about thieves, not whistleblowers, and the legislation makes that clear.

I am pleased we were able to advance this better than legislation on a bipartisan basis. I urge my colleagues to support it.

Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. LOFGREN] who represents parts of Silicon Valley and has been an instrumental leader on this issue.

Ms. LOFGREN. Mr. Speaker, as we look ahead to the next century, I think all of us or many of us realize that our prosperity in America is going to be based on knowledge and information. In my county we have added over 50,000 jobs in 1 year's time. We have unemployment of 3.7 percent, and that is fueled by technology, it is fueled by high-skilled jobs and information. If we do not take steps to protect knowledge and information, as this bill does, we will face adverse economic consequences in Silicon Valley and ultimately throughout the United States.

So I commend the ranking member and the chairman for this bill and urge my colleagues to support it.

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman from California [Ms. LOFGREN] for her remarks and support.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Economic Espionage Act, which passed the House Judiciary Committee by voice vote. This bill would specifically make it a Federal crime to steal trade secrets from American companies. Currently, the theft of trade secrets has been prosecuted under laws such as wire fraud, mail fraud, and the interstate transportation of stolen property.

Under this bill, if the intent of stealing a trade secret is to benefit a foreign company or foreign government, the individual charged with economic espionage would be subject to a maximum fine of $10 million and 25 years in prison. If foreign espionage is not involved, the penalty would be punishable by up to $5 million and 15 years in prison. Additionally, any property derived from the crime would be subject to forfeiture.

This bill is long overdue. We must do everything that we can to enable American businesses to compete on a level playing field with the rest of the world and this bill will help us to achieve this goal.

Mr. BUYER. Mr. Speaker, I congratulate the gentleman from New York [Mr. SCHUMER] on the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

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

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

The point of no quorum is considered withdrawn.

PAROLE COMMISSION PHASEOUT ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1507) to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes, as amended.

The Clerk read as follows:

S. 1507

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 "Parole Commission Phaseout Act of 1996".

SEC. 2. EXTENSION OF PAROLE COMMISSION.

(a) IN GENERAL.—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as it related to chapter 311 of title 18, United States Code, and the Parole Commission, each reference in such section to "ten years" or "ten-year period" shall be deemed to be a reference to "fifteen years" or "fifteen-year period", respectively.

(b) POWERS AND DUTIES OF PAROLE COMMISSION.—Notwithstanding section 4203 of title 18, United States Code, the United States Parole Commission may perform its functions with any quorum of Commissioners, or Commissioner, as the Commission may prescribe by regulation.

(c) REDUCTION IN SIZE.—

(1) Effective December 31, 1999, the total number of Commissioners of the United States Parole Commission shall not be greater than 2. To the extent necessary to achieve this reduction, the Commissioner or Commissioners least senior in service shall cease to hold office.

(2) Effective December 31, 2001, the United States Parole Commission shall consist only of that Commissioner who is the Chairman of the Commission.

(3) Effective when the Commission consists of only one Commissioner—

(A) that Commissioner (or in the Commissioner's absence, the Attorney General) may delegate to one or more hearing examiners the powers set forth in paragraphs (1) through (4) of section 4203(b) of title 18, United States Code; and

(B) decisions made pursuant to such delegation shall take effect when made, but shall be subject to review and modification by the Commissioner.

SEC. 3. REPORTS BY THE ATTORNEY GENERAL.

(a) IN GENERAL.—Beginning in the year 1998, the Attorney General shall report to the Congress not later than May 1 of each year through the year 2002 on the status of the United States Parole Commission. Unless the Attorney General, in such report,

certifies that the continuation of the Commission is the most effective and cost-efficient manner for carrying out the Commission's functions, the Attorney General shall include in such report an alternative plan for a transfer of the Commission's functions to another entity.

(b) TRANSFER WITHIN THE DEPARTMENT OF JUSTICE.—

(1) EFFECT OF PLAN.—If the Attorney General includes such a plan in the report, and that plan provides for the transfer of the Commission's functions and powers to another entity within the Department of Justice, such plan shall take effect according to its terms on November 1 of that year in which the report is made, unless Congress by law provides otherwise. In the event such plan takes effect, all laws pertaining to the authority and jurisdiction of the Commission with respect to individual offenders shall remain in effect notwithstanding the expiration of the period specified in section 2 of this Act.

(2) CONDITIONAL REPEAL.—Effective on the date such plan takes effect, paragraphs (3) and (4) of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) are repealed.

SEC. 4. REPEAL.

Section 235(b)(2) of the Sentencing Reform Act of 1984 (98 Stat. 2032) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentleman from New York [Mr. SCHUMER] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, in the Sentencing Reform Act of 1984, Congress abolished parole in the Federal system, and decided to phase out the Parole Commission. In 1990, Congress extended the time line for this phaseout by an additional 5 years, because there were still several thousand parole-eligible offenders in the Federal system and the Sentencing Reform Act had not made any provisions for the necessary, ongoing functions of the Commission.

The Commission is currently set to expire November 1, 1997, and S. 1507, the Parole Commission Phaseout Act, would extend the Commission for an additional 5 years. If this bill is not enacted, the Commission must soon begin to take steps in preparation for shutting down the agency.

There are several considerations which justify support for S. 1507. At the end of fiscal year 1996, there will still be approximately 6,700 parole-eligible, old law defendants in the Federal system. Constitutional requirements, specifically the ex post facto clause, necessitate the extension of the Commission or the establishment of a similar entity. Otherwise, those remaining old law offenders will file habeas corpus petitions seeking release on the grounds that their right to be considered for parole had been unconstitutionally eliminated.

S. 1507 also includes provisions to guarantee the continued downsizing of the Parole Commission. It directs the Attorney General to report to Congress not later than May 1 of each year on the most cost-efficient and effective method for continuing the Parole Commission's functions.

It also allows the Attorney General to provide an alternative plan for another entity to carry out those functions. If the Attorney General decides there should be a transfer to another division within the Department of Justice, the transfer can take effect automatically on November 1 of that year, unless Congress acts otherwise.

This bill also mandates the reduction in size of the number of commissioners. By the end of 1999, the number of commissioners shall not be greater than two, and by the end of 2001, the only remaining commissioner shall be the chairman.

It is necessary for Congress to pass this legislation this year to end any confusion concerning the ongoing functions of the Commission. Under the current law, the Commission will soon be required to set final release dates for the old law prisoners.

This bill will extend the life of the Parole Commission, which at this point in time is necessary. But this bill will also force the Department of Justice to continue to monitor the number of old law offenders presently in the Federal system and to report to Congress on the progress of the phaseout.

As the number of old law offenders decreases, it will soon be possible for another entity to handle all the Parole Commission's functions. The Parole Commission is supportive of this bill.

Mr. Speaker, on behalf of the gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime, I would like to thank the gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, for his cooperation in moving this legislation. I urge my colleagues to support the bill.

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

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

Mr. Speaker, I rise in support of the bill, and I agree with the gentleman from Indiana. This bill does deserve passage, both from the point of view of tough law enforcement as well as from the point of view of reinventing government.

As the gentleman mentioned, were we not to take this action, prisoners who have a constitutional right to have their parole status reviewed, would have the ability to file habeas petitions and seriously muck up the works in our Federal courts. That is not a desirable outcome for law enforcement in the United States, and this bill prevents that from happening.

But, Mr. Speaker, it also does allow and really mandates that the Commission downsize and then terminate itself as the need to deal with the old law prisoners decreases and eventually disappears.

□ 1600

I urge my colleagues to support this bill. I would urge, also, that the Parole Commission explore some of the opportunities that may be available to it to reduce costs even further. As we mentioned in one of the hearings, in California, there are jurisdictions that are using interactive video conferencing to decrease the costs of moving prisoners or moving hearing officers. These are all ideas that can be pursued administratively to further cut costs. I hope that the commission will explore them fully. I am aware of no legislative action to accomplish any of them. I would urge passage of this bill.

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

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the Senate bill, S. 1507, as amended.

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

A motion to reconsider was laid on the table.

CARJACKING CORRECTION ACT OF 1996

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3676) to amend title 18, United States Code, clarify the intent of Congress with respect to the Federal carjacking prohibition, as amended.

The Clerk read as follows:

H.R. 3676

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 "Carjacking Correction Act of 1996".

SEC. 2. CLARIFICATION OF INTENT OF CONGRESS IN FEDERAL CARJACKING PROHIBITION.

Section 2119(2) of title 18, United States Code, is amended by inserting ", including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title" after (as defined in section 1365 of this title".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. BUYER] and the gentlewoman from Colorado [Mrs. SCHROEDER] will each control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. BUYER].

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, H.R. 3676, the Carjacking Corrections Act, amends section 2119(2) of title 18, United States Code, to clarify that rape constitutes a serious bodily injury for the purposes of the penalty enhancement provided in the Federal carjacking statute.

Mr. Speaker, few crimes are as vicious as carjackings. It is a tragic reflection of our time that victims of carjackings are actually glad that they only lost their car. It is a sad day when people can say they are happy to have just been abandoned, often at night, far from home, having just had one of their most valuable pieces of property taken from them. But these victims know they could have been raped or killed. Could we ever forget the story of Pamela Basu, who died in a horrible carjacking right here in our Nation's Capital when she was dragged for a mile and a half while trying to rescue her 2-year old daughter who was still in the backseat of the car? Many Americans witnessed that account on our national news. Carjackers are some of society's most ruthless criminals—when we talk about carjackers, we are not just talking about car theft, we are talking about violent predators.

Mr. Speaker, the federal carjacking law, section 2119(2) of title 18, currently allows for an additional 10 years in prison if serious bodily injury results from a carjacking. Serious bodily injury is defined in title 18 as "a substantial risk of death," "extreme physical pain," "protracted and obvious disfigurement," or "protracted loss or impairment of a bodily member, organ or mental faculty." Under this bill serious bodily injury, for purposes of the penalty enhancement under the carjacking statute, will include sexual abuse and aggravated sexual abuse, as already defined in title 18.

This legislation is responsive to a First Circuit Court of Appeals decision, on May 21 of this year, overturning a district court opinion in which a carjacking received a penalty enhancement for raping his victim. The first circuit panel held that rape was not a serious bodily injury. One first circuit judge requested that the first circuit have a rehearing *en banc* to further review this issue, and this request was denied. H.R. 3676 clarifies any confusion Federal judges may have about whether a carjacker can get a penalty enhancement for rape. The answer is an unequivocal yes.

This legislation does not create any new Federal crime or expand Federal jurisdiction in any way. It does not even create a penalty enhancement scheme under the carjacking statute—that enhancement already exists in the law. All this bill does it make clear that anyone who commits rape during the course of a carjacking will get a longer, and certainly well-deserved, term in prison.

I urge my colleagues to support this bill. I also congratulate the gentleman from Michigan [Mr. CONYERS], for introducing it.

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

Mrs. SCHROEDER. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the bill, the Carjacking Corrections Act of 1996.

Mr. Speaker, I want to commend the gentleman from Michigan, Mr. JOHN CONYERS, ranking Democrat on the Committee on the Judiciary. He has been phenomenal in his leadership in getting this bill drafted and moving it.

Mr. Speaker, we really should not have to be here. This is an absolute outrage that the first circuit did. The Carjacking Correction Act responds to their decision. This decision that was recently issued by the first circuit said that for purposes of sentencing enhancement, rape was not serious bodily injury.

I wish they would tell the average American woman that. I think that they would be absolutely stunned to find out that there could be gentlemen sitting on the bench that would think that. And by the way, it was only gentlemen who voted that way.

This bill makes it very clear that the Congress thinks that rape by itself does constitute a serious bodily injury. Under the first circuit decision, it would be possible that a carjacker who broke someone's arm while carjacking would receive a stronger sentence and a longer sentence than somebody who raped their victim. Now, I really find it incredible that somebody could say that was a logical distinction.

The repercussions of this decision have become apparent already. There was a woman in Boston who was carjacked and driven to New Hampshire where she was raped. Then she was returned to Boston. Now we find because living in Massachusetts she is in the first circuit, the rape will go unpunished because of this group's decision that that would not justify sentencing enhancement.

The person who took her over the border to do that will only get a sentencing on the carjacking.

The first circuit includes the States of Massachusetts, Vermont, Maine, New Hampshire, Puerto Rico, and the Virgin Islands. I think that anyone who lives in those areas will be very pleased if the Congress could get this corrected as fast as possible. Mr. Speaker, I want to say here today that I do not think anyone in this body ever intended that. I cannot imagine how they could possibly think we intended that when we dealt with the carjacking issue and sentence enhancement.

There was only one woman sitting on the First Circuit Court of Appeals. Her name was Judge Sarah Lynch. she requested that the case that we are correcting today be reheard en banc. But the majority voted against that rehearing. In her dissent, Judge Lynch wrote very strongly that she believed this result was clearly contrary to the intent of the statute and to what the Congress had intended. Well, Judge Lynch, you are absolutely right. The Committee on the Judiciary, after Congressman CONYERS got the bill together, voted unanimously to report this bill to the floor. I would hope every one of my colleagues will vote yes on this bill so we can correct it as soon as possible, especially for the people who are living in that area.

I particularly want to thank committee counsel Melanie Sloan. She has worked so diligently on this matter and has really done a yeoman job, and everyone else on the committee for bringing it forward.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I also urge adoption of this bill. I would also like to concur in the comments made by the gentlewoman from Colorado [Mrs. SCHROEDER]. We should not have to enact this amendment to the act. I think it is absolutely clear that rape is serious bodily harm. I very much respect the independence of the judiciary and the three branches of Government, but that a court could actually rule that rape does not constitute serious bodily injury is ludicrous.

I was not a member of the Congress when the original bill was passed. But in talking to the authors and those who worked on the bill, it is very clear, not only from what their intent was but also just by reading the statute itself, that the decision of the first circuit turns reality on its head and will lead to a wrong result.

Mr. Speaker, I would just like to say one more thing. This decision is one more piece of evidence of why we need more women on the Federal bench. I love men. My father is one, my husband is one, and my son. But I think if we had as many women on the bench as there are women in society, we would not have had this absolutely outrageous result in the first circuit.

I hope that we pass this bill. I also hope that, as we move forward in the

coming years, we will see many more qualified women on the Federal bench and prevent this kind of ridiculous result.

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

I thank the gentlewoman from California. The gentlewoman is absolutely right. You show me an American woman who tells you that rape is not a serious bodily injury, I want to see that person come forward. I think it is shocking that we would have males sitting on the court of appeals that would say that.

Nevertheless, we are correcting it today. I urge everyone to vote a strong, strong, strong aye.

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

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

I do not have to be shot by a bullet to understand pain. A man can be compassionate, can have sincerity, can love. I find it offensive that anyone can allege that judicial rulings based on one's gender are somehow what is wrong. I find it offensive, I have to say that. I believe that bad decisions are bad decisions regardless of chromosomes. I am going to stand here and say that, if there have been bad decisions that come from the court, if they are made from a woman, if they are made from a man, you are looking through it through the dimension of gender.

I support this bill because a bad judicial decision was made. Rape is serious bodily injury. The court should have taken it into account. As for the sidebar comments, I believe that they are out of place.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. Mr. Speaker, I will not yield, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the Carjacking Correction Act of 1996, which was introduced by Congressman JOHN CONYERS. This legislation makes it clear that rape is included in the definition of serious bodily injury for purposes of the Federal carjacking statute. The current carjacking statute contains a provision that enhances the sentence for carjacking if serious bodily injury occurs during a carjacking. This legislation is necessary because a recent Federal circuit court of appeals decision involving carjacking held that rape was not a serious bodily injury. This court decision is very unfortunate.

There is no question that a rape is a serious bodily injury and we must make it very clear that all Federal courts understand that it should be considered in this manner. Current Federal law defines serious bodily injury as "a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of a bodily member, organ or mental faculty". This legislation would clarify the current law by clearly defining sexual assault as a serious bodily injury. We must ensure that the Federal courts do not commit the mistake again that occurred in a recent court case. I strongly support this bill and urge my colleagues to support this important principle.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3676, as amended.

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

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3803) to authorize funds for the George Bush School of Government and Public Service, as amended.

The Clerk read as follows:

H.R. 3803

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 "George Bush School of Government and Public Service Act".

SEC. 2. GRANT AUTHORIZED.

In recognition of the public service of President George Bush, the Secretary of Education is authorized to make a grant in accordance with the provisions of this Act to assist in the establishment of the George Bush Fellowship Program, located at the George Bush School of Government and Public Service of the Texas A&M University.

SEC. 3. GRANT CONDITIONS.

No payment may be made under this Act except upon an application at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may require.

SEC. 4. APPROPRIATIONS AUTHORIZED.

There are authorized to be appropriated for fiscal year 1997 such sums, not to exceed $3,000,000, as may be necessary to carry out the provisions of this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on October 1, 1996.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania, Mr. GOODLING, and the gentleman from Texas, Mr. GENE GREEN, will each control 20 minutes.

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

Mr. HOEKSTRA. Mr. Speaker, I am opposed to this bill, and I ask if the gentleman from Texas is in true opposition?

Mr. GENE GREEN of Texas. Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. HOEKSTRA] in opposition to the bill?

Mr. HOEKSTRA. Yes, Mr. Speaker, I am.

The SPEAKER pro tempore. Pursuant to the rules of the House, the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Michigan [Mr. HOEKSTRA] will each control 20 minutes.

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

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of my 20 minutes be controlled by the gentleman from Texas, Mr. GENE GREEN.

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

There was no objection.

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

Mr. GOODLING. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, H.R. 3803 is legislation that pays tribute to a great President and a wonderful friend. The bill is entitled the George Bush School of Government and Public Service Act.

Some of my colleagues may be opposed to the bill. Some of them are Johnny-come-lately when it comes to trying to cut down the number of programs that are here since I led the fight to do that, as far as the Taft Institute is concerned, because they continued to fund it.

The beauty of this is it is a 1-year funding. The beauty of this is, instead of spending a whole lot of money building some monument someplace that the taxpayer has to buy or pay for or to spend a whole lot of money to set up some park in memory of a wonderful President, a great friend, this is done one time only because of an amendment that I offered to the legislation. It must be spent, if appropriated, in 1997.

H.R. 3803 is legislation that pays tribute to a great President and wonderful friend. The bill is titled the "George Bush School of Government and Public Service Act."

The purpose of the bill is to authorize the Secretary of Education to provide grant assistance to the Texas A&M University for the establishment of the George Bush Fellowship Program. This one-time authorization will ensure that the George Bush Fellowship Program gets off to a solid start.

The George Bush School will be offering advanced degrees in public administration and international affairs. Some very fortunate students will have the opportunity to learn from someone with first hand experience in both of those areas. President Bush has agreed to play an active role in teaching these lucky students drawing from his years of experience in the Congress and the Oval Office.

Some of my colleagues may be opposed to this bill since it authorizes a new program at a time when this Congress is trying to limit

programs. That's why the manager's amendment I submitted limits the Federal Government's involvement to a one time appropriation that must take place in fiscal year 1997 if money is going to be appropriated by the Appropriations Committee. The Federal Government is not authorized to provide any additional funds for the program after fiscal year 1997. The university will be on its own when it comes to funding the program. In addition, any funds appropriated for this program may not be released to Texas A&M University until the Secretary of Education receives an application containing such information as the Secretary determines necessary.

The Federal Government is not going to dictate the details of the program. Instead we are going to provide seed money to start the program. We are going to allow the Secretary of Education and the University to determine the best way to use that seed money in starting the program. Then, we are going to get the Federal Government out of the way and let the private sector fund and operate the program.

Our colleagues in the other body have indicated their support for this tribute to President Bush by designating funds in the Labor/HHS/Education Appropriations bill for the George Bush Fellowship Program subject to passage of this authorizing legislation.

The George Bush Fellowship Program is an excellent tribute to an outstanding public servant that also gives students the opportunity to learn from a fine leader and a fine man.

I urge all of my colleagues to support this tribute to President Bush.

□ 1615

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

Mr. Speaker, I join my colleagues to honor former President George Bush, but I choose to do so in a very different way, by limiting the Federal Government and working toward a balanced budget, not by creating a new fellowship program. Supporters of H.R. 3803 have good intentions, but the goal of honoring former President George Bush can better be accomplished by resisting the urge to create yet another program and spending more Federal dollars.

The new Bush School at Texas A&M is certainly a fitting tribute to former President Bush. President and Mrs. Bush are committed to teach and live in the area. I applaud his dedication to students and to working with this school and this Texas community to make a difference in the education of our young people.

The enthusiasm for launching this new fellowship has caused very generous Members of Congress, I believe, to live outside of their means. Let us have a check on the Federal Government. Do we believe government is too small? Do we believe we have too few Federal education programs? By our count and by the count of the executive branch we already have over 760. Do we need 761?

The most honorable thing that Congress can do for George Bush is to review our current programs, figure out what works, what does not work, and pursue creative ways to improve education. Creativity will not lead us to enacting yet another Federal education program and spending additional funds. Until we have gained an adequate understanding of the effectiveness of these 760 programs, we should not add another program to that list.

President Bush was an advocate of 1,000 Points of Light. That philosophy still lives in the hearts of all Americans, that we can do so much more privately than with Federal funds.

We do not need this legislation to accomplish its goal. This bill, though well-intentioned, perpetuates the myth that Washington can and should create effective education programs in the place of the private sector or State and local organizations. We are masters of buying constituencies with other people's money, a program here, a program there. It sounds good, it makes us feel important; it is what we do. We spend money. This is one time where we should resist that urge.

It is a myth that this money we are spending today will help America. It does not honor George Bush. It honors the Washington spending myth. Citizens Against Government Waste, the National Taxpayers Union, and Taxpayers for Common Sense all agree that this is unnecessary new Federal spending.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume, and I thank the chairman of our committee for sharing this time with me.

Mr. Speaker, I rise in support of H.R. 3803. This legislation is a good example about how a one-time small investment by the Federal Government can create a new and self-sufficient program that assists young people at a very fine institution in Texas, Texas A&M, and also recognizes the contributions of former President George Bush and the Bush School of Public Affairs at Texas A&M. Public service. The school is scheduled to be opened in the fall of 1997 in conjunction with George Bush Presidential Library and Museum, and Texas A&M will initiate a private fund drive that will raise much more than the $3 million that is authorized in an effort to endow the Bush Fellows and programs in future years.

I support this legislation because it makes a difference in the lives of these students, will help them learn how to work with our government, and again it honors former President Bush, who served this country not only as President, but in many other capacities.

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

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague the gentleman from Wisconsin [Mr. NEUMANN].

Mr. NEUMANN. Mr. Speaker, I, too, have the greatest respect for President Bush and his commitment to our great country and the many efforts that he and his family have put in for the good of the future of America. President Bush paid a huge price to do what he believed was in the best interests of the future of our country, and paid that price in order to move this Nation closer to a balanced budget.

Now we stand here today talking about spending money on his behalf, and I could not agree with my colleague from Michigan more, that the appropriate way to honor President Bush and his family today is by defeating this particular bill and helping this Nation move closer to a balanced budget.

We are currently $5.2 trillion in debt, $5.2 trillion, $20,000 for every man, woman and child in the United States of America. This is a wonderful program; it is a wonderful idea. The problem that we have with it is we cannot afford it. There are many wonderful ideas out there; the bottom line is we have got to ask ourselves whether or not we can afford the ideas.

We currently have 760 educational programs federally funded. The U.S. Federal Government has 760 different educational programs. Why would we want to go today and add another program to that list?

The other thing is Citizens Against Government Waste, a well-respected organization here in Washington, as well as National Taxpayers Union, representing many citizens from across the United States of America, are opposed to this, and they are opposed to it for those very reasons, that we are in fact $5 trillion in debt and we need to start doing what is right for the future of this country.

The best thing we can do is defeat this so we can keep moving toward a balanced budget, to preserve this Nation for our children and grandchildren while preserving and protecting Social Security and Medicare for our senior citizens and working to reduce the tax burden on our working families so they can keep more of their hard-earned money.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I rise in very strong support of this very important legislation that has been endorsed and supported by a bipartisan coalition of the House of Representatives. We have the chairman, the subcommittee chairman, I believe, the ranking Democrat on the authorizing committee, on the subcommittee and full Committee of Appropriations; we have both the ranking members and the majority members in support of it. We have both leadership groups in the House in support of it. This is a living

memorial to a former Member of the House of Representatives, to a former Vice President and, obviously, to a former President of the United States of America.

This money is very consistent with other memorials that have been authorized by the Congress for other Presidents. President Kennedy; we have a program that gives approximately $4 million a year to the Kennedy Center here in Washington, DC. We have the Woodrow Wilson School. We have the Eisenhower College, which received $5 million back in 1968. We have the Hoover Institution, which received $7 million in 1975. We have the Harry S. Truman Scholarship Fund that has received several million dollars from the Government.

President Bush is very supportive of this legislation. I have a letter dated June 10 that I will put into the RECORD. I will read part of it.

Your proposal for creating a George Bush Fellowships is excellent. I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence that we have set.

I want to reiterate to my colleagues President Bush, who is going to spend approximately 3 days a week at the school interacting with the students, Mrs. Bush, who is also going to spend 3 days a week at the school, did not want a post office named after the President, they did not want a plaque somewhere, they did not want a monument. They wanted money that would go to future generations of America, the best and the brightest.

I hope that we will unanimously support this legislation.

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

JUNE 10, 1996.

CHARLES F. HERMANN,
Director, George Bush School of Government and Public Service, Texas A&M University, College Station, Texas.

DEAR CHUCK, your proposal for creating a George Bush Fellowships is excellent, and I am delighted to give you my enthusiastic support. The concept of facilitating promising students coming to our school is wholly consistent with the standards for excellence we have set. I would be pleased to have my name associated with future generations who intend to pursue careers in public service.

In response to your query about my willingness to interact with those who are awarded these fellowships, let me affirm what I have said in the past: I very much want to be involved on a continuing basis with the Bush School, its faculty, and its students. Barbara and I would particularly enjoy the chance to get acquainted with fellowship students in appropriate ways that would underscore their outstanding merit.

By all means, keep me posted on your progress.

Sincerely,

GEORGE BUSH.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. LUTHER].

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

Mr. Speaker, I rise in opposition to H.R. 3803. Once again we are on the floor of the House debating an expenditure by Government, this time the issue being whether to spend yet another $3 million we do not have.

Like my colleagues, I recognize the good intentions of the sponsors of this legislation, and I respect President Bush's service to our country. But that is not the issue before us today. I oppose this bill, like so many others, for one reason. We simply do not have the money.

Passing this legislation would provide further credibility to the phrase "some things never change," and that, it seems to me, is exactly what is worrying the American people today. They want Congress to begin acting responsibly and not to be spending money we do not have.

There has been a great deal of debate in this Congress about various levels of education funding, and in the next Congress we have the major task of reauthorizing the Higher Education Act.

Let us exercise some common sense today. In a time of fiscal restraint let us first review the efficiency and effectiveness of existing programs before we start funding new ones. Let us not lose our focus as we near the end of the session. The people of America are still waiting for a balanced budget. Let us get on with that task.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague and good friend the gentleman from Mississippi [Mr. MONTGOMERY].

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

Mr. Speaker, I rise in support of this legislation to provide funds to the George Bush School of Government.

Mr. Speaker, we have helped other Presidents and we have helped former Members of Congress and former Members and Presidents from those who oppose this bill today. We have helped those individuals. I certainly rise in support of these endowments for schools, in appreciation for the service that these different individuals have given.

President Bush had a very productive 4 years. He helped bring about the end of the cold war with Russia and other Communist nations in Europe. His actions reduced the threat of nuclear war and started the movement to destroy and reduce the number of nuclear weapons. His handling of the Persian Gulf, Mr. Speaker, was outstanding and brought great pride to our Nation and to our military forces.

President Bush worked hard toward being the education President, and Barbara Bush continues to work in the field of literacy. I feel very strongly that these funds will help others to achieve goals that they have dreamed about and prayed about.

In almost 30 years of public service George Bush has never embarrassed this country, and he has tried in every way to help and not hurt President Clinton in his foreign policies, especially in Iraq and Bosnia.

I hope all Members will vote for this legislation. It makes sense, it is not a big cost, costs less than one missile we are shooting now to help out a great President.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Minnesota [Mr. MINGE].

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

Mr. Speaker, I would like to make it clear that this is not legislation which is in any way concerning President Bush's distinguished service to this country. The controversy, instead, is over whether or not we create yet another special fellowship program in addition to the 760 that we already have on the books. The question is whether or not we are going to consolidate and somehow streamline some of our activities or if we are going to continue to have this sort of unravel into a series of programs that are almost impossible for us to oversee in Congress.

I certainly would join and associate myself with the remarks of my colleagues from Pennsylvania and Mississippi about the distinguished career of President Bush, but I think that there is no more distinguishing tribute to his service in this body and as the President than to say that we are going to practice the type of austerity and fiscal responsibility that he so well preached himself. I am sure that both President Bush and Barbara Bush would still be happy to contribute their services to this great university and teaching students without having a special appropriation or program that is passed by this Congress that is in violation of the very principles that President Bush stood for.

□ 1630

I would urge my colleagues to join with me and others in opposing this special authorization, and, instead, vote for the fiscal austerity and responsibility that we are all so deeply committed to.

Mr. GOODLING. Mr. Speaker, worrying that Hubert Humphrey may be uncomfortable in his grave, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, I rise in strong support of this legislation. Each year on the Interior appropriations bill we spend millions and millions of dollars on memorials that are visited by people. How far better to spend the money on a living memorial where young leaders, potential leaders, will have an opportunity to learn and share insights with President Bush and First

Lady Barbara Bush who have both served this Nation so well.

George Bush stands for all that is good in America: A patriot, military service for his country with valor, a man of compassion and courage. As a matter of fact, as a young Congressman, he had the courage to vote for fair housing when it was not popular. I urge every one of my colleagues to vote for this bill.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Texas [Mr. DE LA GARZA], dean of the Texas delegation.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the legislation. Let me say at the outset that I cannot understand the praise and then the meat-ax approach.

I challenge anyone to deny my commitment to a balanced budget. I introduced a balanced budget amendment 30 years ago, so I do not want anyone that has been here one or two terms saying that we who try and do something constructive, that we have to go after a balanced budget with a meat-ax. I am offended that anyone in honesty would say that this is a bust-the-budget type situation.

There is no need for me to discuss what George Bush did in his lifetime, his contribution, that of his wife, his family. Members are fixing, under the guise of balancing the budget, to embarrass a former President of the United States, the father of the Governor of Texas, saying we are going to balance the budget no matter what; when I daresay many are asking for a canal here and a building there, just go to the Committee on Appropriations, just go to the committees that fund, and many of those that might vote against it are looking for something in their area.

Mr. Speaker, this is an investment in the future, that is what it is, working with the young people at a great institution Texas A&M so, that we might recognize what George Bush contributed to this country; let me repeat again, not because he is my friend, not because he was my colleague, not because he was the President, not because he was a Vice President, but because there are right things to do and this is one of them.

Sometimes we get misdirected. This balance the budget with a meat-ax approach just will not do it. I will support the legislation in honor of this great man, and ask all of my colleagues to do so.

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

Mr. Speaker, as I have talked with my colleagues who are sponsors of this bill, they have laid out a record of significant achievement by Texas A&M on this project. Texas A&M has already raised significant dollars, either at the State level or through private contributions, for the work that will go on at this school. They have demonstrated that they can move forward without our help.

Mr. Speaker, I think, as we move forward, the tribute here is not about the work that George Bush has done, or did, as President or did as a congressman in service to his country. It is about, at this point in time, whether we go forward and appropriate another $3 million for an institution that will celebrate the conservative principles and the balanced budget for which he fought so hard.

The important thing is that we show fiscal restraint, that we do not continue doing business as we have done business in the past. I have taken a look at the letter that George Bush wrote to Mr. Herman, who is the director of the George Bush School of Government and Public Service. The former President talked strongly in favor of the fellowship program. In his letter, he does not talk or address the issue about whether it should be federally funded.

I think that the best tribute to this program is to continue going along in the direction that Texas A&M has done so admirably, which is pushing for private funding and private donations to make sure that this program gets off on the right foot.

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

Mr. GOODLING. Mr. Speaker, I yield 45 seconds to the gentleman from Pennsylvania [Mr. CLINGER].

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

I rise in very strong support of H.R. 3803. What a wonderful way to recognize a wonderful man and an outstanding President, and his wife, Barbara.

I think it is instructive to point out that this is the sort of thing that George Bush would like to have as recognition of his service. He did not want the equivalent, today's equivalent of an equestrian statue, some sort of plaque or grandiose recognition of his service. He wanted to have something that would really make a difference in young people's lives.

This fellowship program is going to do just that with the incredible leverage that this program is going to create with a $3 million investment, and I look at it as an investment in the future of this country, because it is investing in young people, versus the $25 million or more that the university is prepared to contribute. I think that is so very, very significant.

The other important thing is that this President and his wife are going to participate in this fellowship program. I urge strong support for this bill.

Mr. HOEKSTRA. Mr. Speaker, I would ask, do I have the right to close?

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER], as chairman, has the right to close.

Mr. BARTON of Texas. Mr. Speaker, if the gentleman will yield, if he will change his position and agree to the bill, I am sure the chairman would give him the right to close.

Mr. HOEKSTRA. Mr. Speaker, that is an interesting idea, but I do not think I will take the gentleman up on that.

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

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Speaker, of course, I rise in support of the bill. It is hard for me to understand how some people can complain about a $3 million expenditure. It is matched immediately by a $25 million expenditure by the State of Texas and Texas A&M University. It is not $3 million that invites other money in the future, it is a one-time deal. They wanted $5 million for Hubert Humphrey not too long ago.

It is hard to see how they can complain about something like this for education, that educates a lot of youngsters. Education is the answer to petitions to Federal courts and mobs in the streets. If there is any answer, it is education. I do not understand how they can stand here and vote to send $16 billion to $17 billion overseas in foreign aid and complain about $3 million to help some youngsters get educated.

Mr. Speaker, I think certainly for George Bush, a friend of mine, a longtime friend, I am pleased to speak on behalf of this. He was a leader in everything he did. He served as a carrier-based torpedo bomber pilot in the Navy during World War II, was in many major battles. Even, at one time, he was shot down, picked up by a PT boat. He also served as congressman, ambassador, CIA director, Vice President, and ultimately President.

Other than possibly Thomas Jefferson, he brought the greatest portfolio into the Presidency of any of his predecessors, and probably any since. He served his country for many years. I just think that today, if we pass H.R. 3803, we in Congress say to our President, to George Bush and his great family, we respect you, your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. Speaker, I am pleased to speak today on behalf of H.R. 3803, the George Bush School of Government and Public Service Act. This bill will authorize one-time funding which will help establish the George Bush fellowship program at the former President's School of Government and Public Service.

Mr. Speaker, George Bush was a leader in everything he did. He served as a carrier-based Torpedo Bomber pilot in the Navy during World War II—was in many major battles and was even, at one time, shot down and picked up by a PT boat. He also served our country as a Congressman, Ambassador, CIA

Director, Vice President and, ultimately, President. Other than possible Thomas Jefferson, he brought the greatest portfolio into the Presidency of all of his predecessors. He served our country for many years, and in so doing, he served the world. He was a leader for a greater America and through his leadership, he shaped for us and for future generations a better world.

As we pass this bill, we will have the opportunity to honor President Bush like we have no other former President. As a man who dedicated his entire life to public service, I can think of no greater honor than to help establish an educational program geared toward public service in his name. Rather than constructing a building, a statue, or a park in his honor, we will be investing in the future of our country. We will be helping to produce leaders and public servants who will be proud graduates of the George Bush School of Government and Public Service, and who will go on to follow President Bush's noble example of selfless leadership and public service.

President Bush is aware of this new fellowship initiative and has committed to becoming personally involved with the educational program of his school and, in particular, with the George Bush fellows. The leadership opportunities for these fellows and the close, personal interaction they will have will be unmatched in the world. These students will be learning public policy and international affairs at the arm of the master himself, George Bush.

Today, we pass H.R. 3803 and we in Congress say to President George Bush and to his great family, we respect you. Your leadership and dedication to public service will never be forgotten, because it will always be studied and taught at the George Bush School of Government and Public Service.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is a pleasure to rise in support of the George Bush School of Government and Public Service Act. Time and again, former President Bush has served his country with distinction.

As a young man, he volunteered to fight for his country in World War II as our Nation's youngest naval aviator. He dedicated his life to national service, serving as a Congressman representing Texas, the Director of the CIA, the U.S. ambassador to the United Nations, our Ambassador to the Republic of China, and the chairman of the Republican National Committee.

In 1980, he was elected Vice President with President Ronald Reagan, and together they led America into the greatest peacetime expansion since World War II. Presidents Reagan and Bush led the world to the end of the cold war. As President, George Bush served with the unquestionable honor and great dignity that is owed to the highest office in our great Nation.

America, and indeed the world, was appreciative of his efforts during the Gulf war. The unity that was demonstrated during that conflict—the support of Congress, the support of the American public, and the support of our allies—was a triumph of and a tribute to the steadfast leadership of President Bush.

Just as important is George Bush's constant devotion to his family. He and his wife, Barbara, have raised a wonderful family that continue to pass on their shared values of faith, family, honor and service to new generations.

As a Texan, I am particularly appreciative of President Bush passing along these values to his children, because he has blessed our State with a great Governor, his son, George W. Bush.

I urge my colleagues to support this legislation as a tribute to a World War II aviator, a dedicated public servant, a great President and a truly honorable man—President George Bush.

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

Mr. Speaker, let me talk a little bit for the Members and colleagues who may have some confusion about this. Historically, there have been Presidential fellowships for former officials, and this is not breaking new ground. It was pointed out by the opposition that there are private donations and private fundraising. This is really a one-time appropriation of seed money of $3 million. There will be much more raised. Again, it is an educational program that I am proud to support, not only for President Bush, but also at a great university, Texas A&M.

One of the things I heard during some of the debate in opposition was we had 760 education programs that the Federal Government administers. Let me talk about some of those 760 that they list. Sixty of those are scientific and medical research programs, including 48 here at the National Institutes of Health. Sometimes some of these statistics are thrown around up here and people may think, oh, we have 760 Presidential fellow programs. That is not true.

Some of these other programs they have, they are mentioning in those 760, include job training programs, include educational programs for Lyme disease. Let us deal with apples and not compare them to oranges or pineapples or anything else, and really talk about the effort that we need to make in recognizing a great President.

Mr. Speaker, I have to admit, I did not vote for George Bush, but I also recognize that he was a President of our country, and just like now, we recognize the contributions of him, but during his tenure, there was controversy. There were Members on the floor of the House who disagreed with him, just like now with President Clinton.

I would hope that once someone serves their country like President Bush has, we can recognize him with this fellows program in conjunction with his presidential library at Texas A&M. Again, it is a great university, and it is a great program to enhance the ability of young students, students to learn about their Government through the George Bush School of Public Service.

Mr. BARTON of Texas. Mr. Speaker, will the gentleman yield?

Mr. GENE GREEN of Texas. I yield to the gentleman from Texas.

Mr. BARTON of Texas. Very briefly, I want to reinforce what the gentleman said, Mr. Speaker. This $3 million one-time grant will help start the permanently endowed scholarship fund. Texas A&M is going to raise privately $25 million to permanently endow this scholarship fund.

□ 1645

But this $3 million will be the first of the funds for the first class of fellows that are going to begin next year. Of the $3 million, less than $100,000 will be used over the life of the program for administrative expenses. Over $2.9 million will go to fund as many as 200 scholarships. So this is truly, as the gentleman from Pennsylvania [Mr. CLINGER] said, a living memorial to a former President.

Mr. GENE GREEN of Texas. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DE LA GARZA. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state it.

Mr. DE LA GARZA. Mr. Speaker, you have stated that Chairman GOODLING has the right to close on this matter. The gentleman from Michigan [Mr. HOEKSTRA] says that he wants to be last, I assume before the gentleman from Pennsylvania [Mr. GOODLING].

My parliamentary inquiry is, does he have a right to that spot? Or can the gentleman from Texas, Mr. GENE GREEN, be the one who speaks next before the gentleman from Pennsylvania, Mr. GOODLING?

The SPEAKER pro tempore. The gentleman from Pennsylvania has the right to close. Those who are recognized prior to that are within the discretion of the Chair.

Mr. DE LA GARZA. So, therefore, the gentleman from Michigan [Mr. HOEKSTRA] does not have the right, the Chair has the right to recognize?

The SPEAKER pro tempore. The Chair has the right to determine who will be recognized immediately prior to the right of the gentleman from Pennsylvania to close.

Mr. DE LA GARZA. I thank the Chair.

The SPEAKER pro tempore. The gentleman from Texas, Mr. GENE GREEN, has 1 minute remaining, the gentleman from Pennsylvania, Mr. GOODLING, has

4 minutes remaining, and the gentleman from Michigan, Mr. HOEKSTRA, has 9½ minutes remaining.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BARTON], the author of the legislation.

Mr. BARTON of Texas. Mr. Speaker, I want to reinforce all that has been said in favor of this legislation. Will Rogers, the great philosopher from Oklahoma, once said that he never met a man that he did not like. I think we could say about President Bush that there was never a man or woman that met the former President that did not like him. He is truly one of the most decent human beings that has ever been in public service for this country.

Texas A&M and its private benefactors have raised, or are attempting to raise, over $125 million to build, construct, or operate the Bush Library and the George Bush School of Public Service. The funds that we are offering today to help in that effort are maybe not something that we absolutely have to do, but sometimes I think this Congress should do things that we should do. We should do this to honor a great former Member of the House, a great former Vice President, and a great former President of the United States.

Mr. GOODLING. Mr. Speaker, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I think it should be pointed out that Barbara Bush and George Bush are participating in the Texas A&M school that honors President Bush, and that Barbara Bush is still working in literacy, trying to improve people who did not have the opportunity to get a total education.

I just think it would be right to give a strong vote today to George Bush for the things he has done, for Barbara Bush, and as somebody had mentioned, his outstanding family.

I would like to encourage my colleagues. We have done this before. We have done it to Democrats, we have done it to Republicans, and this is not whether you are a conservative, a liberal, or want to balance the budget. I want to challenge my Democratic friends on this side of the aisle who talked in opposition of saving this $3 million that I have a much more conservative voting record than they do on trying to balance the budget. So I certainly hope that we would support this legislation.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Michigan if he has any other speakers other than himself?

Mr. HOEKSTRA. Mr. Speaker, I will be the only speaker.

The SPEAKER pro tempore. It is the determination of the Chair that the gentleman from Michigan should have the opportunity to go next to last, before the gentleman from Pennsylvania, and, therefore, the Chair recognizes the gentleman from Texas, Mr. GENE GREEN, to yield the additional 1 minute he has remaining.

Mr. GENE GREEN of Texas. Mr. Speaker, I will use my last minute, I guess, and talk about the importance of this bill.

Again H.R. 3803, the George Bush School of Government and Public Service Act, is a one-time appropriation, in the tradition that we have done in many other examples, including I believe I was told, in 1978, Senator Hubert Humphrey that I would have supported in 1978 to my colleagues who are here from Minnesota who opposed it.

The documentation that has been used, again, the 760 educational programs, are just ludicrous, to talk about compare this with those. Some of those include the educational programs, American Printing House for the Blind. That is just ludicrous to have that used in opposition.

This is a great example of honoring a former President and also a great institution in Texas A&M, and I would hope we would have a resounding number of "aye" votes for H.R. 3803.

Mr. HOEKSTRA. Mr. Speaker, I yield myself such time as I may consume. I have just a couple of points in closing.

We might have had a slightly different debate today if we had had the opportunity to take this bill through the committee process so we could have discussed it either at the subcommittee or at the full committee level. This bill has not gone through that process.

The second thing that I would just like to say, in listening to the debate I have heard the comment, It is only $3 million; $3 million is a lot of money.

We also have to take a look, and I think rethink some of the myths here in Washington. Is the granting of money, is the spending of more money, is spending money and creating another program, and spending money that we do not have, is that the highest tribute and the only tribute that we can pay to Members or people who have given in government service?

That is the myth in Washington. Any time we see a problem or we see the need to recognize somebody, it is time to spend more money. I think there are other ways to do that.

I think Texas A&M is setting a great example by how they have moved forward with this program without any help from Washington. I do not think at this point in time they need that additional help.

The greatest tribute perhaps to George Bush at this time is to demonstrate that the school can start in a different way and that his fellowships would be provided and funded through the private sector and not here from Washington.

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

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I have a feeling that in some cases there is a little preelection rhetoric going on on the floor of the House today. I say that because we have two choices. We have this choice, of providing a living monument, something that is going to benefit the living, and at a 1-year expense only. It did not go through the committee process, but it went through careful scrutiny by the chairman of the committee, and because of the manager's amendment, it is a 1-year authorization. As I indicated, it is a living monument.

The second choice that we have, of course, which will happen, there is no question, you can talk about it now but when the election is over, it will happen. We can have some expensive monument sitting out there somewhere that will cost the taxpayer a fortune from now until the end of time, or we can have some park development that will cost a great deal of money, or we can have this living monument to two wonderful people who are going to participate and give to the young people of this country a great deal for many years to come.

So if I have my choice, and anybody who really sits down and analyzes the choices, the choice certainly should be to have a living monument that will benefit people and that will be honoring someone who wants to be honored in that manner rather than some flowery tribute in relationship to a monument or something of that nature.

I would call on my colleagues to think strictly in terms of what is the best way to honor George and Barbara Bush, because they are going to be honored. There is no question about it. So let us do it with a living monument, with a one-time authorization only from the Treasury of the United States in an appropriation.

Mr. PORTMAN. Mr. Speaker, I rise today to express my strong support for H.R. 3803, The George Bush School of Government and Public Service Act. As former staff member in the Bush White House, I had the true honor of learning first-hand the values and principles of public service life that President Bush exemplified. He taught that honor, integrity and responsibility are the most important code of conduct for a public official, and he also taught the importance of public officials teaching those values to others. Now, through this legislation, Congress can help to instill these values in the new generation of leaders.

As a former President, Vice President, Ambassador, Party Chairman, CIA Director, and Member of Congress, George Bush saw many different sides of public service during his long and distinguished career. By creating the George H.W. Bush Fellowship Program today, we pass that experience on to future leaders—and provide young scholars with access to programs that develop the leadership skills they will need to guide this Nation in the next century. In addition to learning directly from President and Mrs. Bush, Fellows will have

the chance to learn from distinguished world leaders such as Margaret Thatcher and Brian Mulroney—who have both agreed to participate in the program. Their experience, knowledge and wisdom will be a tremendous gift for our future generations.

I know there are some who are concerned about the $3 million authorization provided by this bill—and that is a legitimate concern that President Bush himself would have raised in his days as a Member. But we have to remember that this is "seed money" that will lead to many millions more being spent by the private sector and the State of Texas to promote this worthy project. This is an authorization for a one-time appropriation to ensure that this program gets up and running for the first year. I would also note that it is very much in line with what we have done to honor other former Presidents, and that private funds will be used to endow the program in future years. It is, as Mr. GOODLING noted, a living monument that will benefit future generations of American leaders.

I know that I would not be here in this Chamber today if it were not for the tremendous learning opportunity that George Bush gave me. Let's do a little to ensure that same opportunity for so many young people. I urge my colleagues on both sides of the aisle to support this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104-803) on the resolution (H. Res. 522) waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPACE COMMERCIALIZATION PROMOTION ACT OF 1996

Mr. WALKER. Mr. Speaker, I move to suspend the rule and pass the bill (H.R. 3936) to encourage the development of a commercial space industry in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3936

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Space Commercialization Promotion Act of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

Sec. 101. Commercialization of space station.
Sec. 102. Commercial space launch amendments.
Sec. 103. Exceptions to employment restrictions.
Sec. 104. Launch voucher demonstration program.
Sec. 105. Promotion of United States Global Positioning System standards.
Sec. 106. Acquisition of space science data.

TITLE II—REMOTE SENSING

Sec. 201. Land Remote Sensing Policy Act of 1992 amendments.
Sec. 202. Acquisition of earth remote sensing data.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

Sec. 301. Requirement to procure commercial space transportation services.
Sec. 302. Acquisition of space transportation services.
Sec. 303. Launch Services Purchase Act of 1990 amendments.
Sec. 304. Use of excess intercontinental ballistic missiles.

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider" means any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "payload" means anything that a person undertakes to transport to, from, or within outer space, or in suborbital trajectory, by means of a space transportation vehicle, but does not include the space transportation vehicle itself except for its components which are specifically designed or adapted for that payload;

(4) the term "space-related activities" includes research and development, manufacturing, processing, service, and other associated and support activities;

(5) the term "space transportation services" means the preparation of a space transportation vehicle and its payloads for transportation to, from, or within outer space, or in suborbital trajectory, and the conduct of transporting a payload to, from, or within outer space, or in suborbital trajectory;

(6) the term "space transportation vehicle" means any vehicle constructed for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle not specifically designed or adapted for a payload;

(7) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(8) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—PROMOTION OF COMMERCIAL SPACE OPPORTUNITIES

SEC. 101. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that free market principles should be used in operating and adding capabilities to the Space Station whenever possible.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the date of the enactment of this Act, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Government from commercial users of the Space Station.

SEC. 102. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

and

(D) by adding at the end the following new items:

"70120. Regulations.

"70121. Report to Congress.".

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "conduct of commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) in paragraph (5)—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(ii) by inserting before subparagraph (B), as so redesignated by clause (i) of this subparagraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;";

(C) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(D) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(E) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space to Earth, substantially intact."; and

(F) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (D) of this paragraph;

(4) in section 70103—

(A) by striking "The Secretary" in subsection (a) and inserting in lieu thereof "Except as provided in section 70122, the Secretary"; and

(B) in subsection (b)—

(i) by inserting "AND REENTRIES AND STATE SPONSORED SPACEPORTS" after "LAUNCHES" in the subsection heading;

(ii) by striking "by the private sector" in paragraph (1) and inserting in lieu thereof "and reentries by the private sector and State sponsored spaceports" after "space launches"; and

(iii) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a)(3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by inserting at the end of subsection (a) the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.";

(D) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of launch vehicles, reentry vehicles, safety systems, procedures, services, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(E) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1);

(F) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(G) by striking "and" at the end of subsection (b)(2)(B);

(H) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(I) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(J) by inserting ", including the requirement to obtain a license," after "waive a requirement" in subsection (b)(3);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall coordinate the establishment of criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(D) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(E) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(F) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(G) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.";

(H) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(I) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) by inserting "or reentry" after "one launch" in subsection (a)(3);

(C) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(D) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1) A";

(E) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(F) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(G) by striking ", Space, and Technology" in subsection (d)(1);

(H) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e);

(I) by inserting "or reentry site or a reentry" after "launch site" in subsection (e); and

(J) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a";

(13) in section 70113(a)(1) and (d)(1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears;

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2); and

(16) by adding at the end the following new sections:

"§70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle or reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch or reentry;

"(4) procedures for requesting and obtaining launch site or reentry site operator licenses; and

"(5) procedures for the application of government indemnification.

"§70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(6)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by subsection (a)(6)(I).

SEC. 103. EXCEPTIONS TO EMPLOYMENT RESTRICTIONS.

(a) INAPPLICABILITY OF CERTAIN POST-EMPLOYMENT RESTRICTIONS.—Subsections (a) and (c) of section 207 of title 18, United States Code, and section 27(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 423(d)) shall not apply to employees or former employees of the National Aeronautics and Space Administration seeking employment with an entity that is awarded the Space Flight Operations Contract for the Space Shuttle.

(b) EXCEPTION.—Subsection (a) shall not apply to an employee or former employee who, while employed with the National Aeronautics and Space Administration—

(1) served, at the time of selection of the contractor for the contract referred to in subsection (a) or the award of such contract, as the procuring contracting officer, the source selection authority, a member of the source selection evaluation board, or the chief of a financial or technical evaluation team;

(2) served as the program manager, deputy program manager, or administrative contracting officer for the contract; or

(3) personally made for the National Aeronautics and Space Administration a decision to award the contract or a modification of the contract.

SEC. 104. LAUNCH VOUCHER DEMONSTRATION PROGRAM.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 105. PROMOTION OF UNITED STATES GLOBAL POSITIONING SYSTEM STANDARDS.

(a) FINDING.—The Congress finds that the Global Positioning System, including satellites, signal equipment, ground stations, data links, and associated command and control facilities, has become an essential element in civil, scientific, and military space development because of the emergence of a United States commercial industry which provides Global Positioning System equipment and related services.

(b) INTERNATIONAL COOPERATION.—The Congress therefore encourages the President to—

(1) undertake a coordinated effort within the executive branch to promote cooperation with foreign governments and international organizations to advance United States interests with respect to the Global Positioning System standards and augmentations; and

(2) ensure the operation of the Global Positioning System on a continuous worldwide basis free of direct user fees.

SEC. 106. ACQUISITION OF SPACE SCIENCE DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—The Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from the private sector.

(b) TREATMENT OF SPACE SCIENCE DATA AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) DEFINITION.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) LIMITATION.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

TITLE II—REMOTE SENSING

SEC. 201. LAND REMOTE SENSING POLICY ACT OF 1992 AMENDMENTS.

The Land Remote Sensing Policy Act of 1992 is amended—

(1) in section 2 (15 U.S.C. 5601)—

(A) by amending paragraph (5) to read as follows:

"(5) Commercialization of land remote sensing is a near-term goal, and should remain a long-term goal, of United States policy.";

(B) by striking paragraph (6) and redesignating paragraphs (7) through (16) as paragraphs (6) through (15), respectively; and

(C) in paragraph (11), as so redesignated by subparagraph (B) of this paragraph, by striking "determining the design" and all that follows through "international consortium" and inserting in lieu thereof "ensuring the continuity of Landsat quality data";

(2) in section 101 (15 U.S.C. 5611)—

(A) by inserting the following after subsection (b)(4):

"The Director of the Office of Science and Technology Policy shall, no later than 60 days after the date of the enactment of the Space Commercialization Promotion Act of 1996, transmit the management plan to the

Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.";

(B) in subsection (c)—

(i) by inserting "and" at the end of paragraph (6);

(ii) by striking paragraph (7); and

(iii) by redesignating paragraph (8) as paragraph (7); and

(C) in subsection (e)(1)—

(i) by inserting "and" at the end of subparagraph (A);

(ii) by striking ", and" at the end of subparagraph (B) and inserting in lieu thereof a period; and

(iii) by striking subparagraph (C);

(3) in section 201 (15 U.S.C. 5621)—

(A) by inserting "(1)" after "NATIONAL SECURITY.—" in subsection (b);

(B) in subsection (b)(1), as so designated by subparagraph (A) of this paragraph, by striking "No license" and inserting in lieu thereof "Except as provided in paragraph (3), no license";

(C) by adding at the end of subsection (b) the following new paragraphs:

"(2) The Secretary, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application for a license under this title. An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Secretary has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Secretary may not deny the application on the basis of the absence of any such information.

"(3) The Secretary shall grant a license under this title to any United States commercial provider (as such term is defined in section 2 of the Space Commercialization Promotion Act of 1996) whose application is in full compliance with the requirements of this title.";

(D) in subsection (c), by amending the second sentence thereof to read as follows: "If the Secretary has not granted the license within such 120-day period, the Secretary shall inform the applicant, within such period, of any pending issues and actions required to be carried out by the applicant or the Secretary in order to result in the granting of a license."; and

(E) in subsection (e)(2)(B), by striking "and the importance of promoting widespread access to remote sensing data from United States and foreign systems";

(4) in section 202 (15 U.S.C. 5622)—

(A) by striking "section 506" in subsection (b)(1) and inserting in lieu thereof "section 507";

(B) in subsection (b)(2), by striking "as soon as such data are available and on reasonable terms and conditions" and inserting in lieu thereof "on reasonable terms and conditions, including the provision of such data in a timely manner";

(C) in subsection (b)(6), by striking "any agreement" and inserting in lieu thereof "any significant or substantial agreement relating to land remote sensing"; and

(D) by inserting after paragraph (6) of subsection (b) the following:

"The Secretary may not terminate, modify, or suspend a license issued pursuant to this title on the basis of an agreement the Secretary receives notification of under paragraph (6) unless the Secretary has, within 30 days after receipt of such notification, transmitted to the licensee a statement that such agreement is inconsistent with the national security or international obligations of the United States, including an explanation of such inconsistency.";

(5) in section 203 (15 U.S.C. 5623)—

(A) in subsection (a)(2), by striking "under this title and" and inserting in lieu thereof "under this title or";

(B) in subsection (a)(3), by striking "provide penalties" and inserting in lieu thereof "seek, in a United States District Court with personal jurisdiction over the licensee, penalties"; and

(C) in subsection (b), by striking "(a)(3),";

(6) in section 204 (15 U.S.C. 5624), by striking "may" and inserting in lieu thereof "shall";

(7) in section 205(c) (15 U.S.C. 5625(c)), by striking "if such remote sensing space system is licensed by the Secretary before commencing operation" and inserting in lieu thereof "if such private remote sensing space system will be licensed by the Secretary before commencing its commercial operation";

(8) by adding at the end of title II the following new section:

"SEC. 206. NOTIFICATION.

"(a) LIMITATIONS ON LICENSEE.—Not later than 30 days after a determination by the Secretary to require a licensee to limit collection or distribution of data from a system licensed under this title, the Secretary shall provide written notification to Congress of such determination, including the reasons therefor, the limitations imposed on the licensee, and the period during which such limitations apply.

"(b) TERMINATION, MODIFICATION, OR SUSPENSION.—Not later than 30 days after an action by the Secretary to seek an order of injunction or other judicial determination pursuant to section 203(a)(2), the Secretary shall provide written notification to Congress of such action and the reasons therefor.";

(9) in section 301 (15 U.S.C. 5631)—

(A) by inserting ", that are not being commercially developed" after "and its environment" in subsection (a)(2)(B); and

(B) by adding at the end the following new subsection:

"(d) DUPLICATION OF COMMERCIAL SECTOR ACTIVITIES.—The Federal Government shall not undertake activities under this section which duplicate activities available from the commercial sector, unless such activities would result in significant cost savings to the Federal Government.";

(10) in section 302 (15 U.S.C. 5632)—

(A) by striking "(a) GENERAL RULE.—";

(B) by striking ", including unenhanced data gathered under the technology demonstration program carried out pursuant to section 303," and inserting in lieu thereof "that is not otherwise available from the commercial sector"; and

(C) by striking subsection (b);

(11) by repealing section 303 (15 U.S.C. 5633);

(12) in section 401(b)(3) (15 U.S.C. 5641(b)(3)), by striking ", including any such enhancements developed under the technology demonstration program under section 303,";

(13) in section 501(a) (15 U.S.C. 5651(a)), by striking "section 506" and inserting in lieu thereof "section 507";

(14) in section 502(c)(7) (15 U.S.C. 5652(c)(7)), by striking "section 506" and inserting in lieu thereof "section 507";

(15) in section 506 (15 U.S.C. 5656)—

(A) by inserting "(1)" after "COMMUNICATIONS COMMISSION.—" in subsection (a);

(B) by inserting at the end of subsection (a) the following new paragraph:

"(2) The Federal Communications Commission, within 6 months after the date of the enactment of the Space Commercialization Promotion Act of 1996, shall publish in the Federal Register a complete and specific list of all information required to comprise a complete application described in paragraph (1). An application shall be considered complete when the applicant has provided all information required by the list most recently published in the Federal Register before the date the application was first submitted. Unless the Federal Communications Commission has, within 30 days after receipt of an application, notified the applicant of information necessary to complete an application, the Federal Communications Commission may not deny the application on the basis of the absence of any such information."; and

(C) by adding at the end the following new subsection:

"(e) FEES.—The Federal Communications Commission shall ensure that any licensing or other fees that a private remote sensing space system operator subject to the licensing requirements of title II is required to pay such Commission shall be proportional to the cost to the Commission of the radio licensing process for such person relative to the cost to the Commission of licensing other entities subject to the fee."; and

(16) in section 507 (15 U.S.C. 5657)—

(A) by amending subsection (a) to read as follows:

"(a) RESPONSIBILITY OF THE SECRETARY OF DEFENSE.—The Secretary shall consult with the Secretary of Defense on all matters under this Act affecting national security. The Secretary of Defense shall be responsible for determining those conditions, consistent with this Act, necessary to meet national security concerns of the United States, and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of Defense shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of Defense determines are needed to protect the national security of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the protection of the national security of the United States.";

(B) by striking subsection (b)(1) and (2) and inserting in lieu thereof the following:

"(b) RESPONSIBILITY OF THE SECRETARY OF STATE.—(1) The Secretary shall consult with the Secretary of State on all matters under this Act affecting international obligations of the United States. The Secretary of State shall be responsible for determining those conditions, consistent with this Act, necessary to meet international obligations of the United States and for notifying the Secretary promptly of such conditions. Not later than 60 days after receiving a request from the Secretary, the Secretary of State shall recommend to the Secretary any conditions for a license issued under title II, consistent with this Act, that the Secretary of State determines are needed to meet international obligations of the United States. If no such recommendation has been received by the Secretary within such 60-day period, the Secretary shall deem activities proposed in the license application to be consistent with the international obligations and policies of the United States.

"(2) Appropriate United States Government agencies are authorized and encouraged to provide to developing nations, as a component of international aid, resources for purchasing remote sensing data, training, and analysis from United States commercial providers."; and

(C) in subsection (d), by striking "Secretary may require" and inserting in lieu thereof "Secretary shall, where appropriate, require".

SEC. 202. ACQUISITION OF EARTH REMOTE SENSING DATA.

(a) ACQUISITION FROM PRIVATE SECTOR.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while fully satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from the private sector.

(b) TREATMENT AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) STUDY.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by the private sector.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to the private sector to enable the private sector to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to the private sector of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) For purposes of carrying out this subsection, determination of the baseline scientific requirements of Mission to Planet Earth shall be carried out by the Goddard Space Flight Center. The Commercial Remote Sensing Program at the Stennis Space Center shall be responsible for identifying private sector data, services, distributions, and applications that can meet the scientific requirements of Mission to Planet Earth. The Administrator shall be responsible for determining the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by the private sector, and shall ensure that the Stennis Space Center plays a major coordinating role.

(4) The results of the study conducted under this subsection shall be transmitted to the Congress within 9 months after the date of the enactment of this Act.

(d) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

TITLE III—FEDERAL ACQUISITION OF SPACE TRANSPORTATION SERVICES

SEC. 301. REQUIREMENT TO PROCURE COMMERCIAL SPACE TRANSPORTATION SERVICES.

(a) IN GENERAL.—Except as otherwise provided in this section, the Federal Government shall acquire space transportation services from the private sector whenever such services are required in the course of its activities. To the maximum extent practicable, the Federal Government shall plan missions to accommodate the space transportation services capabilities of United States commercial providers.

(b) EXCEPTIONS.—The Federal Government shall not be required to acquire space transportation services under subsection (a) if, on a case-by-case basis, the Administrator or, in the case of a national security issue, the Secretary of the Air Force, determines that—

(1) a payload requires the unique capabilities of the space shuttle;

(2) cost effective space transportation services that meet specific mission requirements would not be reasonably available from United States commercial providers when required;

(3) the use of space transportation services from United States commercial providers poses an unacceptable risk of loss of a unique scientific opportunity;

(4) the use of space transportation services from United States commercial providers is inconsistent with national security objectives;

(5) the use of space transportation services from United States commercial providers poses an unacceptable risk to foreign policy objectives;

(6) it is more cost effective to transport a payload in conjunction with a test or demonstration of a space transportation vehicle owned by the Federal Government; or

(7) a payload can make use of the available cargo space on a Space Shuttle mission as a secondary payload, and such payload is consistent with the requirements of research, development, demonstration, scientific, commercial, and educational programs authorized by the Administrator.

(c) DELAYED EFFECT.—Subsection (a) shall not apply to space transportation services and space transportation vehicles acquired or owned by the Federal Government before the date of the enactment of this Act, or with respect to which a contract for such acquisition or ownership has been entered into before such date.

(d) HISTORICAL PURPOSES.—This section shall not be construed to prohibit the Federal Government from acquiring, owning, or maintaining space transportation vehicles solely for historical display purposes.

SEC. 302. ACQUISITION OF SPACE TRANSPORTATION SERVICES.

(a) TREATMENT OF SPACE TRANSPORTATION SERVICES AS COMMERCIAL ITEM UNDER ACQUISITION LAWS.—Acquisitions of space transportation services by the Federal Government shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space transportation services shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(b) SAFETY STANDARDS.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

SEC. 303. LAUNCH SERVICES PURCHASE ACT OF 1990 AMENDMENTS.

The Launch Services Purchase Act of 1990 (42 U.S.C. 2465b et seq.) is amended—

(1) by striking section 202;

(2) in section 203—

(A) by striking paragraphs (1) and (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (1) and (2), respectively;

(3) by striking sections 204 and 205; and

(4) in section 206—

(A) by striking "(a) COMMERCIAL PAYLOADS ON THE SPACE SHUTTLE.—"; and

(B) by striking subsection (b).

SEC. 304. USE OF EXCESS INTERCONTINENTAL BALLISTIC MISSILES.

(a) IN GENERAL.—The Federal Government shall not—

(1) convert any missile described in subsection (c) to a space transportation vehicle configuration or otherwise use any such missile to place a payload in space; or

(2) transfer ownership of any such missile to another person,

except as provided in subsection (b).

(b) AUTHORIZED FEDERAL USES.—(1) A missile described in subsection (c) may be converted for use as a space transportation vehicle by the Federal Government if—

(A) except as provided in paragraph (2), at least 120 days before such conversion the agency seeking to use the missile as a space transportation vehicle transmits to the Committee on National Security and the Committee on Science of the House of Representatives, and to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate, a report that contains—

(i) a certification that the use of such missile—

(I) would result in significant cost savings to the Federal Government when compared to the cost of acquiring space transportation services from United States commercial providers; and

(II) meets all mission requirements of the agency, including performance, schedule, and risk requirements; and

(ii) comments obtained from United States commercial providers in response to prior public notice published in the Commerce Business Daily;

(B) the use of such missile is consistent with international obligations of the United States; and

(C) the Secretary of Defense approves of such conversion.

(2) The requirement under paragraph (1)(A) that the report described in that subparagraph must be transmitted at least 120 days before conversion of the missile shall not apply if the Secretary of Defense determines that compliance with that requirement would be inconsistent with meeting immediate national security requirements.

(c) MISSILES REFERRED TO.—The missiles referred to in this section are missiles owned by the United States that were formerly used by the Department of Defense for national defense purposes as intercontinental ballistic missiles and that have been retired from service in compliance with international obligations of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Pennsylvania [Mr. WALKER] and the gentleman from California [Mr. BROWN] each will control 20 minutes.

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

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

Mr. Speaker, it is with great pleasure that I bring before the House H.R. 3936, the Space Commercialization Promotion Act of 1996. Commercial space activities by U.S. companies generated over $6.2 billion of revenue in 1994 and $7.5 billion of revenue in 1995.

This legislation aims to improve the legal and regulatory conditions that currently handicap the commercial space industry. The present environment accommodates Federal, civil, and military space programs, not business opportunities. By providing investment incentives and risk reduction measures for investors, H.R. 3936 will encourage private sector participation in the space industry.

Through this bill we are striving to provide the stable business environment that businesses need to invest their money, build commercial space businesses, offer new and better services to the American people, and employ more Americans in high-skilled jobs.

Briefly this bill amends the Commercial Space Launch Act to take into account the legal and technical advances that have occurred since its enactment; gives the Department of Transportation the responsibility and authority to license reentry from orbit, in anticipation of the day when commercial experiments will be returned to Earth, and the reusable launch vehicle will be in operation; updates the Launch Services Purchase Act of 1990, so that government will act more like a commercial buyer when it places payloads in space; makes changes to the Land Remote Sensing Policy Act of 1992, updating it to take into account the experience we have gained over the last few years in licensing the operators of remote sensing satellites; eliminates, in a very narrow situation, some of the postemployment restrictions that could prevent NASA civil servants with critical skills in space shuttle operations from transferring to the new single prime contractor; and encourages NASA to purchase scientific data about the Earth and solar system from the private sector.

During my years of service on the Committee on Science, I have been an ardent advocate of space commercialization and the promise that it holds for a new economic frontier. For all of the wonderful accomplishments NASA has achieved in designing and building space transportation vehicles, sending humans to the Moon, and exploring our solar system and beyond, this Nation has only begun to realize the potential of doing business in space. It is not for lack of imagination; there are entrepreneurs who envision all kinds of space commerce, from on-orbit power stations to revolutionary pharmaceuticals.

□ 1700

It is because it still costs too much to get to space and because our commercial laws, some of which have been on the books for years, were not written to take into account the possibility of space commerce.

Some of the most visionary and creative people I have ever met are in the space business. That is why when we began drafting this legislation we went right to the source. We held a Space Business Roundtable and several hearings, to which we invited industry experts and representatives from the executive branch, academia and space advocacy groups.

We found not a dearth of ideas, but a wealth of enthusiasm from individuals from all over the country who are making it their life's work to plumb the opportunities that space-based commerce presents. They are not looking to us for subsidies, but they are looking to us to modernize the fundamental underpinnings of present commercial law so that their new businesses can thrive.

This bill builds on the foundation we laid in earlier legislation. Much remains to be done beyond this bill, but that will be the challenge of future Congresses.

In closing, I want to acknowledge the cooperation of the Committees on Government Reform and Oversight, Commerce, and National Security on the issues over which we share jurisdiction. I am also grateful for the support of my committee colleagues, the gentleman from Wisconsin, JIM SENSENBRENNER, the gentleman from Texas, RALPH HALL, and the gentleman from California, GEORGE BROWN.

Mr. Speaker, I urge the passage of this bill.

Ms. GREENE of Utah. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentlewoman from Utah.

Ms. GREENE of Utah. Mr. Speaker, I appreciate the gentleman's yielding to me.

It is my understanding that NASA, as part of its research into a completely reusable launch vehicle, in developing the X-33, will be flight testing this over populated areas, or at least proposes to do that over populated areas, including my State of Utah, and that NASA is in the process of reviewing what sort of indemnification would be necessary for the private contractor that would be building the X-33.

We have not as yet had any public or congressional hearings regarding such indemnification issues or the safety of such overflights over populated areas. It is my understanding this legislation does not have any impact on those questions of indemnification for X-33 overflight testing, and this is an issue that can be raised in the next Congress after we have had these hearings.

Is that the gentleman's understanding?

Mr. WALKER. Mr. Speaker, reclaiming my time, the gentlewoman is correct with regard to the bill. It contains no such language with regard to that issue.

I would agree with the gentlewoman that the issue remains for the next Congress and should be pursued after appropriate hearings have been held.

Ms. GREENE of Utah. Mr. Speaker, I thank the gentleman.

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

Mr. BROWN of California. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for his work on this committee and thank him for this opportunity to rise to express concern about the bill pending before us.

I have not read, frankly, the final language of the bill, which I understand, however, is far better than the original proposal. Late this morning I understand a number of changes were approved that make the bill acceptable enough that the chairman and NASA are not opposing it.

However, Mr. Speaker, I cannot let this bill pass without expressing my concern about its potential impact on the Mission to Planet Earth Program, which is administered at Goddard Space Flight Center in Maryland. Over and over this program has been attacked by opponents who fail, I think, to realize the enormous asset that its data will be to the private sector. Long-term climate forecasting will prove tremendously useful to businesses ranging from agricultural to retailing and construction, and as we saw so vividly in North Carolina, earlier notice of major natural disasters can only help in response of the Government and the private sector to provide for relief and evacuation.

I am disappointed, therefore, that the House Committee on Science included more than a $300 million cut in authorization for Mission to Planet Earth. Today I am disappointed they are bringing to the floor a bill that requires a study of partial privatization of this important program.

NASA already recognizes that the private sector may well be able to play a significant role in Mission to Planet Earth. The agency's fiscal 1997 budget included $50 million for data acquisition. NASA requested information from companies that are interested in participating and 11 so far have replied. Their proposals will be carefully reviewed by the scientific experts at Goddard to ensure that they are helpful.

While I recognize that the Stennis Center has proven expertise in commercialization, we should not take control of the Mission to Planet Earth funding away from Goddard Space Flight Center, which has a top notch international reputation in the field.

I understand that the bill before us would team Goddard and Stennis for the study with the final authority resting with Administrator Goldin. I am pleased at that. Some might say why not study this? The fact is that Mission to Planet Earth has been studied over and over and over and over again. The program has been reduced 60 percent by a series of internal and external reviews. Surely if more commercialization makes sense, that fact would have been uncovered during those studies. The fact is that each of these studies costs money and staff time.

Finally, Mr. Speaker, I want to emphasize my longstanding view that Federal employees often do as good a job or better than their private sector counterparts. I have been to Goddard many times. I am sure many of my colleagues have as well. Each time I am impressed by the evident dedication and competence of its work force, both the more than 3,000 civil servants and the approximately 8,000 private sector contractors who work there.

I get frustrated therefore, sometimes, with those that believe everything is done better in the private sector. Time and time again that popular rhetoric has been proved wrong.

That is not in any way to diminish the private sector. Obviously, it is the private sector that has made this Nation the greatest economy that the world has ever known and provided the highest standard of living for the people of this Nation that the world has ever known. However, our public sector employees have also provided, frankly, the most efficient and effective civil service the world has ever known.

I hope that in the rush to pass this bill in the closing days of the Congress we will not forget the fine work done by the Federal workers who manage Mission to Planet Earth or the incredible promise of this important program.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume and say, in response to the distinguished gentleman from Maryland, I understand fully his concern about the role that Goddard would play in this whole subject of space commercialization.

I share his very strong support for the Mission to Planet Earth and the very important role that Goddard plays there. I assure him that we have worked diligently to make sure that the language would not preclude the full utilization of Goddard, and we believe that the corrections that have been made by the committee should resolve the matter to his satisfaction.

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

Mr. BROWN of California. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman for those comments. I know that he has been and continues to be a very strong supporter of Mission to Planet Earth, and I want to tell him that I very much appreciative his focus on this issue and appreciate his comments.

Mr. BROWN of California. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Mr. Speaker, I rise today in support of H.R. 3936, the Space Commercialization Promotion Act of 1996, as amended.

This bill represents a bipartisan effort to continue Congress' support for the development of a robust and growing commercial space sector, support that stretches back to the earliest years of the Space Age. Members of the Committee on Science on both sides of the aisle believe that when it makes sense, we can begin to capitalize on our past Federal investments in the space program and look to the private sector to play an increasingly important role.

That is not to say that a vibrant commercial sector obviates the need for a continuing strong Federal commitment to space research and development. Rather, it is a simple recognition that commercial space activities offer the potential to make a significant contribution to the Nation's economic health and to its international competitiveness.

One need only look at the growth of the multibillion dollar satellite communication industry for confirmation of the view that private-public investments in R&D can deliver significant benefits down the road. From the first limited experiments in communicating by satellites that were carried out at the dawn of the Space Age almost 40 years ago, we have reached the point at which communication satellites are an integral part of the world's telecommunications infrastructure. Even more exciting developments are on the horizon, enabled by investments made in space R&D.

Yet it was not just technological advancements that led to the preeminent position that American companies have achieved in the rapidly evolving satellite communication market. It was also the result of wise policy decisions made by previous Congresses and previous administrations in the 1960's. Now, another space-related industry, commercial remote sensing, seems poised for a similar explosion of growth, in part due to policies enacted by Congress in the 1980's and the 1990's.

The legislation that is being considered today under suspension is relatively modest in scope, but I believe that it continues the bipartisan effort to help ensure the health and growth of the Nation's emerging commercial space sector.

It represents the fruits of various policy initiatives undertaken by the Committee on Science, including some initiated in the 103d Congress. Among its provisions are ones that update several provisions of the Land Remote Sensing Act of 1992 and of the Commercial Space Launch Act. It also codifies administration policies on the Global Positioning System and on the use of excess ballistic missile assets.

The bill before the House today is an amendment to the original text of H.R. 3936 that addresses many of the concerns that I had when the bill was introduced, including the concerns that were expressed by the gentleman from Maryland. It also incorporates provisions requested by the Committee on Government Reform and Oversight, which was given joint referral along with the Committee on Science.

I believe that the resulting legislation before us today represents a constructive step in Congress' continuing efforts to nurture this still evolving sector of our economy, and I urge my colleagues to suspend the rules and to pass the bill.

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

Mr. WALKER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman of the Subcommittee on Space and Aeronautics.

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

Mr. Speaker, I rise in support to this legislation. In addition to all the reasons given by my colleagues from Pennsylvania and California on why it should pass, let me add one, and that is that unless we update our commercial launch legislation, we are going to become, as a Nation, more and more uncompetitive with foreign countries for the commercial space launch business, particularly nonmarket countries such as Russia, China, and the Ukraine.

I do think it is important to rebut somewhat the allegations that have been made by the gentleman from Maryland [Mr. HOYER]. First of all, this Congress has not been parsimonious with Mission to Planet Earth. The appropriation legislation that was approved by the House provides about a billion dollars for fiscal year 1997 for this purpose. That is a little bit less than was requested, but it still is a significant amount of money, $1 billion.

The problem exists in providing a proper balance for the various types of programs that NASA is involved in. Both the OMB budget lines and the Republican balanced budget budget lines give NASA a declining amount of money between now and the year 2002.

The OMB line is about $2 billion less than that which the Congress approved, but the fact is that NASA's

budget is going to be pinched as time goes on and we cannot provide for unchecked increases in any of NASA's accounts.

The fear that I have, looking at both the OMB and the Republican budget lines is that if we do have unchecked increases in Mission to Planet Earth, then NASA's science will be squeezed almost down to a zero amount, and that would be a shame if we ended up squeezing science in fiscal year 1998 and fiscal year 1999 because the scientific accomplishments with NASA's robotic programs have been literally amazing in the 35 years of NASA's existence.

So let us face it, we do not have enough money for everything. We would like to have more, but at the same time we have to have a proper balance between the various accounts. I think that the appropriation bill and the Committee on Science authorization bill does that. The reductions in the request for Mission to Planet Earth end up being reflected in more money being spent in NASA's science accounts.

We want to have both a healthy Mission to Planet Earth and a healthy Committee on Science budget for the next 2 or 3 fiscal years. I think that this bill will provide for the leveraging of the Government dollars in Mission to Planet Earth. And if we can attract private sector dollars to replace public sector dollars, so much the better.

□ 1715

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

Mr. Speaker, let me just comment briefly about the remarks of the gentleman from Wisconsin [Mr. SENSENBRENNER], my distinguished colleague and my friend.

I agree with the thrust of what he has said. There is no question but what the NASA budget over the next several years is going to be under considerable pressure from any budget that I have seen up to the present time, and it is necessary that we exercise extremely good judgment in how these reductions are going to be allocated.

There are not reductions in the rate of growth, these are actual dollar reductions of a substantial amount.

The fears which the gentleman from Maryland [Mr. HOYER] expressed are reasonable when understood in context. The Mission to Planet Earth budget line in the NASA Program is a very large item. It was subjected to approximately a 20 percent cut, which I think is more than the science budgets and others. And I will interpret Mr. HOYER's comments as merely asking that there be reasonably comparable treatment to all of these budget lines and not that the Mission to Planet Earth be given any special consideration.

I know that we will be looking closely at this particular situation in future years, and I look forward to working with Mr. SENSENBRENNER in trying to work out, that is assuming I return to Congress, working with him in making sure that whatever reductions NASA has to take are fairly and equitably distributed throughout all of the very important items in their budget.

I share the gentleman's view that there are many extremely exciting and productive science programs which need to be given full attention, and I hope that we will be able to do that as well as maintaining as strong a program as we possibly can involving the Mission to Planet Earth.

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

Mr. WALKER. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding and I rise in strong support of this legislation.

Mr. Speaker, I want to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], and as well in particular, the chairman of the full committee, the gentleman from Pennsylvania, [Mr. WALKER], who I know has been working on this issue for more than a year now. This is good legislation. It is going to be very, very helpful to our emerging commercial space industries to help them to be more competitive in future years.

In particular we have an emerging situation in my district where the Florida Spaceport Authority is now less than 1 year away from its first commercial space launch. It has been a very slow process in getting the appropriate regulatory authority from the Office of Commercial Space Transportation, allowing them to be able to proceed in this. Fortunately, it appears as though the appropriate regulations will be coming forward. And I know that this legislation will be helping our commercial space industry in Florida and Spaceport Florida to be competitive in the future.

I also want to commend the chairman for including in this legislation language that will enable the National Aeronautics and Space Administration to more easily shift critical NASA employees over to the emerging shuttle contractor positions to thus ensure the continued safe operation of our space shuttle. Our space shuttle, as most are aware, went off yesterday morning flawlessly. Indeed every time it launches it is on the news. It is the pride of our Nation.

In order to continue in the future as we change the management structure of the shuttle program, that the program continues to function in an efficient but as well in a perfectly safe way, we need to make sure that the critical personnel who are now in civil service positions shift over to the contractor positions and that there is no inappropriate obstacle in existing Federal law to stand in the way of the continued safe operation of the shuttle.

So, in closing, I just want to congratulate the chairman and take this moment to congratulate him on the legacy that he is leaving our Nation, for his hard work on behalf of science, space and technology, and say that I know he will be very much missed in the future by myself and many of us on the committee.

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

Mr. Speaker, first I would say thank you to the gentleman from Florida for his kind words. I also do not want to dwell on this, but I want to come back to the point made by the gentleman from California and the gentleman from Maryland as well as the discussion of the gentleman from Wisconsin, just to say thank you to the gentleman from California for him and his staff working with us on some language that I think did address the concerns raised by the gentleman from Maryland.

Under this bill the Goddard Space Center will continue to be the lead center on all of these matters, including the study of Mission to Planet Earth. But the fact is that what you have is an emerging set of technologies that may prove to be valuable to Mission to Planet Earth.

While it is true that it has been studied intensely by any number of people, the fact is that these new technologies do hold the promise of being able to give us a robust program at a perhaps savings, and that is what we are looking at here. And by having Goddard take the lead and having Stennis come in with some of the things they have found in terms of commercial applications, we think it would strengthen the Mission to Planet Earth mission over the year and do so within budget constraints that it is going to be operating under. Between us we have come up with the right language and approach here that satisfies the various needs, and I thank the gentleman from California and his staff for their cooperation in helping us develop that.

Mr. BROWN of California. Mr. Speaker, I yield myself such time as I may consume just to make a concluding remark.

Let me thank the gentleman for his comments. He has been extremely cooperative in modifying the language here to provide certain reassurances that will be helpful in connection with this.

I also want to note that the remarks of the gentleman from Florida are very appropriate. We have a large and flourishing space launch there that is the preeminent spaceport at this time in the country. If there is nobody here from Alaska or Hawaii or some of the other States which also hope to have

flourishing spaceports, may I make a comment that California also desires to get into this race and we have the beginnings of our own commercial launch facility in California which may be championed by the gentlewoman from California [Mrs. SEASTRAND]. We hope that at some point we will be able to offer both through the private sector and perhaps through some government business, a major launch facility in California.

The point here is that we see the emergence of a major new economic activity that pervades the entire United States, including Alaska and Hawaii, in competition for this business. And I think that the gentleman from Pennsylvania [Mr. WALKER] and I both give very strong allegiance to the importance of competition and ascertaining what is the best source of any particular program and what can benefit the taxpayers of this country most. I anticipate that this developing competition is going to be good for the whole country and I look forward to it.

This bill is intended to facilitate that and I again urge my colleagues to support it.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] that the House suspend the rules and pass the bill, H.R. 3936, as amended.

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

A motion to reconsider was laid on the table.

SOCIAL SECURITY MISCELLANEOUS AMENDMENTS ACT OF 1996

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4039) to make technical and clarifying amendments to recently enacted provisions relating to titles II and XVI of the Social Security Act and to provide for a temporary extension of demonstration project authority in the Social Security Administration, as amended.

The Clerk read as follows:

H.R. 4039

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 "Social Security Miscellaneous Amendments Act of 1996".

SEC. 2. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104–121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraph:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104–121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C).".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a) and (b) shall be effective as though they had been included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

(2) The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 3. CLARIFICATION REGARDING REVIEW OF DETERMINATIONS BY STATE DISABILITY DETERMINATION SERVICES.

Section 221(d) of the Social Security Act (42 U.S.C. 421(d)) is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) No determination under this section shall be reviewed by any person, tribunal, or governmental agency, except as provided in paragraph (1).".

SEC. 4. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.";

(2) in paragraph (3) of subsection (a), by striking "June 10, 1996" and inserting "June 10, 1997";

(3) in paragraph (4) of subsection (a), by inserting "and on or before October 1, 1996," after "1995,"; and

(4) in subsection (c), by striking "October 1, 1996" and inserting "October 1, 1997".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 5. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE

GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A)," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Boards of Trustees of such Trust Funds shall prescribe before January 1, 1997, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits.".

SEC. 6. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) except as provided in clause (ii), the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), to whom a benefit under this title is payable for the month preceding the first month of such confinement, and whose benefit under this title ceases to be payable as a result of the application of this subsection, $400 (subject to reduction under clause (iii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (iii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) No amount shall be payable to an institution with respect to information concerning an individual under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that benefits under this title are no longer payable to such individual as a result of the application of this subsection.

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iv) There shall be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II). Sums so transferred shall be treated as direct spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 and excluded from budget totals in accordance with section 13301 of the Budget Enforcement Act of 1990.

"(v) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall be effective with respect to benefits payable for months after February 1997.

(c) INCLUSION OF TITLE II ISSUES IN STUDY AND REPORT REQUIREMENTS RELATING TO PRISONERS.—

(1) Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(A) in subparagraph (A), by striking "section 1611(e)(1)" and inserting "sections 202(x) and 1611(e)(1)"; and

(B) in subparagraph (B), by striking "section 1611(e)(1)(I)" and inserting "section 202(x)(3)(B) or 1611(e)(1)(I)".

(2) Section 203(c) of such Act is amended by striking "section 1611(e)(1)(I)" and all that follows and inserting the following: "sections 202(x)(3)(B) and 1611(e)(1)(I) of the Social Security Act.".

(3) The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The amendment made by paragraph (2) shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

(1) PRECLUSION OF TITLE XVI PAYMENT WHEN INFORMATION FURNISHED BY AN INSTITUTION IS ALREADY KNOWN BY THE COMMISSIONER.—Section 1611(e)(1)(I) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended—

(A) in clause (i)(II), by inserting "except as provided in clause (ii)," after "(II)";

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

(C) by inserting after clause (i) the following new clause:

"(ii) No amount shall be payable to an institution with respect to information concerning an inmate under an agreement entered into under clause (i) if, prior to the Commissioner's receipt of the information, the Commissioner has determined that the inmate is no longer an eligible individual or eligible spouse for purposes of this title as a result of the application of this paragraph.".

(2) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of such Act (as amended by paragraph (1)) is amended further—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (iii))" after "$400" and after "$200"; and

(B) by inserting after clause (ii) the following new clause:

"(iii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(3) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(4) LIMITATION ON CATEGORIES OF INMATES WITH RESPECT TO WHOM PAYMENT MAY BE MADE.—Section 1611(e)(1)(I)(i)(II) of such Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193)) is amended by striking "inmate of the institution" and all that follows through "in such institution and" and inserting "individual who is eligible for a benefit under this title for the month preceding the first month throughout which the individual is an inmate of the jail, prison, penal institution, or correctional facility, or is confined in the institution as described in section 202(x)(1)(A)(ii), and who".

(5) TECHNICAL CORRECTION.—Section 1611(e)(1)(I)(i)(II) of such Act (as amended by the preceding provisions of this subsection)

is amended further by striking "subparagraph" and inserting "paragraph".

(6) EFFECTIVE DATE.—The amendments made by this subsection shall apply as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The references to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraphs (3) and (4) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) by striking "or" at the end of clause (vi);

(B) by adding "or" at the end of clause (vii); and

(C) by inserting after clause (vii) the following new clause:

"(viii) matches performed pursuant to section 202(x) or 1611(e)(1) of the Social Security Act;".

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iv) of the Social Security Act (as added by section 203(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) and redesignated by subsection (d)(1)(B)) is amended further by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] and the gentleman from Virginia [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4039.

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

There was no objection.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039, the Social Security Miscellaneous Amendments Act of 1996.

A few months ago, the Social Security Administration came to us, and asked for legislation to make technical or perfecting changes they needed to implement current law. Andy Jacobs and I then introduced this legislation, which was favorably reported by the Ways and Means Committee on a bipartisan basis. Andy's constructive, bipartisan leadership on Social Security issues will be greatly missed.

Again, let me make it clear that the administration requested these technical provisions.

According to the Social Security Administration, these amendments are needed to clarify, first, the drug addicts and alchoholics provisions enacted under Public Law 104–121, thereby closing a loophole and preventing payment of benefits not intended by Congress; second, to clarify that the only judicial review available to disability applicants is the normal judicial review of the final decision of the Commissioner of Social Security, and that the State disability determination services and their employees, like Federal officials, cannot be sued for their official acts when making disability decisions under the Social Security Act; third, to grant SSA continued demonstration project authority; and fourth, to perfect provisions of the Uruguay Round Agreements Act, allowing for optional tax withholding from Social Security benefits.

In addition to the technical provisions requested by SSA, H.R. 4039 includes provisions that further restrict payment of Social Security benefits to prisoners. These provisions are virtually identical to ones included in the recently enacted welfare reform bill affecting prisoners who receive supplemental security income benefits.

They restrict payment of benefits to all criminals incarcerated throughout a month, and provide a financial incentive to correctional facilities to report their incarceration to SSA. The provisions save the Social Security trust funds $35 million over 7 years. I want to commend my colleague on the Ways and Means Committee, Mr. HERGER, for his leadership on this issue.

I also want to thank both the minority staff and SSA staff for providing their assistance in formulating this package.

The Social Security Subcommittee has worked diligently to assist SSA by providing the legislative corrections that SSA said that it needed to fulfill its responsibilities to Congress and the American public.

Neither the Congress nor the American public wants to see Social Security benefits paid to drug addicts, alcoholics, or criminals who should not receive them.

I hope that for the sake of the hard-working American public, the Senate will see fit to act quickly so that current programs may continue to run as they should, and the intent of Congress to stop Social Security payments to drug addicts, alcoholics, and prisoners will be fulfilled. I urge support of H.R. 4039.

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

Mr. PAYNE of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4039. I have had the pleasure of serving on the Subcommittee on Social Security of the Committee on Ways and Means during this session of Congress, serving with Chairman JIM BUNNING who has worked tirelessly this session to bring about a Social Security Administration that deals fairly and effectively with Social Security. I have had the pleasure of serving with the gentleman from Indiana, ANDY JACOBS, who is retiring after 30 years, who has spent his entire career working on Social Security, protecting it and making it better. And I want to commend both of these gentlemen for the effective and bipartisan method in which they have constructed the business of the Social Security Subcommittee.

Mr. Speaker, I rise in support of H.R. 4039. This bill, as Chairman BUNNING has pointed out, makes a number of technical and miscellaneous changes in Social Security. It clarifies the effective date of the newly enacted law denying Social Security benefits to drug addicts and alcoholics.

□ 1730

It extends for 1 year the disability demonstration project authority of the Social Security Administration. It prohibits lawsuits directly against State disability determinations services. And in addition, the bill authorizes incentive payments to prisons and local jails to encourage jailers to turn over to the Social Security Administration the names of prisoners who are receiving Social Security payments. A number of years ago, the Congress prohibited the payment of Social Security benefits to prisoners, yet the Social Security Administration is having a difficult time obtaining the names of Social Security recipients incarcerated in the hundreds of local jails around the country. So this provision will offer an incentive to all institutions, both large and small ones, to provide the names of prisoners receiving Social Security benefits.

The Social Security Administration can then make sure that no prisoner continues to receive benefits while institutionalized.

Mr. Speaker, these are technical changes coupled with some improvements in the administration of the Social Security Program, and I urge their adoption.

Mr. CHRISTENSEN. Mr. Speaker, today represents another step in our efforts to end wasteful Government spending and end the practice of supporting criminals at the taxpayers expense.

Too many individuals serving time in our Nation's prisons currently receive regular Social Security payments, despite the fact that it's against the law. Current law prohibits prisoners from receiving old age, survivors, and disability [OASDI] benefits while incarcerated if they are convicted of any crime punishable by imprisonment of more than 1 year. Also, State and local correctional institutions are required to make available, upon written request, the name and Social Security number of any individual convicted and confined in a penal institution or correctional facility. However, despite current law prisoners are still robbing the taxpayers of their hard-earned money.

The House-passed version of the Personal Responsibility and Work Opportunity Act of 1996, corrected this wrong by prohibiting prisoners from receiving supplemental security income [SSI] and OASDI benefits while incarcerated. It also provided new financial incentives for State and local correctional institutions to report information on inmates to the Social Security Administration so that taxpayer supported benefits could promptly end. Unfortunately, the OASDI provisions were not included in the final version of the bill before it was signed into law.

Section 6 of H.R. 4039, the Social Security clarifying amendments, would restore the same prohibitions against payments of SSI benefits to OASDI benefits—saving the U.S. taxpayers $35 million over 7 years. I strongly support these efforts to end the abuses in the Social Security benefits programs because it is time to stop frivolously spending the taxpayers money and get tough on criminals. This effort is one more necessary component to reforming our Federal prison system. For too long, liberal judges, slick lawyers, and misguided policies have turned prisons into playhouses. To fix that, I have put together legislation called the Criminal Correction and Victim Assistance Act that makes it clear once and for all that our prisons are not country clubs.

The bill would make Federal prisoners work 48 hours a week and study 12 hours more. It would place a 25-percent levy on prisoner wages to go toward victim restitution and the protection of our police officers. It would curb out-of-control frivolous lawsuits by Federal prisoners. The bill would also ban the use of televisions in Federal prisons. And it would prohibit weightlifting by Federal prisoners. Why should taxpayers be forced to pay for criminals to become stronger and more deadly so that they can then prey upon our families and children upon release? I was glad to see the ban on TV's and weights as well as the lawsuit curbs included in a measure which was signed into law this year.

All of these steps, including banning Social Security benefits for convicted criminals while incarcerated, send the signal that America will no longer tolerate those who prey on law-abiding families.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 4039, as amended.

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

A motion to reconsider was laid on the table.

DOLLEY MADISON COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1684) to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison, as amended.

The Clerk read as follows:

H.R. 1684

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 "Dolley Madison Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of the 150th anniversary of the death of Dolley Madison, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 150th anniversary of the death of Dolley Madison and the life and achievements of the wife of the 4th President of the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the executive director of Montpelier, the National Trust for Historic Preservation, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Trust for Historic Preservation in the United States (hereafter in this Act referred to as the "National Trust") to be used—

(1) to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison and a museum property of the National Trust; and

(2) to fund capital restoration projects at Montpelier.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the National Trust unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the National Trust submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the National Trust has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum

amount the National Trust may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The National Trust shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the National Trust, of all such payments to the National Trust beginning in the first fiscal year of the National Trust in which any such amount is received and continuing until all such amounts received by the National Trust with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the National Trust pursuant to paragraph (1) shall report—

(A) the amount of payments received by the National Trust during the fiscal year of the National Trust for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted; and

(C) whether all expenditures by the National Trust from the proceeds of such surcharges during the fiscal year of the National Trust for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF NATIONAL TRUST TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The National Trust shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the National Trust in each fiscal year of the National Trust can be accounted for separately from all other revenues and expenditures of the National Trust.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the National Trust for which an audit is required under paragraph (1), the National Trust shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The National Trust may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the National Trust for any fiscal year after taking into account the amount of surcharges which the National Trust received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The National Trust shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the National Trust, or by any independent public accountant who audited the National Trust in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the National Trust.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the National Trust from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the National Trust to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] will each control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. I yield myself such time as I may consume.

Mr. Speaker, we are here today to suspend the rules and pass three commemorative coin bills: H.R. 1684, H.R. 1776, and H.R. 2026. All three of these bills have played by the new rules of the commemorative coin process. Each has acquired the cosponsorship of over two-thirds of this House, and each has gained the endorsement of the Citizens Commemorative Coin Advisory Committee. Furthermore, the sponsors of these bills have agreed to abide by the terms of this subcommittee's bill, H.R. 2614, the Commemorative Coin Reform Act of 1995.

These accommodations by the various bill sponsors are in recognition that, as we heard at our July 1995 hearing, the Commemorative Coin Program is clearly in trouble. These problems persist, primarily because too many coins have been produced. These three have been obtained more than 290 cosponsors, demonstrating that the Banking Committee rules in the 104th Congress have not raised the standard to the point that all coin legislation is blocked, and that if a group follows the rules, they have a reasonable opportunity to get coin legislation to the floor.

Nonetheless these successes should not be taken as invitations for many more coin projects to advance. CCCAC guidelines call for no more than two programs per year and it will clearly take a while for the collecting public to digest the massive Olympic Program that appears to have again resulted in losses to the mint.

Passage of our commemorative coin reform legislation by the Senate will help control runaway coin programs and protect the Federal Government and the taxpayer from further losses. As necessary we will recommend even tighter regulations should it appear that more coins are being proposed than the market will absorb. In any event, the days of large issues are finished, and future mintages will be allocated based on the success or failure of programs that have already been approved.

H.R. 1684 is the first of these bills before the House today. It calls for the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison. Dolley Madison was one of the earliest heroines in American history. She served as First Lady for Thomas Jefferson who was widowed by the time he served as President and later for her husband, James Madison. During the War of 1812, when invading British troops burned the White House, Dolley Madison, at some personal risk, saved an historic portrait of George Washington. The National Trust for Historic Preservation today owns Montpelier, the Virginia estate where Dolley Madison and James Madison lived. Proceeds from this coin will go to help endow preservation of the building and the estate.

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

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

Mr. Speaker, I rise today in support of the Dolley Madison Commemorative Coin Act, and I will urge my colleagues to support this bill as well. I do so, with the appreciation that today we are honoring the originator of the role of First Lady, and the fact we are helping to preserve one of our Nation's historical treasures: the Montpelier, Virginia home of James Madison.

In authorizing this coin and the two to follow, the subcommittee again has taken cautious steps to protect the integrity of the commemorative coin process. We have received the recommendation of the Citizen's Commemorative Coin Advisory Committee, and we have waited until the legislation has garnered overwhelming support in the form of bipartisan cosponsorship. Most important, however, we have incorporated House passed legislation which requires tighter financial control of the mint's resources, and the auditing disclosures of recipient organizations.

The subcommittee has strived to maintain integrity in the commemorative process. It is our aim to limit the authorization of commemoratives, and during the past 2 years, I believe we met this goal by only authorizing four new coins over the next 4 years. Given these accomplishments, I would urge my colleagues to support this bill, support Dolley Madison, and help preserve Montpelier.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I want to thank the chairman of the subcommittee and also the ranking member for their cooperation.

Mr. Speaker, early in this Congress, I, along with the rest of the Virginia delegation introduced the James Madison Commemorative Coin Act. This legislation instructs the U.S. Treasury to mint $1 commemorative coins to honor the 250th anniversary of the birth of James Madison.

The proceeds from the sale of this coin, once the Treasury has recovered all production costs, will go to the National Trust for Historic Preservation to be used to establish an endowment to be a permanent source of support for Montpelier, the home of James and Dolley Madison. In addition, profits from this coin will help fund a capital restoration project at Montpelier, which is in dire need of repairs.

I am proud to report 313 of our colleagues share my desire to see Montpelier protected and have cosponsored H.R. 1684. As this coin required the approval of the Citizen's Commemorative Coin Advisory Committee, Representative CASTLE, the chairman of the Subcommittee on Domestic and International Monetary Policy, asked the Coin Committee to review H.R. 1684.

The Citizen's Commemorative Coin Advisory Committee found H.R. 1684 met all of its necessary criteria for approval except one—the rule against honoring the same person twice in a period of 10 years.

In 1993, James Madison was depicted on a coin observing the bicentennial of the Bill of Rights. Recognizing the need to protect Montpelier, the Citizen's Commemorative Coin Advisory Committee unanimously approved an alternate proposal—a coin honoring Dolley Madison in 1999, the 150th anniversary of her death. An amendment was adopted at the subcommittee level of H.R. 1684, which will instruct the Treasury to mint a Dolley Madison Commemorative Coin in 1999.

A commemorative coin honoring Dolley Madison would be the first coin to honor a First Lady. Furthermore, Dolley Madison would be only the third woman to be so honored. I can think of no First Lady who deserves this honor more.

Dolley Madison was the originator of the role of First Lady as it exists today. She rejected the somewhat aloof and monarchical role crafted by previous First Ladies and redefined the position to be as she was—democratic and accessible, yet always stylish and always elegant.

By nature, kind and gracious—and married to a very shy man—Dolley Madison took on the responsibility for crafting the social activities that are so essential to the affairs of state. This was more than just throwing successful parties—it was a bridge between the official work of Washington and the private social life of the first couple.

She was such a compelling and popular figure that she acted as hostess for the widowed Thomas Jefferson while her husband served as Jefferson's Secretary of State. Thus, Dolley Madison's term as First Lady extended from 1801 to 1817—over 16 years.

Charles Cotesworth Pickney, who ran against James Madison for the Presidency, saw first hand how the Nation loved Dolley Madison. After losing to Madison, Charles Pickney said, "I was beaten by Mr. and Mrs. Madison. I might have had a better chance had I faced (Mr.) Madison alone." With the elections approaching, I know many of us would be lucky to have Dolley Madison in our corner.

While Dolley Madison served in the White House as First Lady with unprecedented grace, I feel certain Mrs. Madison would be upset at the condition of her and her husband's home at Montpelier.

Dolley Madison was forced to sell the 2,700 acre estate at Montpelier in 1844. Thereafter, Montpelier changed hands six times before being purchased in 1900 by the industrialist William Henry duPont. Montpelier remained in private ownership until 1984 when, upon the death of Marion duPont Scott, the estate was bequeathed to the National Trust for Historic Preservation. In her will, Ms. Scott directed the National Trust to maintain Montpelier as, "an historic shrine * * * to James Madison and his times."

Unfortunately, during the years of private ownership, the physical structure of Madison's home fell into disrepair.

The house appears sound at first glance, however, there are many basic structural repairs which are needed. While the National Trust has invested over $5 million in repairs, the development and the operation of Montpelier as a museum and Presidential home, much work remains to be done. Because of the property's scale, many additional infrastructure and capital improvements still are needed for Montpelier to become fully adapted for public use.

It is these improvements which will be undertaken with the proceeds from the Dolley Madison Commemorative Coin. With the funds from the minting of this coin in 1999, Montpelier will be able to realize its full potential.

Visitors arriving at Montpelier will be able to walk the grounds James Madison did as he formed the ideas which would become the principles on which our Nation is based. It was at Montpelier where the ideas which became the basis for the Federalist Papers and the Bill of Rights were formed.

With the passage of H.R. 1684, future generations will be able to visit Montpelier and study the Madisons' legacy. I urge my colleagues to support H.R. 1684 to ensure the Madisons' home is protected for future generations.

In closing, Mr. Speaker, I would like to thank Representative CASTLE for his help on H.R. 1684 as well as bringing this legislation before his subcommittee for consideration. Also, I would like to thank Representative PETE GEREN. Without Congressman GEREN's hard work, we might not have gotten the 290 cosponsors needed in order to bring this legislation to the floor.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1684, as amended.

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

The title of the bill was amended so as to read: "A bill to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolley Madison"

A motion to reconsider was laid on the table.

GEORGE WASHINGTON COMMEMORATIVE COIN ACT OF 1996

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2026) to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington, as amended.

The Clerk read as follows:

H.R. 2026

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 "George Washington Commemorative Coin Act of 1996".

SEC. 2. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 100,000 5 dollar coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under other provisions of law.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of George Washington.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1999"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Mount Vernon Ladies' Association and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary shall issue coins minted under this Act beginning May 1, 1999.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after November 31, 1999.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $35 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Mount Vernon Ladies' Association (hereafter in this Act referred to as the "Association") and shall be used—

(1) to supplement the Association's endowment for the purpose of providing a permanent source of support for the preservation of George Washington's home; and

(2) to provide financial support for the continuation and expansion of the Association's efforts to educate the American public about George Washington.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Association unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Association submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Association has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Association may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Association shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Association, of all such payments to the Association beginning in the first fiscal year of the Association in which any such amount is received and continuing until all such amounts received by the Association with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Association pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Association during the fiscal year of the Association for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted; and

(C) whether all expenditures by the Association from the proceeds of such surcharges during the fiscal year of the Association for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF ASSOCIATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Association shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Association in each fiscal year of the Association can be accounted for separately from all other revenues and expenditures of the Association.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Association for which an audit is required under paragraph (1), the Association shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Association may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Association for any fiscal year after taking into account the amount of surcharges which the Association received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Association shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Association, or by any independent public accountant who audited the Association in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Association.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Association from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Association to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, the next bill of this series is H.R. 2026, a bill to require the Secretary of the Treasury to mint 100,000 $5 gold coins in commemoration of the 200th anniversary of the death of George Washington. The beneficiaries of this coin's surcharges will be the Ladies of Mount Vernon who look after the memory of our first President and work to preserve the physical plant of his home at Mount Vernon. This coin has been on the recommended list of the Citizens Commemorative Coin Advisory Committee since their annual report of 1994. This year it gained the cosponsorship of over 300 members and

is presented to this House free of any controversy.

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

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

Mr. Speaker, I offer my support for this bill, and will urge my colleagues to do the same. H.R. 2026, like H.R. 1684, has met all the criteria for favorable consideration. It commemorates a significant figure on a significant date; it will ensure that the mint recovers its costs; and it has been endorsed by the CCCAC. Moreover, by passing this legislation, we will ensure the continued success of George Washington's Mount Vernon residence, which as we all know, is one the Capital region's most popular historical tourist attractions.

I will close by congratulating our colleagues, Mr. MORAN and Mr. DAVIS of northern Virginia, for their assistance in garnering the bipartisan support needed for committee consideration; for not only is this a northern Virginian treasure, it is also an asset that our Nation must always support.

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

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, since the beginning of the 104th Congress, I have been working with the entire Virginia delegation to move this important piece of legislation through Congress. With the assistance of my fellow Virginian, Congressman JIM MORAN, and other cosponsors, H.R. 2062, the George Washington Commemorative Coin Act of 1996, has gained broad bipartisan support in the House.

It is especially fitting that the House pass this legislation honoring George Washington on this date, for it was on September 17, 1796, 200 year ago today, that he authored his farewell address upon his retirement from government, warning our Nation of the dangers of factions or partisanship and national deficits.

H.R. 2062 authorizes the Secretary of the Treasury to issue 100,000 $5 gold coins in commemoration of the bicentennial of George Washington's death in 1799.

The theme of the coin, and it is going to be issued in 1999, the theme of the coin will commemorate an important national historical figure on an anniversary of great national significance.

The proceeds of the coin will benefit historic Mount Vernon which welcomes over 1 million visitors annually from every State in the Union. Although George Washington's image continues to be one of the most familiar in our Nation, Americans are gradually losing touch with the accomplishments, the character and the leadership of this singularly American hero.

Washington's service to the Nation goes far beyond his remarkable leadership during the Revolutionary War and his precedent-setting first term as the President of the United States. Washington was also considered the first farmer of America, a conservationist and environmentalist far ahead of his time.

He helped to found the Nation's Capital. He supported education with both political influence and personal donations, and he sent an important message to the entire world when he freed his slaves in his will.

□ 1745

Washington was not just a great man, he was a good man who always strived to do what was best for his Nation. The commemorative coin will renew in Washington's vast achievements while supporting broad-based educational programs designed to reach millions of Americans.

Historic Mount Vernon is ideally suited to organize and implement an ongoing educational program in 1999. To date, more than 65 million visitors have toured Washington's home. Millions more have been educated through classroom kits, television and radio programs, publications, and special field trips. In 1999 Mount Vernon is planning scholarly conferences, a major traveling exhibit, several new publications and a host of other programs which will touch the hearts and minds of all Americans.

As we approach the new millennium it is imperative that we, as Americans, not lose sight of the monumental contributions made by George Washington to our Nation.

In an eulogy delivered several days after his death, Henry Light-Horse Harry Lee said that George Washington was a citizen first in war, first in peace, and first in the hearts of his countrymen. By moving this commemorative coin forward, we will help to ensure that future generations of Americans truly understand this statement.

I would also like to extend my sincere appreciation to the Citizens Commemorative Coin Advisory Committee, and to the gentleman from Delaware [Mr. CASTLE] and his subcommittee, and the ranking member, the gentleman from New York [Mr. FLAKE] for their efforts with the commemorative coin program and for supporting the George Washington Commemorative Coin Act of 1996.

Mr. Speaker, I include for the RECORD Washington's Farewell Address.

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop

of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home: your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite movement, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations—*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes

the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enable to subvert the power of the people, and to usurp for themselves the reigns of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions: that experience is the surest standard by which to test the real tendency of the existing constitution of a country: that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for through this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time debate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not

connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! Is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, or privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that is must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to

which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

Mr. FLAKE. Mr. Speaker, I yield such time as he may consume to the gentleman from northern Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I thank my distinguished colleagues and friends, the gentleman from New York [Mr. FLAKE] and the gentleman from Virginia [Mr. DAVIS], for working with me in a bipartisan way to get this authorization to mint 100,000 gold $5 coins. They will be minted in 1999, commemorating the 200th anniversary of the death of George Washington, our first President.

I think I can speak for Mr. DAVIS and probably all my colleagues, that getting 290 signatures is not like rolling off a log. This has taken us much of the year, and we would not have done this if it was not of some consequence. Even the fact that the Coin Commission recommended it, it still is difficult to get people's attention to focus on it.

But this is a uniquely important coin because once we reimburse the taxpayers fully for the cost of minting this coin, the Mount Vernon Ladies Association will use the proceeds for the preservation of Mount Vernon, which was George Washington's home in northern Virginia at the southern end of the parkway. We invite all our colleagues and people listening to visit that beautiful birthplace, the home of George Washington.

The funds will also enhance the ladies association's efforts to educate the American public about George Washington's life. Few people know that this, in fact, is the 200th anniversary of George Washington's farewell address this very day. It still has resonance, it has tremendous profundity, wisdom in that address, but too few people are aware of it. This will enable us to spread that kind of educational information.

Many of our textbooks include now only a small fraction of information about George Washington's life and times. Forty years ago there was a lot about it. But over the years our history textbooks have reduced, more and more, the life of George Washington, and it should not be diminished.

So this is an effort to see to it that it will not be diminished, and the Mount Vernon Ladies Association is going to host a series of programs in conjunction with the bicentennial of Washington's death in 1999. There will be seminars, programs for schoolchildren and adults, construction of two new buildings which will provide the opportunity for people of all ages to learn about George Washington in the context of the 18th century life where he was the most prominent figure.

Proceeds from the sale of these coins will help to finance all these events and ensure that the nearly 1 million visitors who pass through Mount Vernon every year are fully informed about how important George Washington was to the founding of this country.

This commemorative coin, as I say, has been endorsed by the Commemorative Coin Advisory Committee. There is no reason why we should not support this legislation. It is urgent given the particular timing of it. We need to do it now, and certainly we need to give these proceeds to the Mount Vernon Ladies Association to spread information about a man who had a pivotal role in the direction of this country.

Mr. CASTLE. Mr. Speaker, I have no further speakers, and I will yield myself a moment or two just to comment on the distinguished gentleman from Virginia's comments on the 290 names. Of course that is all intentional, to make sure that these are worthwhile doing, and I am glad that he and the gentleman from Virginia [Mr. DAVIS] had to go to a little bit of effort to do that. It makes us feel that it is at least working in some way or other, but we are very supportive of this legislation. We congratulate both of these gentlemen on the wonderful job they have done.

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

Mr. Speaker, I would just like to thank the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, for their work with the committee and allowing us to bring this bill to the floor with the support that it has had.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2026, as amended.

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

A motion to reconsider was laid on the table.

BLACK REVOLUTIONARY WAR PATRIOTS COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1776) to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots, as amended.

The Clerk read as follows:

H.R. 1776

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 "Black Revolutionary War Patriots Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—In commemoration of Black Revolutionary War patriots and the 275th anniversary of the birth of the 1st Black Revolutionary War patriot, Crispus Attucks, who was the 1st American colonist killed by British troops during the Revolutionary period, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 1 dollar coins, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design—

(A) on the obverse side of the coins minted under this Act shall be emblematic of the 1st Black Revolutionary War patriot, Crispus Attucks; and

(B) on the reverse side of such coins shall be emblematic of the Black Revolutionary War Patriots Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "1998"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Black Revolutionary War Patriots Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 1998 .

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 1998.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (d) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(d) SURCHARGES.—All sales shall include a surcharge of $10 per coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

Subject to section 10(a), all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the Black Revolutionary War Patriots Foundation for the purpose of raising an endowment to support the construction of a Black Revolutionary War Patriots Memorial.

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 10. CONDITIONS ON PAYMENT OF SURCHARGES.

(a) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act shall be paid to the Black Revolutionary War Patriots Foundation unless—

(1) all numismatic operation and program costs allocable to the program under which such coins are produced and sold have been recovered; and

(2) the Black Revolutionary War Patriots Foundation submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the Foundation has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the Foundation may receive from the proceeds of such surcharge.

(b) ANNUAL AUDITS.—

(1) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the Foundation, of all such payments to the Foundation beginning in the first fiscal year of the Foundation in which any such amount is received and continuing until all such amounts received by the Foundation with respect to such surcharges are fully expended or placed in trust.

(2) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of the Black Revolutionary War Patriots Foundation pursuant to paragraph (1) shall report—

(A) the amount of payments received by the Foundation during the fiscal year of the Foundation for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act;

(B) the amount expended by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted; and

(C) whether all expenditures by the Foundation from the proceeds of such surcharges during the fiscal year of the Foundation for which the audit is conducted were for authorized purposes.

(3) RESPONSIBILITY OF FOUNDATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—The Black Revolutionary War Patriots Foundation shall take appropriate steps, as a condition for receiving any payment of any amount derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the Foundation in each fiscal year of the Foundation can be accounted for separately from all other revenues and expenditures of the Foundation.

(4) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of the Black Revolutionary War Patriots Foundation for which an audit is required under paragraph (1), the Foundation shall—

(A) submit a copy of the report to the Secretary of the Treasury; and

(B) make a copy of the report available to the public.

(5) USE OF SURCHARGES FOR AUDITS.—The Black Revolutionary War Patriots Foundation may use any amount received from payments derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act to pay the cost of an audit required under paragraph (1).

(6) WAIVER OF SUBSECTION.—The Secretary of the Treasury may waive the application of any paragraph of this subsection to the Black Revolutionary War Patriots Foundation for any fiscal year after taking into account the amount of surcharges which such Foundation received or expended during such year.

(7) AVAILABILITY OF BOOKS AND RECORDS.—The Black Revolutionary War Patriots Foundation shall provide, as a condition for receiving any payment derived from the proceeds of any surcharge imposed on the sale of coins issued under this Act, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the Foundation, or by any independent public accountant who audited the Foundation in accordance with paragraph (1), which may relate to the receipt or expenditure of any such amount by the Foundation.

(c) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment to the Black Revolutionary War Patriots Foundation from amounts derived from the proceeds of surcharges imposed on the sale of coins issued under this Act may be used, directly or indirectly, by the Foundation to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to the coins minted and issued under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

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

Mr. Speaker, H.R. 1776 is the last commemorative coin bill to be considered here today. It commemorates and serves to remind us all of the selfless sacrifice by thousands of individual black patriots during our revolutionary war. The proceeds of the 500,000 silver $1 coins authorized under this legislation will go toward helping to build a memorial to these patriots that will be situated on the Mall. The coin will feature a likeness of Crispus Attucks, a black man who was killed in the Boston Massacre, the first American victim of the Revolutionary War. This project came to fruition as a result of the sponsors working closely with the Citizens Commemorative Coin Advisory Committee and carefully observing Banking Committee rules to produce a coin that meets all the strict new relevant criteria, including the taxpayer protection language of the Commemorative Coin Reform Act of 1995.

I urge its immediate adoption, and I reserve the balance of my time.

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

Too often, Mr. Speaker, we witness the significant contributions of segments of our society being relegated to the footnotes of history. We hear instead a history myopic in its view of those who laid the foundation for this Nation, and the people whose sacrifices were of equal value are undervalued, mislabeled, and often forgotten. Today, by passing H.R. 1776, we expand the focus of history's view of African-

Americans contribution to the liberty and freedom we enjoy as Americans.

H.R. 1776 will celebrate the birth, 275 years ago, of Crispus Attucks who was the first casualty in the American Revolution. Attucks was a black man killed by British troops in Boston on March 5, 1770, during an event that would become known as the Boston Massacre. Moreover, some 5,000 other black patriots fought during the Revolutionary War and its major battles of Lexington, Bunker Hill, Valley Forge, Concord, and others. Today we will ensure that people understand the heroism of Attucks, and men like Peter Salem who was the hero of Bunker Hill when he slew the British commander.

Perhaps a more compelling reason to commemorate these men by this coin, and by commemorating them on the Mall, is that despite being relegated to second-class citizenship and servitude, they fought for the values of freedom upon which this country was founded. They recognized the genius of equality, freedom, justice, and liberty. They and others wished to share this American vision, and recognized that the cost of these freedoms was through the blood sweat and tears lost on the battlefield.

For the sacrifices of these black patriots, and the sacrifices of all the founders, we owe a great debt, and we must never forget that the steel-like strength of our Democracy was forged on the backs of many. H.R. 1776 accomplishes this goal, and I urge its unanimous passage.

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

Mr. CASTLE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am very pleased to speak in strong support of H.R. 1776.

This is an important small bill that I introduced with my distinguished colleagues, the gentleman from Oklahoma, Mr. J.C. WATTS, and the gentleman from New Jersey, Mr. PAYNE, with enormous backing from many, many Members on both sides of the aisle. It directs the Secretary of the Treasury in 1998 to mint 500,000 coins in recognition of the African-American patriots who fought for our Nation's independence and our individual freedom.

The bill specifically commemorates the 275th anniversary of the birth of Crispus Attucks as the first to fall during the American Revolution. He is a prominent black figure in American history and a person whose life every one of our children should understand. He is a powerful symbol of black patriots' courageous contributions during this defining moment that created our Nation.

H.R. 1776 has overwhelming bipartisan support with more than 300 cosponsors in the House of Representatives. Its companion legislation introduced by Senators JOHN CHAFEE and CAROL MOSELEY-BRAUN has the support of more than 60 Senate cosponsors.

H.R. 1776 will recognize the contribution of African-Americans during this historic period of our Nation's history when we came into being, and distribution of these unique coins will help augment the significant fundraising efforts of the black patriots memorial to succeed in funding the black Revolutionary War patriots memorial.

As my colleagues know, in 1986 Congress approved legislation I introduced with the support of many of my friends here on both sides of the aisle to authorize the construction of a memorial to the black soldiers who fought and died during our Nation's war for freedom and independence. The memorial's design has been approved, and it will be located in Constitution Gardens on the national Mall between the Washington Monument and the Lincoln Memorial. It will be the first monument on the Mall which specifically honors the achievements of African-Americans.

I would have to say, Mr. Speaker, that sometimes people in America think that as individual citizens they have no influence in this body. I would tell my colleagues that many years ago my friend Maurice Barbosa, a lawyer from Plainville, CT, the adjoining town to my hometown, came to me with this idea. This was his vision.

Mr. Speaker, through him and his hard work and through so many in this body, we were able to authorize that memorial to get it designed and approved, and it will finally sit on the Mall, the first monument to acknowledge and to honor the achievements of African-Americans, and so I thank Maurice Barbosa and Wayne Smith, the current head of the Black Patriots Foundation, for the wonderful work that he and his comrades are doing.

□ 1800

For over two centuries, the compelling contribution of over 5,000 African-American slaves and freedmen who served in the militia or provided civilian assistance during the Revolutionary War has, for the most part, gone unnoticed. These soldiers fought shoulder to shoulder with white soldiers, heroically sacrificing so we could stand here today, a free people and a world leader.

After years of work on this commemorative coin effort, I am delighted that this House is now recognizing the courageous contributions of our black Revolutionary War patriots. Passage of this legislation will send an emphatic message that we are one nation because people of all races and ethnic origins were willing to fight for and then build a new nation of free and equal citizens. If we fail to understand our past, we cannot assume a future worthy of our visionary ancestors.

This memorial is about cherishing, affirming, and comprehending our past each day we build our future. I urge my colleagues to support this unique commemorative coin legislation, and help the Black Patriots Foundation realize the dream of a memorial to black Revolutionary War patriots here in Washington, DC.

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey, Mr. DONALD PAYNE, chairperson of the Congressional Black Caucus.

Mr. PAYNE of New Jersey. Mr. Speaker, as one who has been involved in this endeavor from the beginning, I am pleased that our efforts are coming to fruition today. I want to thank the chairman, the gentleman from Delaware, Mr. CASTLE, for moving this important measure through, and thank the gentleman from New York, FLOYD FLAKE, the ranking member, for all of his contributions.

Let me express special appreciation to the sponsor of this bill, the gentlewoman from Connecticut, Ms. NANCY JOHNSON, who you have just heard, for all of the hard work she has done on this bill for so many years. It has been a pleasure working with her through this process.

Our legislation directs the Secretary of the Treasury to mint 500,000 coins in 1998 recognizing the sacrifices of African American soldiers in the Revolutionary War. Proceeds from the sale of this coin will help the construction of the first monument on the National Mall here in Washington to specifically honor the contributions of the African-American war patriots.

It is fitting that we pay tribute to the pride and patriotism of heroes such as Crispus Attucks, as the gentleman from New York [Mr. FLAKE], mentioned, a runaway slave who became the first casualty of the American Revolution. As our country was struggling to become free of British tyranny, this young runaway slave gave his life during the Boston Massacre on March 5, 1770.

African-American patriots fought in most of the major battles of the Revolutionary War. They were at Lexington and Concord; they were at the Battle of Bunker Hill at Trenton, in New Jersey, the battles on Long Island, at Valley Forge and Yorktown.

It was a black minuteman, as we have heard, Peter Salem, who became the hero of the Battle of Bunker Hill, when they said, don't shoot until you see the whites of their eyes, because our armies were low on ammunition. He took down the British commander. African Americans went on to serve with distinction in every conflict since that time.

Let me just digress for a minute to say in the War of 1812 and in the Civil War, with the 54th Regiment that Frederick Douglass convinced President Lincoln to allow them to fight for

their freedom, and it turned the tide of the Civil War that at that time was at a stalemate.

In the Spanish American War, there were black Americans on the Maine, and it was the Rough Riders that went into the Battle of San Juan Hill, where Teddy Roosevelt was at the point of annihilation, but the Rough Riders were pinned down and the Buffalo Soldiers came and relieved them.

So as we move on, World War I, Neham Roberts, a man from north New Jersey and his partner, after several weeks captured 20 Germans as they were wounded in the foxholes and in the lines, and they brought these persons in as prisoners of war.

In World War II, Archie Callahan from Norton, NJ, died on December 7 in Pearl Harbor in 1941.

Mr. Speaker, with the passage of today's measure, let us remember that after that, in Korea, and in Vietnam, in the Persian Gulf war, let us remember that our nation was born of shared sacrifices, with people of all backgrounds coming together for a common cause of freedom. The best way for us to honor the memory of these fallen Revolutionary War heroes is to promote the same spirit of unity on which this Nation was founded.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma [Mr.WATTS].

Mr. WATTS of Oklahoma. Mr. Speaker, I rise in support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act. I commend our chairman, the gentleman from Delaware [Mr. CASTLE], and the ranking member, the gentleman from New York [Mr. FLAKE], for moving this commemorative coin.

This House has noticed an absence and therefore a very real need for commemoration in honor of people who helped to birth the Nation, people who actually gave the supreme sacrifice during this Nation's defining moment.

As Harriett Beecher Stowe wrote about the black men and women who served in the Revolutionary War,

> It was not for their own land they fought, nor even for the land which had adopted them, but for a land that had enslaved them and whose laws, even in freedom, more often oppressed than protected. Bravery under such circumstances has a peculiar beauty and merit.

The fact is, Mr. Speaker, men and women of all colors have been involved in every aspect of this country from its founding days. We are full partners in the history, bloodshed and tears that have made this Nation great.

Unfortunately, not all of us know our Nation's history, where we came from and what makes us who we are today. H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, renders honor to those who are exceptionally deserving of lasting historical recognition, and teaches us vis-a-vis "history in our hands" that we all had a stake in this Nation's founding and that we all are equal partners.

H.R. 1776 authorizes the U.S. Mint to strike 500,000 silver dollars in 1998 commemorating the 275th anniversary of the birth of Crispus Attucks. Crispus Attucks, a black man, became the first American casualty of the Revolutionary War when he was killed by British troops in Boston on March 5, 1770, in an event that would come to be known as the Boston Massacre.

H.R. 1776, introduces by the gentlewoman from Connecticut [NANCY JOHNSON], the gentleman from New Jersey [DONALD PAYNE], and myself enjoys the support of an overwhelming, bipartisan majority of 318 House cosponsors. The Senate companion bill enjoys the backing of 63 Senate cosponsors.

The proceeds from the sale of these commemorative coins will go toward the construction of the Black Revolutionary War Patriots Memorial on the National Mall honoring Crispus Attucks and the other 5,000 black men and women who fought for and supported American independence during the Revolutionary War.

Not only will the commemorative coin teach us all an important aspect of our Nation's history, but the memorial will continue the legacy of reminding us that we are truly one Nation and full partners in the history, bloodshed and tears that have made this Nation great.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. FLAKE. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from New York for yielding time to me, and I do appreciate very much his leadership, along with that of the gentleman from Delaware [Mr. CASTLE] for moving this very historic legislation to the floor of the House.

Let me also thank the distinguished gentlewoman from Connecticut, Mrs. JOHNSON, the gentleman from Oklahoma, Mr. J.C. WATTS, and also the chairman of the Black Caucus for their inspiration and leadership on something that really goes beyond these walls and this Chamber today.

For as we all have come to a point of recognizing that this is a nation created for all to be considered equal, even as the Declaration of Independence stated in those early years, we all are created equal, with certainly inalienable rights of life, liberty, and the pursuit of happiness, it was well known that those of us of African American descent were at that time enslaved in this country. How fitting it is to acknowledge that there were those willing to give the most and the most costly of sacrifices, their life, to fight for the freedom of this Nation, which included the freedom of all citizens.

So I am very much in support of the Black Revolutionary War Patriots Commemorative Coin Act, H.R. 1776, which, as rendered, will allow for the selling of a coin that would then allow for the constructing of an appropriate memorial to these great men who offered their lives for America.

It is interesting, as a young girl studying history in our public schools in this country, during the era that I was raised there was not much in giving credence to those African American slaves, who were in fact very much a part of the American history and the American structure and the American liberation.

So it is now fitting that I can say to my 11-year-old son, Jason, as he is entering into the fifth grade, that we now have an opportunity, along with many other monuments that have come over the last 10 years, to acknowledge those early patriots who happened to have been slaves, happened to have been former slaves but of African descent.

It is important to acknowledge all Americans who fought in the American Revolutionary War, and to recognize that they fought for democracy, not for party or for creed, not for color, but for freedom.

How gratified we can all be that Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence, finally will be honored by the passage of this legislation.

How befitting it will be to have schoolchildren traveling from as far as Los Angeles, CA, Seattle, WA, or the 18th Congressional District in Houston, TX, from Cleveland, OH, to Jamaica, New York, to Miami, FL, to be able to come to the Washington Mall, and to be able to see the acknowledgment of Revolutionary War heroes, black patriots, former slaves who gave their life for this country.

Let me acknowledge that this was a bipartisan effort, with over 300 cosponsors, of H.R. 1776, and that is why today, September 17, 1996, it is extremely fitting for us to join together to pay tribute to these patriots.

I do hope that we in the spirit of this legislation can carry forward the message that when it comes to freedom and equality and opportunity, Americans will stand together, Republican, Democratic, Independent alike, and stand for what is right, and that is to respect those who gave the most prized measure, and that is their life.

This is fitting as we watch African Americans serve throughout the Revolutionary War, the War of 1812, the Civil War of the 1800's, 1860's, and then moving into World War I and World War II, noting the Tuskegee Airmen, and, of course, the Korean war, Vietnam, in the Persian Gulf, and now. We must realize that was is no respecter of color, and freedom must be enjoyed by all of us.

I congratulate the sponsor and cosponsor of this legislation, and rise to support it.

Mr. Speaker, I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, in order to construct a long overdue monument to the black Revolutionary War patriots on the Mall.

I would like to commend and thank Congresswoman NANCY JOHNSON and DONALD PAYNE for their leadership in proposing this legislation to honor some of our Nation's most outstanding revolutionary heroes. As an original cosponsor of H.R. 1776, I would like to thank the Members from both sides of the aisle who are cosponsors of this legislation.

Those who fought in the American Revolutionary War did so for the ideal of democracy—not for party or for creed, nor for color, but for freedom.

Crispus Attucks, who was killed in the Boston Massacre, during one of the first of many confrontations at the beginning of this country's struggle for independence will be honored by the passage of the legislation.

This bill directs the Secretary of the Treasury to mint $1 silver coins in commemoration of black Revolutionary War patriots. This legislation further directs that coin sale surcharges be paid to the Black Revolutionary War Patriots Foundation for raising an endowment to support construction of the Patriots Memorial here in Washington, DC.

With over 300 cosponsors of H.R. 1776, I would like to thank my fellow colleagues for this strong show of bipartisanship.

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

Mr. Speaker, I would make a closing comment or two.

Mr. Speaker, first of all, of all the bills, three bills we are handling today, this particular piece of legislation I think had the greatest struggle in that they were dealing with other sources of funding; they were dealing with an authorization issue as well as, obviously, obtaining signatures.

I think all those involved with the Black Revolutionary War Patriots Foundation, which is the correct full name, deserve to be congratulated on their perseverance for what I consider to be an extremely good cause. It was with some degree of pride that we were able to have a hearing, have them actually come before us and be able to approve this legislation. We wish them great success.

I hope that anyone who is listening to this will be ready to buy any or all of these coins. We want them to succeed down the road. But this one in particular I think is one that took a great deal of work, so I congratulate all those individuals.

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

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

Mr. Speaker, I would like to just say this is a great day when we can come to the floor and have coins that commemorate Dolley Madison, George Washington, and the black patriots. I think it speaks well for our country.

Mr. BARRETT of Wisconsin. I rise in strong support of H.R. 1776, the Black Revolutionary War Patriots Commemorative Coin Act, and to honor the thousands of African-American patriots who fought in the Revolutionary War and risked their lives for our freedom.

I am a proud cosponsor of this critical legislation and its importance cannot be overstated. African-Americans participated in every phase of the struggle for American independence. Yet far too many of our children are learning the history of the Revolutionary War without knowing the names and heroics of these outstanding American patriots. Indeed, we must move forward on this legislation so that no young American will pass through school without learning that African-Americans were essential participants in our forefathers' fight for freedom.

There was Crispus Attucks, the first person to die in the Revolution, who gave his life in the Boston Massacre. There was James Robinson, who fought in the Revolutionary War as well as in the War of 1812, but was not granted his freedom until after the Civil War in 1865. There was James Forten, who was born free in Philadelphia and later became a very wealthy and powerful businessman, employing more than forty men both black and white in his sail business. Forten amassed more than $100,000 from his business which he used in his fight for the freedom and independence of hundreds of African-Americans, during and after the war.

African-Americans served with Gen. George Washington at Valley Forge during the winter of 1777–78, and African-Americans were present as the British were driven out of Yorktown in the waning days of the war. More than 5,000 African-American patriots in total, their story must be told.

H.R. 1776 will allow the minting of 500,000 silver one dollar coins to assist in the effort to build a National monument honoring African-American Revolutionary War patriots. Fittingly, the Treasury Department would be able to begin minting the coins in 1998—the 275th anniversary of the birth of Crispus Attucks under this legislation.

But this legislation is just a start—a building block which will allow us to finance a glorious monument on the National Mall, dedicated to the black soldiers of the Revolutionary War. And while this tribute is long overdue, it will ensure that all Americans will never forsake the courageous efforts of the African-American soldiers who selflessly fought for the independence of our Nation, even when their own freedom as a people was not wholly recognized.

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

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

The SPEAKER pro tempore (Mr. GOODLATTE). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 1776, as amended.

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

The title was amended so as to read: A bill to require the Secretary of the Treasury to mint coins in commemoration of black Revolutionary War patriots and the 275th anniversary of the first black Revolutionary War patriot, Crispus Attucks.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the three coin bills which were just passed, H.R. 1684, H.R. 2026, and H.R. 1776.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 3802, by the yeas and nays; House Joint Resolution 191, de novo; S. 533, de novo; H.R. 3723, de novo; and H.R. 3803, by the yeas and nays.

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

□ 1815

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3802, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 414]

YEAS—402

Abercrombie	Barcia	Bereuter
Ackerman	Barr	Berman
Allard	Barrett (NE)	Bevill
Andrews	Barrett (WI)	Bilbray
Archer	Bartlett	Bilirakis
Armey	Barton	Bishop
Baesler	Bass	Bliley
Baker (CA)	Bateman	Blumenauer
Baker (LA)	Becerra	Blute
Baldacci	Beilenson	Boehlert
Ballenger	Bentsen	Boehner

Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—31

Bachus
Chapman
Conyers
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E.B.
Johnston
Largent
Laughlin
Lewis (CA)
Markey
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1833

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 191, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. FLANAGAN] that the House suspend the rules and pass the joint resolution, House Joint Resolution 191, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 28, as follows:

[Roll No. 415]

YEAS—405

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn

Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—28

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
McCrery
Meyers
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
White
Whitfield
Wicker

□ 1842

So (two-thirds having voted in favor thereof) the rules were suspended, the joint resolution was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Joint resolution to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa".

A motion to reconsider was laid on the table.

CLARIFYING RULES GOVERNING REMOVAL OF CASES TO FEDERAL COURT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 533.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MOORHEAD] that the House suspend the rules and pass the Senate bill, S. 533.

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

A motion to reconsider was laid on the table.

ECONOMIC ESPIONAGE ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3723, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. BUYER] that the House suspend the rules and pass the bill, H.R. 3723, as amended.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 3, not voting 31, as follows:

[Roll No. 416]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—3

Cooley
Stark
Wilson

NOT VOTING—31

Bachus
Cubin
Dellums
Durbin
Edwards
Fazio
Fields (TX)
Flanagan
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Markey
McCrery
Mink
Montgomery
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Thompson
Waters
White
Wicker

□

Messrs. ZIMMER, MINGE, and BURTON of Indiana changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GEORGE BUSH SCHOOL OF GOVERNMENT AND PUBLIC SERVICE ACT

The SPEAKER pro tempore (Mr. GOODLATTE). The pending business is the question of suspending the rules and passing the bill, H.R. 3803, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. GOODLING] that the House suspend the rules and pass the bill, H.R. 3803, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 279, nays 116, not voting 38, as follows:

[Roll No. 417]

YEAS—279

Abercrombie
Ackerman
Archer
Armey
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Combest
Costello
Coyne
Cramer
Crapo
Cummings
de la Garza
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fields (LA)
Flake
Foglietta
Ford
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hilliard
Hinchey
Hobson
Hoke
Holden
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lowey
Lucas
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Meyers
Mica
Millender-McDonald
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schiff
Scott
Serrano
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stenholm
Stockman
Stokes
Studds
Stump
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

NAYS—116

Allard
Baesler
Baker (CA)
Barcia
Barr
Barrett (WI)
Bartlett
Bono
Brown (OH)
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins (GA)
Condit
Conyers
Cooley
Cox
Cremeans
Cunningham
Danner
Deal
DeFazio
Deutsch
Dickey
Duncan
Ehrlich
Ensign
Fawell
Filner
Flanagan
Foley
Forbes
Frank (MA)
Franks (NJ)
Funderburk
Goodlatte
Graham
Gutknecht
Hancock
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hoekstra
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jones
Kanjorski
Kaptur
Kleczka
Klug
LaTourette
Lewis (GA)
LoBiondo
Lofgren
Luther
Maloney
Manzullo
Martini
McCarthy
McDermott
McKinney
Meehan
Metcalf
Miller (CA)
Miller (FL)
Minge
Myrick
Neumann
Ney
Owens
Parker
Payne (NJ)
Peterson (MN)
Radanovich
Ramstad
Rivers
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanders
Sanford
Scarborough
Schaefer
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Skaggs
Slaughter
Smith (MI)
Smith (WA)
Souder
Stearns
Stupak
Talent
Tate
Tiahrt
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Woolsey
Yates
Zimmer

NOT VOTING—38

Andrews
Bachus
Borski
Bryant (TX)
Crane
Cubin
Davis
Dellums
Dooley
Durbin
Edwards
Fazio
Fields (TX)
Furse
Ganske
Hastings (FL)
Hayes
Heineman
Hyde
Jefferson
Johnson, E. B.
Johnston
Largent
Laughlin
Levin
McCrery
Mink
Nethercutt
Norwood
Pastor
Peterson (FL)
Rangel
Rose
Shuster
Stark
Thompson
White
Wicker

□ 1900

Mrs. ROUKEMA and Mr. CUNNINGHAM changed their vote from "yea" to "nay."

Mr. BROWNBACK changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, due to a mechanical problem on my flight to Washington, I was delayed in Chicago and was not present for rollcall votes Nos. 414–417. Had I been present, I would have voted "aye" on all four of these bills.

PERMISSION FOR SPEAKER TO ENTERTAIN CERTAIN MOTIONS TO SUSPEND RULES ON WEDNESDAY, SEPTEMBER 18, 1996

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that, notwithstanding clause 1 of Rule XXVII, the Speaker may entertain motions to suspend the rules and pass the following bills on Wednesday, September 18, 1996: H.R. 2594, H.R. 2940, H.R. 3923, H.R. 3348, H.R. 4040, S. 1995, and S. 1636.

These are the suspension bills that we were unable to finish earlier.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON SMALL BUSINESS AND COMMITTEE ON VETERANS' AFFAIRS

Mrs. KENNELLY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 523) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 523

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Small Business: Mr. BECERRA of California, Mr. CLYBURN of South Carolina, Ms. NORTON of the District of Columbia, and Ms. WATERS of California;

To the Committee on Veterans' Affairs: Mr. PETERSON of Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TEENAGE DRUG USE

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. Mr. Speaker, I had the privilege in being home in the district to listen to the most important components of democracy and that is the people, the 18th Congressional District. We held a hearing in city council chambers in the 18th District on September 16 regarding the scourge of teenage drug use.

The enlightening fact that I think should be evidenced around the Nation is that no one with good common sense, no one running for office, seeking reelection, running for the first time, rises to any podium, takes any microphone, goes to any newspapers, stands before any audience and says, I am glad and I am enthusiastic about increased use of drugs by teenagers. So for us to make this a partisan issue during this election year makes us miss the point. The real issue is, how do we respond to our young people who have lost their way and begin to think that the frivolity of drug use is the way of the future?

I would offer to say to you that the hearing that we held in Houston, listening to the U.S. attorney for the southern district of Texas, the special agent in charge of the DEA, the FBI, the Harris County medical examiner, juvenile court judge and a myriad of community leaders and individuals who have hands-on experience with drug usage. First of all, they rebut and they clearly indicate that building more Federal prisons, giving political year gimmickry and loud talking will not be a solution. Housing juveniles with adults will not be a solution. Suggesting that you can single-handedly as a politician cut teenage drug use in half is not a solution.

What these individuals said, which was a directed comment on the fact that it does take a family, a community, a village, a State, a Nation to raise the future generation, was that parents must become more involved in the concept of moral leadership, indicating that it is not the right thing to do to experiment with drugs. I know there is a study that says that those parents who are of the baby boomer generation are a little bit intimidated. Well, a parent is a parent. I refuse to accept that.

As I listened to those who are on the battlefield on this issue, individuals who raise concerns about making sure that those who wanted to be treated for drug addiction could have treatment on demand, a reasoned response so that those drug addicts would not be lost, that would also provide parents with education to help them be able to teach their children against the evils of drugs but also the dangers of drugs, one thing that we have not done with the prevention programs dealing with drugs is to include the wide net of teachers and as well parents. That is an important issue.

We have not responded to those who have been rehabilitated to create jobs, but yet the Presidential candidate who is now running, who seeks the Presidency, believes that he can raise points and raise opportunity with political rhetoric of incarcerating those who might use drugs. This is not a political issue. It is an issue of family and children. It is an issue that needs a collective mind-set.

So I come to the floor of the House to say that I will be supporting legislation that encompasses parents in educational opportunities to encourage them and give them support and in giving their children the right instruction, teachers and schools. I will be supporting legislation and sponsoring legislation that says that the Federal Drug Forfeiture Asset Act should include more opportunity for its usage by taking some of those funds that are captured from those who sell drugs, the property of those who sell drugs, and provide those funds for AIDS research, for treatment and prevention of those using drugs.

We need to get down to the bottom line and the bottom line is that we do have a crisis in this Nation. I hope more of my colleagues will go home to their districts, listen to the people who are on the front line, listen to parents and teachers and, yes, listen to rehabilitated drug addicts who said to me last evening, I am prepared to work with you every step of the way. Provide us with jobs, give us treatment on demand. Give us the opportunity to turn the heads of children who would experiment with designer drugs, causing the loss of life of a very dear teen in our community, a bright athlete. We are prepared to work with you in the real solutions. We just want the political rhetoric to stop.

I am here on the floor of the House today on September 17 to say, I agree with you 100 percent. The political rhetoric will stop and those of us who want to get to work will get to work and stem the tide of drug use among teenagers in this Nation.

A TRIBUTE TO THE FIRST AMERICAN-BORN ARCHBISHOP OF THE GREEK ORTHODOX CHURCH OF AMERICA—ARCHBISHOP SPYRIDON

The SPEAKER pro tempore (Mrs. MYERS of Kansas). Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize a very special occasion, and that is the enthronement of the newly elected Archbishop of the Greek Orthodox Archdiocese of America, Archbishop Spyridon.

On September 21, 1996, the enthronement ceremony will take place in New York for Archbishop Spyridon—the first American-born leader of Greek orthodoxy in the United States since the Archdiocese was founded in 1922.

Born on September 24, 1944, in Warren, Ohio, George Papageorgiou is the son of Clara and the late Dr. Constantine P. George. Spyridon is actually the Archbishop's religious name which he took in honor of a fourth-century Cypriot saint who was revered for his skills as a shepherd. He choose this name when he was ordained a deacon in 1968.

For the past 5 years, Archbishop Spyridon has lived in Venice, Italy. I would like to be one of the first to welcome him back to his homeland here in America. In fact, it gives me great pleasure to note that he graduated from Tarpon Springs High School which is located in my Florida congressional district. I might add, proudly, that I was born in that city and that my wife's and my parents and grandparents emigrated there in the early part of this century.

After high school, he returned to Greece to prepare for priesthood. He studied at the famous Theological School of Halki in Turkey where he graduated with highest honors. Unfortunately, the renowned Orthodox school was closed by the Turkish Government in 1971, contrary to Turkey's obligations under international law.

It is my hope that our new Archbishop will work with me and others to see that this school is again open to train such talented people.

With a thirst for knowledge, Archbishop Spyridon pursued postgraduate studies at the University of Geneva in Switzerland. Having been awarded a scholarship by the Ecumenical Patriarchate, he then studied Byzantine literature at Bochum University in Germany.

Archbishop Spyridon has served as secretary at the Permanent Delegation of the Ecumenical Patriarchate to the World Council of Churches from 1966 to 1967, and later as secretary of the Orthodox Center of the Ecumenical Patriarchate at Chambesy, Geneva. He was also the director of its news bulletin from 1976 to 1985.

Also from 1976 to 1985, he was assigned duties as dean of the Greek Orthodox community of St. Andrew in Rome. Prior to his post as Metropolitan of Italy, he was assigned to the Greek Orthodox Archdiocese of Austria and Exarchate of Italy.

Certainly, his achievements are many and varied. Archbishop Spyridon is fluent in English, French, German, Greek, and Italian.

His Eminence brings with him the knowledge and insight that comes from having lived in America and Europe. I am confident that his energy, enthusiasm, and leadership will serve the

Church well, as he pursues church unity between the Greek Orthodox Church and the other Orthodox communities in the United States.

In addition, I am sure that his dynamic personality will help him in addressing the interests and needs of both, the American-born and immigrant members of our church.

I wish him all the best for a bright future as the new spiritual leader of the Greek Orthodox Church of America.

□ 1930

OPPOSE THE DEPARTMENT OF THE INTERIOR'S PROPOSAL TO TAX OUTDOOR-RELATED ITEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Madam Speaker, I rise to inform my colleagues that this weekend I had the opportunity, as I suppose many have, of seeing a political advertisement on television; we are all being deluged with these ads that are coming on, and I saw, believe it or not, a Clinton-Gore campaign ad. In this ad they described what Bob Dole and Jack Kemp have put forward as a plan to allow the American people to keep more of their own hard-earned money. As Bob Dole says so well, it is not ours; it is theirs. They describe in that ad that action as a risky tax scheme. Those three words are used to describe the plan to bring about a 15-percent across-the-board tax cut for working families in this country.

Then, back from California and to Washington, to get this amazing report that has come forward. For starters we have seen the information that the Clinton proposed tax cut, actually over a 10-year period, is a tax increase of $64 billion, but, Madam Speaker, that is just the tip of the iceberg.

The latest development came forward from the Secretary of the Interior, Secretary Babbitt, who has informed us that he now wants to implement his Teeming with Wildlife Project. Now what does the Teeming with Wildlife Project consist of? It consists of a tax increase, a tax increase of from one-quarter of 1 percent to 5 percent on outdoor-related items.

Now, when one thinks of outdoor related items, this is a very far-reaching area. Some have mentioned bird seed as one of those items that would be taxed, and others have thought about the prospect of the taxation of backpacks, and I was thinking, as children have started school this month, of the increase in the tax for those children buying backpacks, and you think of the other things that relate to this: boots and parkas and all kinds of items, and this supposedly is going into a fund that is designed to fund education, recreation, and conservation projects.

Now, this administration is supposedly talking about a tax cut when the Secretary of Interior is proposing what obviously would be a tax increase, which he claims would raise approximately $350 million, that tax on our people who are hoping to enjoy some sort of outdoor activity. It is, I believe, preposterous to have this kind of proposal come forward. As a Representative who comes to this institution from the western part of the United States, I can think of little more that would be punitive than those that want to enjoy the great outdoors, and at the rate we are going on this there might be a surcharge that Secretary Babbitt may want to impose for just enjoying the fresh air that we have out West.

Madam Speaker, I believe that it is a very, very sad day when we have got these kinds of proposals coming forward, but tragically, Madam Speaker, they are indicative of the kinds of things that this administration has done with its massive increase on middle-class wage earners and that they propose to do in the future even though they called theirs a tax cut and they described a real tax cut, that proposed by the Dole-Kemp ticket as nothing more than a risky tax scheme.

Madam Speaker, I urge my colleagues to join in opposition to this ludicrous proposal which has come forward from the Department of the Interior.

THE PUBLIC ENTITLED TO EXPRESS VIEWS ON THE KAIPAROWITZ PLATEAU

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Utah [Ms. GREENE] is recognized for 5 minutes.

Ms. GREENE of Utah. Madam Speaker, it now appears more likely than not that tomorrow the President will announce that he has unilaterally decided to make sweeping changes to the management of nearly 2 million acres of Federal land. What process has brought us to this change?

There has been no environmental impact statement, there has been no compliance with FLPMA, there has been no compliance with NEPA, there have been no public hearings, there have been no congressional hearings, there has been no notice in the Federal Register and no public comment period to allow the people of this Nation the opportunity to comment on the President's proposal.

Instead, the President proposes to lock away nearly 2 million acres of land in Utah by Executive fiat by invoking the provision of the 1906 act known as the Antiquities Act to declare the largest national monument in the lower 48 States, and in doing so, the President will render worthless over 200,000 acres of Utah land belonging to the schoolchildren of Utah since 1896, set aside by this Congress to help finance the public education of the schoolchildren of Utah, not to mention what this decision will mean to other easements and rights-of-way existing in other lands in the area.

What is the President doing? It appears that the President is going to announce the creation of a new national monument on the Kaiparowitz Plateau of Utah. A national monument is a hard thing to argue against, and indeed the Utah delegation is not necessarily opposed to the idea of creation of a national monument in the State of Utah on the Kaiparowitz Plateau. The Kaiparowitz Plateau in places is beautiful, it is a unique environment, and it is for that reason that portions of the Kaiparowitz Plateau were included in the wilderness recommendation submitted by the Utah delegation in both the House and Senate this year.

Our disagreement with the President, however, is that it is not right, it is not democratic, with a small "d," it is not American to simply decide by one individual's decision to take 2 million acres of land and change the way it is used and managed for this generation and for generations of the future without an opportunity to allow the public to express their views. If the situation were reversed, if the President was announcing that 2 million acres of Federal land by his decision would be thrown open to development tomorrow, we would be outraged, and rightfully so.

My question to the President tonight is what is the President afraid of? What is he so afraid of in his proposal that he has not allowed the Governor or the two Senators and the elected Representatives of the people of Utah to even see this proposal less than 24 hours before he intends to make it? Why will not the President allow the people of this Nation, the people of Utah, the people of the Kaiparowits Plateau the opportunity to at least find out what it is the President proposes?

If the President can do it to Utah, he can do it to anyone, and, Madam Speaker, I would suggest to my colleagues in the House and in the Senate and the people across this country that the way to make decisions about our Federal resources, the way to make decisions about what kind of country we want to live in, the way to make decisions that impact the schoolchildren of this Nation is not to do it by stealth, is not to do it without involving the elected representatives of both parties in the decision.

Madam Speaker, regardless of what the terms of the President's announcement tomorrow may be, regardless of whether he has particular boundaries

in mind or simply announces his intention to move forward, the point is that the President has done this more in the style of the old Soviet Union than in the tradition of democracy in America. It is the wrong way to make public policy and, Mr. President, I call on you to let the people have a chance to decide what to do with the lands we own.

FUTURE OPPORTUNITY FOR OUR CHILDREN

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

Mr. MICA. Madam Speaker, I come before the House tonight to and I spoke earlier today about the lack of a national drug policy or strategy and failure of this administration to protect our young people. We now see skyrocketing drug use and abuse, and tonight I am here to talk about another thing that affects our young people, and that is their opportunity for the future, their opportunity to have jobs, their opportunity to have employment, their opportunity to have income in our society which has always provided such great opportunity.

You know, we have heard from this administration about the 10 million new jobs that are created, and in fact we need to just take a minute and look at those 10 million new jobs because I have talked to people that have 2 and some of them 3 of those 10 million new jobs. They are part-time jobs, they are low paying jobs, they are service jobs, and what in fact has happened they are not telling us.

The fact is that during the years from 1993 to 1995 we lost 8.4 million good paying jobs in this Nation, people who had good paying jobs in technical areas that paid a good living wage, and those jobs were destroyed, and they have not been replaced. They have been replaced only by these part-time low paying jobs, and that is what I hear when I go back to my district; and that is not what I want for my children or for the children of America.

You know I heard the most startling news. First I hear the news on the drugs for our teens that are offered up by this administration. Now I see the trade deficit. This is the headline in the Washington Times: "The Trade Deficit Worse in a Year, Productivity Crawls Higher." Trade deficit, startling trade deficits; they are running $10 billion a year.

That means every single month we are sending more and more money overseas and we are losing a trade war, and at the end of this session it galls me to see this happen, because we had a proposal, a good proposal, to reorganize our trade activities, our international trade activities, in Washington at the Federal level. Right now we have 19 agencies dealing with Federal trade.

This is the flow chart. This is the most disorganized, disjointed, unorganized mess you have ever seen: 19 agencies, right hand not knowing what the left hand is doing, spending $3 billion taxpayer dollars, and we are getting our pants beat in the trade war. And this they reject, the President helped defeat it, the new Secretary of Commerce helped defeat it.

Instead you know what they have done for us? They negotiated lousy trade deals, and then I see in my district what those lousy trade deals have done.

You cannot see this very well, my colleagues, but this is an auction notice to sell equipment in my State near my district in Florida. It is because they have wiped out through negotiating a bad NAFTA agreement, giving up the opportunity for this Nation to produce agriculture to sell to its own people, and internationally we once led in agriculture. This is selling the equipment.

And do you know what the farmers told me that went to this sale? They did not buy the equipment; they were selling equipment. That there were people with cellular phones speaking in Spanish, and this equipment is being shipped to Mexico.

So here we see the fruits. They destroyed a good plan for organization to have some sense made out of our trade effort. Now we are selling through their bad efforts our equipment at nickels on a dollar overseas.

□ 1930

Madam Speaker, this is a national tragedy. What hope does this hold for our children: Lower-paying jobs, service jobs, part-time jobs, jobs without benefits? Here they are talking about $5.15 an hour. That is what their goal is, to pay $5.15 an hour, when in my State you get $8.75 an hour for not working on welfare, and you get medical benefits in addition.

So these are the choices that have been before this Congress. This is what we see this administration has done.

You have seen what we proposed. I proposed an organization to have our trade financing, to have our trade assistance, to have our trade negotiation together so we could help our businesses, rather than hurt our businesses and send our opportunities overseas.

Instead of building a bridge for tomorrow, we are building bridges to Mexico and to other countries, with our assistance, so our goods and services cannot be shipped there, but their goods and services can come here. We are shipping those opportunities overseas, because they will not listen. Do Members know why they will not listen? They cannot stand a new idea. It drives them crazy.

If they have done it this way, if it is disorganized this way, you keep it disorganized this way. If you have 33,000 people in the Department of Commerce and 20,000 plus are in Washington, DC, my God, we need every one of them here in Washington, DC.

Madam Speaker, I have had it and I hope the American people have had it, too.

UPCOMING HEARING IN THE COMMITTEE ON NATIONAL SECURITY

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

Mr. HUNTER. Madam Speaker, I wanted to comment a little bit about the upcoming hearing that will be held tomorrow by the Committee on National Security, myself and the gentleman from Pennsylvania [Mr. WELDON], who is here, the chairman of the Committee on National Security, the gentleman from South Carolina, [Mr. SPENCE], and our other members.

We will have before us the Secretary of Defense and a number of other military leaders to explain some of the issues that have arisen from the bombing in Saudi Arabia that took place June 25 of this year, the bombing of the Khobar Barracks, in which 19 Americans were killed and several hundred, more than several hundred, were wounded.

Madam Speaker, I think this bombing and the way it took place is symbolic of the way the Clinton administration conducts national defense, at least the American preparation. And the situation we placed ourselves in, that our military leaders placed our uniformed people in, I think is symbolic of the weakness of the Clinton administration on defense, the naivete of the Clinton administration on defense, and the fact that they tend to be, time and again, taken by surprise in this very dangerous world.

Mr. Speaker, first, a number of Americans, since the Middle East is in the headlines again, a number of Americans are asking what we are requesting to do in Iraq. They are worried about what the administration has in terms of their plan, whether they have a goal, whether they have a military operation that really evaluates all the possible contingencies.

Many people we talked to throughout the country, our constituents, say to us, we think, if we have to, we will go in and do the same thing that George Bush did several years ago in Desert Storm.

I just want to report, Madam Speaker, to the House and to our constituents, that we cannot do today what we did in Desert Storm, because the Clinton administration has dangerously weakened our forces, your forces. They took your United States Army, that numbered 18 divisions, 8 of which we sent to Desert Storm, and they have cut that almost in half, to 10 divisions.

So we cannot send eight divisions to Desert Storm if we have to, because that only leaves two left for another contingency that could take place.

They have cut our fighter airwings, our air power, and reduced them from 23 fighter airwings, so we have roughly 50 percent of the United States air power that existed just a few years ago.

They have cut our U.S. Navy from 550 ships to about 350 ships. So Madam Speaker, the Clinton administration has dangerously weakened the United States.

With respect to the attack on the Khobar Barracks on June 25, the analysis that is coming forth from General Downing's report strongly criticizes the way the Department of Defense and the Clinton administration handled the security measures that existed immediately prior to this bombing.

Let me just go through some of the criticisms: They strongly criticized U.S. central command for failing to support the enhancement of force protection measures under an increased threat. Remember, when we say increased threat, that last November, 6 months before the bombing in Saudi Arabia at the Khobar Barracks, we had a bombing with a 250-pound bomb at Riyadh. That was November 13, 1995. We should have learned something from that.

But the Downing report criticizes the U.S. central command for failing to support the enhancement of force protection measures under an increased threat, and they criticize them for creating a confused set of command responsibilities. That means that the so-called czar, this force protection czar that was put in place, that was put in place with such an undermanning of responsibility and had so little authority, that in fact that was nobody in Saudi Arabia who really was in charge of force protection.

They are also criticized for passively accepting Air Force manning and rotation policies. What does that mean? That means that in this fighter airwing the tours are approximately 90 days. That means that the command turns over, 10 percent of the command turns over. Every week, 10 percent of your command is changed, so there is no continuity of leadership, such that a leader realizes he is going to be there for a while and has a chance to settle down, look at the security problems, and address those problems. So the rotation policy is an extremely bad policy and nobody addressed that.

Let me just say one other thing about the bombing, Madam Speaker, that took place in November, that should have warned us about the Khobar bombing. That was a 250-pound bomb. We should have known that there could be a similar bomb launched on our troops 6 months later at Khobar. That occurred. I hope people will watch the hearing tomorrow and follow this analysis in depth.

TWO MORE RIDICULOUS BIG GOVERNMENT TAXES

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

Mr. KINGSTON. Madam Speaker, two more ridiculous big government taxes have been put out by the Clinton administration this week. The first one is under the name of safety in the workplace as respects violence. This is an OSHA proposal, the Occupational Safety and Health Administration, megabureaucrats who love to come into small businesses and tell them what they are already doing.

This is what their proposal is. They have, through a study, detected that there is a lot of violence at night at convenience stores, restaurants, and hotels, and places that are open 24 hours a day.

So what do the Washington big government bureaucrats do? Instead of saying, maybe, that we need to address violence in society, maybe more police officers, maybe look into something that we can do, instead of going to businesses and saying, how can we help you with the problems of violence, they go to businesses and say, what are you going to do about it?

So the businesses now, through a new OSHA proposal, will be required, if this passes, to have bulletproof glass; cash registers only at street level, so if people are driving by they can see if they are being held up or not; video cameras, speed bumps, speed bumps in hotels and restaurants because that will cut down on the violence. I can just see some drug dealer saying, come on, do not rob that convenience store, they have speed bumps there; that will keep me from doing it.

There is a requirement also that you have no more than $25 in your cash register at one time, and have paperwork and training for your employees.

This is what the Clinton administration's view of private businesses are about: We are from the government, we are going to go into the convenience stores, the hotels and the restaurants all up and down the interstates, and anywhere else they might be open 24 hours a day, and say this is what you have to have. If you do not have it, guess who will be happy to sue you? Their friends in the legal community. This is just big, crazy, insane Washington bureaucracy out of control, and these are Clinton appointees who are pushing it.

What else is on the Clinton agenda? A new tax on backpacks and bird calls. This one comes from the Department of the Interior. This is one that the Clinton-appointed Secretary of the Interior says "This is a win-win situation."

What they want to do is put up to a 5-percent tax on the following items, Madam Speaker: Backpacks. That means all you little schoolkids going off, you are going to have to start paying 5 percent more for the Clinton administration tax on you; camping stoves, camping fuel, camping tarpaulins, camping utensils. That little fork is going to cost you 5 percent more if Secretary Babbitt has his way. Dry bags. I guess nobody would take wet bags on a trip. Hiking boots, hiking equipment, spray skirts for kayaks, tents, paddles, wild bird baths, film, camera, lenses. Boy, I am glad they came out with this after the Olympics. Also photo disks, binoculars; and just think, binoculars are not the only one they are picking on, monoculars, also, so you cannot get around this; tripods, window mounts, hand lenses, "how-to" guides.

When I was a kid I used to like to, and still do, liked to collect reptiles and amphibians. There is a great field guide by a man named Roger Konack. If I bought that when I was a 10-year-old or my 11-year-old son buys it, Mr. Babbitt wants my son John to pay 5 percent more on a field guide, so when he goes out and identifies fishes, reptiles, amphibians, or other insects and buys other "how-to" guides, he is going to have to pay extra, because the Department of the Interior needs money.

This is the kind of mega-big-government thinking we do not need. This is why we do not need 4 more years of Bill Clinton and the megabureaucrats. We need to put people who have common sense and have normal values and realize that the middle-class people in America are sick and tired of their taxes going up.

In the 1950's, the average middle-class family paid 5-percent Federal income tax. Today that same middle-income family pays 24-percent Federal income tax.

People are sick and tired of it. They are working harder. They are getting less to show for it. They are concerned that their children are not going to be better off than they are. They are concerned that big government and Washington bureaucrats are stealing the American dream. Madam Speaker, I think under Bill Clinton that is what is going on.

We need to have commonsense reform in government. We need to have a balanced budget. We need to have local control of government decisions, not being made by Washington bureaucracy. We need to have commonsense in government, not bureaucrats making all the decisions.

Madam Speaker, I include for the RECORD the Teaming With Wildlife Product List.

The information referred to follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide

feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

OUTDOOR RECREATION EQUIPMENT (5%)

Backpacks
Camping stoves
Camping stove fuel
Camping tarps
Camping utensils (connected/folding)
Canoes
Canteens
Climbing equipment
Compasses
Cooking kits
Dry Bags
Flotation vests (selected classes—not standard life boat vests)
Hiking boots
Hiking staves
Kayaks/Spray skirts
Mountain bicycles
Outdoor sleeping mats
Skis/Poles/Boots (cross-country, downhill, telemark)
Sleeping bags
Snowshoes
Tents
Paddles
Portable water purifiers
Prepacked camp foods
Scuba diving masks/Snorkels/Goggles/Flippers
Snowboards
Stuff sacks
Wet suits/Air tanks/Regulators/Spearguns
Whitewater rafts

BACKYARD AND WILDLIFE PRODUCTS (5%)

Wild bird seed and other wild animal feed (except seed packaged for pet feed)
Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders
Wild bird baths
Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife
Nest platforms for wild birds

BOOKS, VIDEOS, AUDIO (5%)

Field guides to bird identification, nest identification, animal tracks, mammals, fishes, butterflies, insects and other animal groups
"How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.
Audio tapes of wildlife calls
CD-Rom guides to wildlife and its enjoyment

BINOC, MONOC AND SPOT SCOPES (5%)

Binoculars
Hand lenses
Monoculars
Spotting scopes
Tripods
Window mounts

PHOTOGRAPHIC EQUIPMENT AND SUPPLIES (2–3%)

Cameras
Film
Lenses
Lens filters
Photo disc
Range finders (including those designed for use with photographic cameras and parts thereof)

RECREATIONAL VEHICLES (RV'S) (¼%–½%, NO MORE THAN $100)

Campers/Motor homes/Travel trailers

SPORT UTILITY VEHICLES (¼%, NO MORE THAN $100)

HOW THE ADMINISTRATION PLAYS THE BLAME GAME

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. Madam Speaker, the blame game with this administration continues. It is absolutely amazing. They take the credit for anything they can take the credit for, but when it comes to taking the blame for poor decisions or for problems or failures, they run the other way.

Remember, if you will, back to August, Madam Speaker, when this Congress, in three historic moves, passed welfare reform legislation, medical legislation dealing with health care reform in this country, and the minimum wage bill. The President could have had us pass health care reform 2 years ago. We were ready to pass what finally passed this body, but he held it up, because he was not sure he wanted to support that, especially in light of Hillary's plan in the first 2 years of the administration. But he took credit for it.

Then we passed welfare reform. The President vetoed it twice, but then when he read the polls in August, he realized he had better switch and come out and support the bill. He took credit for that. Then he had the Vice President go before a national group and say publicly, but next year, if I am reelected, we will use the line item veto and we will undo those portions of welfare reform that we do not like.

Then we see the President take credit for minimum wage, even through in his first 2 years, with a Democrat House and Democrat Senate, he could have passed minimum wage with no problem. He did not even raise the issue. In fact, he said it was not the time to raise the minimum wage. This President sure can take the credit, but he cannot take the blame.

Madam Speaker, I am outraged, because tomorrow in the Committee on National Security we will have a hearing on the recently released report put together by the Pentagon on the reasons why we lost 19 young military personnel in Saudi Arabia, and again, this administration will walk away from any blame. They are going to do what they do best. They are going to blame the enlisted personnel. They are going to say, it was that commander on scene who should have done more to protect our troops. They are going to say that he should have taken more steps.

Madam Speaker, what about Secretary Perry? Because if we look at this report, it says that it was not just the commander who had responsibility, it was the CINC commander. Yet Secretary Perry has defended the CINC commander, probably because he reports directly to Secretary Perry.

Madam Speaker, what amazes me the most is this administration, to anyone visiting Washington, this administration is going to extreme lengths to surround the White House so you cannot get near it. You cannot drive within blocks of the White House, because this President wants himself protected.

□ 1945

Why did this President not take the same steps when we had the bombing in November of 1995 that killed our troops, when we lost the troops in Somalia because, as Les Aspin said, it was not politically correct in Washington to send additional backup support?

Any why did this President and this Secretary of Defense not provide more support for those men and women that could have prevented that bombing from occurring? We are going to ask those questions tomorrow, Madam Speaker. In my opinion, the buck does not stop with that onsite commander. The buck stops not just with Bill Perry. The buck also stops with the President of the United States. As we have seen time and again, this administration thumbs its nose at our military, uses it when it can for its political purposes, and then walks away from responsibility when incidents occur where we lose lives or we have situations that threaten our security.

Madam Speaker, irregardless of what happens in this election, and I know who is going to win, and it is not going to be the current President, we have got to send a signal that we are not going to tolerate the blame game any longer.

One thing this administration does well and it does it over and over again, from Whitewater to the scandals involving the FBI files, to the scandals in the White House that were elaborated upon in the CONGRESSIONAL RECORD last Wednesday, some 39 of them, in every case, what does our President say?

"It's not my fault. I didn't have anything to do with that. It was somebody else." And again tomorrow, we are going to hear from this administration that it was not their fault, it was some on-scene commander in Saudi Arabia doing his job who they are now going to court-martial because they want him to walk away with all of the blame. And meanwhile Secretary Perry and this administration will walk away again saying, "It wasn't our fault. We didn't have anything to do with it."

Madam Speaker, I hope that this country understands what is going on in Washington. We have a President who will take credit for everything. When it does not rain in Washington, he will say that it was his doing. When the economy grows, he will say it was all his doing. But when there is blame

to be had, this President walks away and hides. It is outrageous.

TRIBUTE TO THE HONORABLE JAMES H. QUILLEN ON HIS RETIREMENT FROM CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DUNCAN. Madam Speaker, I have requested this time tonight and have taken this special order to pay tribute to a great Tennessean, a true statesman, we think one of the finest men who has ever served in this body, and that is our good friend Congressman JAMES H. "JIMMY" QUILLEN.

Congressman QUILLEN has served the First District of Tennessee with great distinction and honor for 34 years. Now he is ending his 34th year and he has announced his retirement. Certainly he will be missed here, and he certainly has achieved and has earned the great respect and love of all of his constituents in east Tennessee.

I will be saying more about Congressman QUILLEN as we move through this special order, and I will save most of my remarks for the end. But there are several of Congressman QUILLEN'S colleagues here with me tonight who also want to take a few moments to pay their respects and say more things about Congressman QUILLEN.

We want to start first with another distinguished veteran of this House. In this day in which term limits are so popular, many people do not realize that almost half of the House is new just since 1994, just in the last 2½ years. And so there is more turnover in elective office than at any time in history. But some of our finest Members have been some of the people who have served very long tenures in this House. I could name so many. Bill Broomfield of Michigan, John Paul Hammerschmidt of Arkansas, Chalmers Wylie of Ohio, many, many others. But one man who has served almost the entire time with Congressman QUILLEN and who, I think, without any question is his closest friend in the House is a great leader from Indiana, Congressman JOHN MYERS who has served in this House as a leader, as an outstanding member of the Committee on Appropriations since 1966.

I want to pay tribute in introducing Congressman MYERS because we are losing a great, great man in Congressman MYERS, also, from this body, because he has also announced his retirement. But I want to yield at this time to Congressman JOHN MYERS of Indiana to make some remarks about Congressman QUILLEN.

Mr. MYERS of Indiana. I thank very much Congressman DUNCAN, JIMMY. As you were reading off the names of people who served with JIMMY QUILLEN, you left one name off, the name of John Duncan, a colleague of ours from Tennessee, your father, that we had the honor of serving with, one of the true gentlemen also of the House of Representatives, certainly a gentleman from Tennessee. We miss, of course, your father John, but his shoes are filled most appropriately with his son JIMMY DUNCAN. Thank you for taking this time today.

Madam Speaker, those of us who have served here for a few years have had the opportunity, the privilege of serving with a great many true Americans. Some have gone on to become President of the United States, some have moved down the aisle here to serve in the other body. Some have become Vice Presidents. Some have gone on to be ambassadors, Governors. Some have even retired.

But tonight we honor truly one of the great Americans whom we have had the opportunity to serve with, a veteran of World War II, the Navy in World War II, a patriot, a statesman, certainly a gentleman at all times, JAMES H. QUILLEN, whom we affectionately call JIMMY QUILLEN.

JIMMY was born in Virginia 80 years ago. At a very early age his parents moved across the line, over into Kingsport, TN, where JIMMY graduated from high school. He went on to become publisher of the local newspaper, moving that newspaper into prominence, doing a great job as a newspaper publisher in Kingsport. TN.

He then went on to the State Legislature. I believe he started serving in 1954, serving for 8 years in the State Legislature. He was nominated for Speaker of the Tennessee House, served in various capacities there, in the minority most often, and served honorably there. He has served in every Republican convention since 1956, most often as parliamentarian. And so we realize the potential and capability of our colleague from east Tennessee. He has received the Golden Bulldog Award, the highest award any Member of Congress can receive for their service, the conservative service, is the only way you can win the bulldog. He has received 27 consecutive. Every year the House Members have been awarded the golden bulldog, JIMMY QUILLEN has received that bulldog. It tells you something about the reputation, about the dedication of our friend JIMMY QUILLEN. He has served so many organizations in Tennessee. So many have honored him through the years. I think about anything in east Tennessee is named after him. I visited there on several occasions. In fact, JIMMY QUILLEN invited me my freshman year, 30 years ago, to come to his district and speak on Lincoln Day, a great honor for me to go into this very senior gentleman from Tennessee, to be asked as a freshman Hoosier from Indiana to come and speak in east Tennessee. I was honored, never been invited back, but it was a great honor for me to be honored by JIMMY QUILLEN, and his district in east Tennessee.

He was elected to the 88th Congress back on November 6, 1962, and has been reelected to each consecutive session of Congress. He now has served Tennessee and the House of Representatives longer than anyone in the history of Tennessee.

Our colleagues here from Tennessee, I doubt if any of you will anywhere near come close. As you have mentioned term limits and everything else, I just doubt if you will ever get the opportunity to serve as long as JIMMY QUILLEN. In any event it is going to be very difficult to follow in his footsteps, whoever follows him here.

As I mentioned earlier, I visited his district this summer. So many things, the university, the medical school, so many things are named after JAMES H. QUILLEN because they respect this service and appreciate his service in the Congress of the United States.

His wife Cecile that he married in 1952 has not been in good health in recent years. Every afternoon as soon as we finish business on Thursday or Friday you are going to see JIMMY casting that last ballot here, inserting his card and rushing out to the airport so he can go home and have dinner with Cecile on Friday evening. A very dedicated husband. He is dedicated to the service of our country in the same way. The country is going to be at a loss when we lose a gentleman of the service, the dedication, the caliber and the experience of JIMMY QUILLEN.

It has been an honor for those of us who have had the privilege of serving with JIMMY to say he is truly a great American and most importantly he is a friend. So we thank JIMMY for his service and whoever is his successor, use him as a symbol of the dedication, of the challenge that you will have. If you can follow in JIMMY QUILLEN'S footsteps and do just any place close to the job that he has done, you will be a great American.

JIMMY, thank you for your service.

Mr. DUNCAN. Thank you, JOHN MYERS, for a very moving and eloquent and appropriate tribute to our good friend Congressman QUILLEN.

I do want to mention before Congressman MYERS leaves that all of us know that Congressman QUILLEN has for many years sat in the second seat on the second row right here, the main seat that has always been featured on C-SPAN, so when I first got here, I developed a habit of sitting next to Congressman QUILLEN, and Don Sundquist sat there in the same row of seats, Don Sundquist, who is now our Governor of Tennessee.

JOHN MYERS has always sat in the first seat on this second row. So one night we told him that this was a Tennessee row and that if he was going to

sit there, we had to induct him in and swear him in as an honorary Tennessean. So we made him raise his right hand, and we paid JOHN MYERS the ultimate compliment and made this loyal Hoosier an honorary Tennessean.

So thank you very much for your remarks about Congressman QUILLEN and thank you for your service, your great service to this country.

Our next Speaker on behalf of Congressman QUILLEN is a man who has also served this Nation with great distinction and is doing so in an especially active and leading role in this Congress, "The historic 104th Congress," as David Broder has referred to it, and that is a man who has been so very kind and has worked so closely with Congressman QUILLEN over the years, Congressman JERRY SOLOMON, the chairman of the powerful House Rules Committee on which Congressman QUILLEN has served for the past 32 years. He did not serve his first term, but I think that is a record for a Republican in the history of the Rules Committee.

But perhaps you can straighten us out on that, Congressman JERRY SOLOMON of New York.

Mr. SOLOMON. I thank you, Congressman DUNCAN. Let me just say that Tennessee seems to have a habit of sending really good gentleman to this body. Your dad was just one of those. Sometimes some of us who have a tendency to get a little excited, we wish we had that kind of demeanor that your dad had, that JIMMY QUILLEN and even this guy JOHN MYERS, who is sitting down in front of me, have. I think it is an old trait that we all certainly could learn from.

I just want to say to you, JIM ever since you took your dad's place, one thing you have concentrated on since you came here was something that I cherish very much and that was the real line-item veto and, by golly, we finally got it through. On Ronald Reagan's birthday. That made him very happy, too.

I know there are some other speakers here from Tennessee, some good men and women. So I will be as brief as I can, but I just want in rising to express gratitude to this great American, the distinguished chairman emeritus of the House Rules Committee, JIM QUILLEN, I just want to pay tribute to him for all of the guidance and help that he has given me personally over the years.

When I first was elected to the House 18 years ago, I learned how the Rules Committee functioned by watching JIM, who was then the ranking member of that committee, JIM provided sage advice that just meant so much to me.

As chairman emeritus, JIM has been a source of wisdom and the institutional memory of that committee. Believe me, over 32 years of the 34 years that he served here, he has seen so much history, and it all goes through that Rules Committee.

I did a little research to find out just when it was that JIM joined the Rules Committee, as you said, and it turned out that he was elected 34 years ago and sworn in as a new member of, my gosh, what would that be, the 88th Congress. Then he joined the Rules Committee at the beginning of the second term in 1965, and just to put it into perspective, when that was, it was the same time that a new member came to this Congress and the man's name was Claude Pepper; he joined the Rules Committee at the same time, and I had the privilege of serving on that committee with both of them.

From a check of the official Rules Committee history, JIM's record of 32 years on the Rules Committee makes him the longest-serving Republican ever on that committee. As a matter of fact, he may be the longest serving on any committee. I have not researched it that far. But it is a record which is certainly not going to be challenged any time soon, especially not by this Member of Congress, and may never be matched.

It is a record that we can all be very, very proud of for JIM.

Madam Speaker, there are some remarkable stories about JIM QUILLEN that have been passed down as a part of the verbal heritage of the Rules Committee. We sit up there night and day, sometimes 18 hours a day, and the one that I like best about the time when JIM was trying to get a dam built in his district.

□ 2000

And, JIM, I am sure you know about this. There was one small problem, and the place where the dam was supposed to be built turned out to be the home of a small fish called the snail darter. The snail darter was an endangered species which could not be disturbed, yet Tennessee needed that dam. And JIM persuaded that the fish could get along just as well whether the dam was there or not.

So to demonstrate the adaptability of the snail darter, JIM put what he alleged was a snail darter in one of the clear glass water pitchers on the Committee on Rules table upstairs. And then with the snail darter swimming around in the water pitcher, JIM proceeded to remind the Member who was appearing before the committee at the time who had jurisdiction over the law that protected the snail darter just what an adaptable fish this snail darter really was.

Madam Speaker, JIM figured the snail darters would be just as happy a little way upstream or a little way downstream as they were right at the dam site.

Now, I do not know all the details, but I am told these snail darters are still swimming happily in that east Tennessee stream up above and both below the dam.

Another story is that JIM QUILLEN does for the Committee on Rules that never got put in the same way. As chairman emeritus, JIM always makes the motion to report the rule or whatever other action that the committee is going to take. I yield to him for that purpose. JIM has a distinguished Tennessee accent. When he makes a motion, he does not rush through the reading. He takes his time and he reads it like a true Tennessean. The motions are never going to be made in the same way. We will miss JIM the way he used to do it.

Then, finally, there was the time when the committee was questioning witnesses under the 5-minute rule, and JIM suggested that his time should be extended beyond the 5 minutes because he did not talk as fast as some of his Yankee friends, like me, on the Committee on Rules. And it was only fair to have more time for this Southerner because he took a little longer to get these words out.

Madam Speaker, JIM QUILLEN has been a great Member of this body. He has set a record as a member of the Rules Committee. The committee is never going to be quite the same without the gentlemanly commentary of JIM QUILLEN. And yes, we will miss JIM. We will miss him because he is not only an outstanding Congressman, he is a great American.

As our good friend JOHN MYERS said, we are so proud to call him a friend of all of ours, and I thank my colleague for yielding me this time.

Mr. DUNCAN. Thank you very much, Congressman SOLOMON, for those very kind words.

Both of our first two speakers, Congressman MYERS and Congressman SOLOMON, have been kind enough to say some nice things about my father. I appreciate that very much because I was very, very close to my own father. And I might say that he and Congressman QUILLEN were extremely close and came from very, very similar backgrounds, families of 10 children, and very, very little money, no money. Both arrived here 2 years apart.

Of the 34 years that Congressman QUILLEN has served, for 32 of those years he has served alongside a Duncan. We have had such a wonderful relationship, our family has, over the years with Congressman QUILLEN .

Our next Speaker is another great Tennessean. Tennessee has a history and a tradition of our State delegation, both Democrats and Republicans, working so harmoniously together for State projects. Certainly one of the leaders of that is our friend Congressman BART GORDON, who has served on the Committee on Rules with Congressman QUILLEN and is here with us tonight to make some remarks about his friend and our friend JIMMY QUILLEN. Congressman GORDON.

Mr. GORDON. Thank you, Congressman DUNCAN. I think you represent us very well when you mentioned working together from Tennessee, you illustrate that.

Madam Speaker, let me also very quickly say that I had the good fortune also to serve with the gentleman's father. And no matter what humble background from where he might have started, he left a great inheritance. That inheritance was a good and honest reputation, and I know that you carry that with distinction.

Madam Speaker, I am very pleased to have the opportunity to rise today and add my salute to JIMMY QUILLEN. Mr. QUILLEN is a great American, a great Tennessean and a great friend and colleague to all of us. I think the First District knows how well he represented them and how he represented them with great distinction, but they probably do not know the service he performed for our entire State.

There is not a manual when you get to Congress that says this is what you are supposed to do or even how you get to this Chamber or how do you get to the bathroom. It really is a word-of-mouth, and Mr. QUILLEN took all of us, all of us Tennesseans under his wing. He really was the mentor that showed us the right way, the responsible way to do things, and we are all very grateful for that.

He was also the glue that really bound together the Tennessee delegation. He was our dean. He was the chairman of the Tennessee Valley Authority [TVA] caucus. And whether we had a need to work together to save TVA from being sold or whether it was a need to help one district or another district in some particular interest there for constituents, Mr. QUILLEN was the one that brought us together, that helped us work together. That is a great legacy not only for his district but also for the entire State of Tennessee.

Madam Speaker, let me just very quickly say, Mr. QUILLEN thank you. You leave this body and this Nation a better place because of your service.

Mr. DUNCAN. Thank you very much, Congressman GORDON. Another great friend of all of ours is Congressman HAL ROGERS, another one of the cardinals, one of the senior members of the House Committee on Appropriations who represents a district that touches on much of Tennessee and who has much in common with all of us from that part of the country, our good friend and outstanding leader, Congressman HAL ROGERS from Somerset, KY.

Mr. ROGERS. Thank you, Congressman DUNCAN, for the time, and thank you for taking this special order.

Madam Speaker, I rise as well as the others to pay tribute to this great man. In this age of candidates and officeholders blown dry and buttoned down, much of us looking alike, JIMMY QUILLEN stands out. He is of the old school, and I say that in a very complimentary way. He is of the old school. JIMMY QUILLEN is a character. JIMMY QUILLEN is himself. He does not try to be anybody else, and I am glad that he does not. He has lent advice and leadership and guidance for all of us as we came along.

I represent a district in Kentucky just across the line from Tennessee, my district boundaries being on Tennessee. In fact, my old district before the reapportionments of the 1990's, my district boundaried that of JIMMY DUNCAN's father, John Duncan. In fact, he was born and raised in Oneida, TN, in Scott County, which is just across the line from where I live. So JIMMY DUNCAN and his father, John, and JIMMY QUILLEN and that bunch were all of the same attitude and same ideas.

So when I came here in 1981, January of 1981, JIMMY QUILLEN, of course, had been here by that time a long, long time, as had John Duncan. And those were two people that I just sort of fell in with because we talked the same language, and we had the same ideas, and we came from the same roots and identified with people who did not speak with an accent.

So JIMMY QUILLEN became sort of a mentor for a lot of us. And in this seat right down here, I am sure it has been mentioned in the special orders tonight, this second seat from the end on the second row in front of the leader's table, the JIMMY QUILLEN seat, is the place where we sort of headquartered around. We all knew that when you tried to occupy that particular seat, when JIMMY QUILLEN came along, he simply stood there until you got up and left. This was his seat.

Now, people that are not Members of the House may not recognize that we do not have assigned seats in this body. We can sit wherever we want to, and you are entitled to sit where you want to, except that seat. That is JIMMY QUILLEN's seat. It does not have his name on it, but it has his imprint on it. We all knew this was where he sat. When he came, we all got up and left and let him have his seat. But we all hung around him, we still do, and for the reason that JIMMY QUILLEN embodies intelligence and custom and tradition and leadership and stability and the continuity of this great institution.

Madam Speaker, we are going to miss his stalwart—I mean, this is an institution in and of himself inside this institution, and those of us who over the years have gone to JIMMY QUILLEN for advice on how to vote on a given issue or what he thought about this position or that position, we are going to be bereft without his guidance. We wish him well in his retirement.

Fortunately, JIMMY QUILLEN has his good health and he has good intelligence, superior intelligence, and he is going to fare well whatever he may choose to do, if anything. But we hope that he will come back here and from time to time give us his advice on the issues that confront our country, as he has over these years.

The service this man has rendered to his Nation over these decades is going to be hard to judge. It is going to be hard to comprehend because he served so long and so well. His tenure has spanned that of many Presidents, of great eras in our country. He has, above all, represented his people so well.

Here we talk about great issues and we talk about great movements in the Nation, but all of us represent people back home. JIMMY QUILLEN did that better than anybody I know. His first interest was that of his people back home. What do they think about this? What should I do about this issue as it affects them? And so his example for the rest of us, I am going to say, is almost unexampled because JIMMY QUILLEN is one of a kind. His example for the rest of us is going to last a long, long time.

I thank the gentleman for taking this time to honor our friend and our leader and our mentor and colleague and our friend for life. We wish him well in his retirement, and we hope that he will come back here and give us his sage advice every moment that he can. I am just as sure of this, whenever he comes back, whoever is sitting in that chair is going to get up and leave so that JIMMY QUILLEN can sit there as long as he wants. I thank the gentleman.

Mr. DUNCAN. Thank you very much, Congressman ROGERS. You mentioned a couple times Congressman QUILLEN's seat, and we have already referred to it. I have to tell you one week Congressman QUILLEN had to leave to go home before our last vote of the week. I knew Congressman QUILLEN was on a plane flying home, so I sat down in his seat. And in a few minutes I got a note from the cloakroom. It said on there, message from Congressman QUILLEN: Get out of my seat. Congressman QUILLEN's staff had seen on C-SPAN I was sitting in his seat, and they sent me a special message.

Mr. ROGERS. Will the gentleman yield?

Mr. DUNCAN. I will yield to the gentleman.

Mr. ROGERS. Rumor has it, and only rumor has it, that during a 15-minute vote, when we are milling around here waiting for the next vote or event to take place, as Mr. QUILLEN is seated in his seat, usually you are seated beside him. And JOHN MYERS is there, and I may be there or ZACH WAMP or ED BRYANT or somebody, the Tennessee row here, Tennessee-Kentucky row. Rumor has it that during those votes the page would come running down the aisle

with a message for Mr. QUILLEN to call so-and-so at his office. He would, of course, retire to the cloakroom to take the telephone call, in which case you, Mr. DUNCAN, would take his seat.

Now, the rumor has it that you were the one making those phone calls to page him off the floor. Is there any truth to that, Mr. DUNCAN? Come clean now.

Mr. DUNCAN. I will deny that on the record. But Congressman QUILLEN has always accused me of having that as my system of getting him out of his seat so that I could take it over. But I can assure you and the Nation watching on C-SPAN that I am not trying to take Congressman QUILLEN's seat.

But thank you very much for participating tonight. Since you mentioned Congressman QUILLEN's record, let me just read one brief statement from the Bristol Herald Courier.

□ 2015

And it says the Bristol newspaper said this at one point about Congressman QUILLEN. This is from October 1994. It says:

> Quillen's unmatchable record of constituent service and aggressive representation for the region's interest have built him the reputation of someone who puts people first, leaving fancy Washington ways for others.
>
> His seniority has earned him the respect and deference of Presidents and Governors of both parties over the years, as well as the admiration of the legions of constituents at home. Once elected for a new term, Quillen always has approached his job as being everybody's Congressman, not just a representative of Republicans alone.

It is a model others can only hope to emulate.

Before I yield to some who are following in Congressman QUILLEN's footsteps, another man who has requested a couple of moments to speak on behalf of Congressman QUILLEN is the longtime chairman of the House Committee on Agriculture, Congressman KIKA DE LA GARZA.

Mr. DE LA GARZA. Thank you very much, my colleague. Let me preface my words about our dear friend, JIM QUILLEN, by saying that when I came to this Congress, the gentleman's father came with me, and Mr. QUILLEN was already here and was very kind and generous with his time, advice, and counsel to a very lonely freshman Member. We enjoyed sometimes traveling both with the gentleman's father and his mother. And my service has been enhanced by those two gentlemen, among a few others, Mr. QUILLEN I consider to be a friend. He has been a dedicated servant to the Nation, to his State, to his district, working always, as has been mentioned, in a quiet, gentlemanly manner.

The Myers and Quillen seats all of us respect, no matter what, the same as the Montgomery and the Gonzalez seats. I have been here 32 years and I do not have a seat yet, but I will be leaving this Congress, so there goes my seat, but I leave with very pleasant memories of individuals with whom I have served. Even though when they are your peers you really do not appreciate the greatness of the individuals, it is only when you see that they are leaving, or you leave and look back, then you see how many great Members we have had in this Congress. And certainly Congressman DUNCAN and Congressman QUILLEN were some of the great Members. Wise, dedicated, always generous with their time.

One of my most pleasant associations with Congressman QUILLEN is that he likes Texas onions. I have to bring some Texan onions whenever they come, to him. And I have always enjoyed doing that.

We do hope that all of us will one day be remembered as kindly as he will be for all he has done. And there was no, I will say it in a manner as best as I can, there was no partisanship to his service here, even though all of us knew that he belonged to the Republican Party. But he did not live in a partisan way. He did not act in a partisan way. He did not treat individuals in a partisan way. And that is how I came up in this House, with both right and left, Democrat and Republican, those Congressmen that legislated without the partisan intervention.

We are missing some of that now, but hopefully it will come back to that era when these great Members participated in debate, very eloquent debate and very in depth debate on the issues. And certainly both the gentleman's father and Mr. QUILLEN were that type of individuals.

I thank the gentleman for allowing me the time to pay tribute. This is Mr. QUILLEN's hour, but you cannot separate DUNCAN and QUILLEN because they worked together for all those years. And we revere their memory, DUNCAN's memory, and we hope that Mr. QUILLEN will continue serving in whatever capacity he chooses to serve.

Mr. DUNCAN. Well thank you very much, Congressman DE LA GARZA, for those very kind remarks. You came to Congress with my father after the 1964 elections, in January of 1965, and you have had a great record. And the country owes you a great debt of gratitude for your service to your State of Texas and to this Nation, and thank you very much for participating in honor of Congressman QUILLEN tonight.

Next, I talk about—I read the editorial in which the Bristol newspaper said that Congressman QUILLEN's model is one that others can only hope to emulate. We have three gray freshmen from Tennessee who are striving very hard to follow the great example set for them by Congressman QUILLEN, and all are doing outstanding jobs. And I would like to call on, first, Congressman ED BRYANT.

Mr. BRYANT of Tennessee. Thank you, Congressman DUNCAN. I see that we are going by alphabetical order in our freshmen from Tennessee and I think that is appropriate.

It is somewhat daunting to stand here in the well and follow such outstanding Congressmen and to try to match or emulate them and praise Mr. QUILLEN like they do. I think would be impossible. But I too have known Mr. QUILLEN's long time through Tennessee, even though I am on the opposite end of the State. He is known certainly there by reputation and for what all he has done for Tennessee over the years. But it seems to me as one of the freshmen that has come in and tried to do a lot of things here, we also are responsible to honor the tradition of this Congress and those that have preceded us, and it seems to me this year that we are losing an awful lot of people. I am not going to try to name them all, but I see Congressman DE LA GARZA there who has been the chairman of the Committee on Agriculture; our speaker tonight, Mrs. MEYERS from Kansas; people like SONNY MONTGOMERY from Mississippi, and TOM BEVILL from Arkansas and JOHN MYERS who has spoken tonight so eloquently about his friend, Mr. QUILLEN, and we are going to miss all of these people, but Mr. QUILLEN especially, being from Tennessee, is close to our heart and of course we are here to talk about him tonight.

He has a fantastic record and history that many have alluded to earlier. He was one of the youngest if not the youngest publisher of a newspaper in the United States at age 20. He was a decorated veteran in the war and served in both theaters in World War II. He has been married, by my calculations, some 44 years to Mrs. Quillen. And I think she continues to serve as an inspiration to him.

An interesting story that I heard about him. When he was first elected some 34 years ago, and I was probably back in junior high or high school in those days, I understood that the people who were with him that night took the door off the hinges of his office to indicate the open door policy that he would have. And throughout the years he served the First District of Tennessee, he has taken his staff with him to each county he represents to fully hear the concerns of his constituents.

Congressman QUILLEN truly, truly does love his constituents. He loves the medical school in Kingsport. It is named after him but he truly loves the First District. He has taken that power that they have entrusted to him by reelecting him year after year, and brought that power to Washington and brought that representation of the First District of Tennessee here and represented them so well. Such big shoes to follow.

I know that there is an election now going on in Tennessee for that seat, and I know Bill Jenkins is running in

that seat and he well have the opportunity to come here and serve and I know will do a fine job. But it is going to be awfully difficult to follow someone like JIMMY QUILLEN. Mr. QUILLEN has served with dignity. He has served with quiet, effective power as has been mentioned.

He has been on the Committee on Rules some 32 years, the very powerful Committee on Rules, and has tremendous influence on the legislation that is passed in this House. You do not often see him on C-SPAN or on television, and that is not bad or good. He is behind the scenes working quietly and not asking for praise and not asking for the honors or asking for or seeking the publicity that does with this job.

I am just so proud to have been associated with him before I came up here, but especially these last 2 years that I have served with him in Congress. That has probably been one of my greatest joys, and I would like to direct this comment directly to Mr. QUILLEN. My being able to and having the honor of getting to know him even closer and finding out that reputation, and it is true that he is indeed a great gentleman, to just deal with him as a person has been a wonderful privilege and it has been exciting.

And when people back in Tennessee continue to ask me, what has been one of your great thrills of being in Congress, that certainly has been in terms of getting to know Mr. QUILLEN better and just seeing how effectively he works and how much he loves the First District and all of those people in the First District of Tennessee.

Again, it is my pleasure to come up here and add in a small way to this great tribute tonight. I know that we are going to run out of time. I will cut my remarks shorter. It has been a wonderful occasion my 2 years to serve with you, Mr. QUILLEN, and I look forward to continuing to work with you and seeking your advice and counsel.

Mr. DUNCAN. Thank you, Congressman BRYANT.

Our next speaker is the great Congressman from the Third District of Tennessee, from Chattanooga, Congressman ZACH WAMP.

Mr. WAMP. I thank the gentleman for yielding.

Madam Speaker, tonight I want to make reference to four retiring Members, and there are many great Members from both parties that are retiring, but four that have particularly meant a lot to me: SONNY MONTGOMERY of Mississippi, a Democrat, TOM BEVILL of Alabama, a Democrat; JOHN MYERS of Indiana, a Republican; and JIMMY QUILLEN from Tennessee, a Republican.

All four of these men have meant so much to this institution and this Nation, but so much to me personally, and it is two Democrats and two Republicans that I got to know extremely well that are all wonderful human beings and they will be sorely missed. And we do have an extraordinarily high amount of senior Members retiring that need proper tribute during these final days of the 104th Congress, the final legislative days of the 104th Congress.

Madam Speaker, as you know, there are 435 men and women in this institution, but there are very few of those human beings that are actually institutions themselves. JIMMY QUILLEN is an institution. Many, many years ago the love affair of east Tennesseans began with JIMMY QUILLEN. I believe that love affair developed because JIMMY QUILLEN was willing to do whatever it took to please those people in the First Congressional District of Tennessee where he is such an institution.

I think if they called and said their cat was in a tree, that usually is reserved for the fire department, but Congressman QUILLEN's staff, I am sure, would make sure that those people got their cat out of the tree. It does not matter how small the request or how large the challenge, JIMMY QUILLEN would get it done. He was a doer, a man of action his entire career here in this institution and we are going to sorely miss that.

You know, I was about as scared when I first met him as Dorothy was in the Wizard of Oz before she met the Wizard of Oz. It is that kind of awe and reverence in the State of Tennessee in which Congressman QUILLEN has held for many, many years, and I was scared of him but I got to know the man behind the institution and I have found him to be a very funny, warm, compassionate human being with an incredible memory. Even though he is 80 years old he does not forget a thing. Sometimes I wished he would. He remembers all those stupid things that I have said in my brief career, and some of those things that I wished I had not said he does not let me forget. We have a standing joke in east Tennessee that he treats Congressman DUNCAN like his son and he treats me like his stepson but I will take that.

Madam Speaker, JIMMY QUILLEN is a great human being, and he really is like a father to me, and I just cherish the moments that I have spent with him here. I know for a fact because the man gets up and walks and stays healthy; he walks at 5:45, 6 o'clock in the morning and his chief of staff, Frances Light, is also an institution here. She has been with him basically the whole time. And Frances deserves a lot of tribute here tonight as well. As we pay tribute to this brilliant career of this man, we better remember that staff, especially Frances, who has meant so much to that office.

You know, it is the constituent service that built that institution called JAMES H. QUILLEN in east Tennessee, and it was her effectiveness day in and day out that made that office second to none, world class congressional office in terms of efficiency and effectiveness and reaching the people's needs of east Tennessee.

□ 2030

He gets up and walks and stays healthy so I know he is going to live a bunch more years and I will get to enjoy a lot more time with him.

I tell you, Madam Speaker, I love JIMMY QUILLEN and I really appreciate that my life has been blessed by knowing him personally over these last few years and hope that we have many together. I appreciate the gentleman yielding me this time.

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Tennessee [Mr. WAMP] for those very appropriate remarks. Certainly ED BRYANT mentioned Mrs. Quillen, who Congressman QUILLEN gives the most credit to for him being here in the first place. It is very appropriate that Congressman WAMP mentioned Frances Light Currie, because she has been the real mainstay of Congressman QUILLEN's staff and maybe the person most responsible for him staying here for so many years. She deserves a lot of credit and tribute here tonight also.

Mr. Speaker, we have our third great freshman from Tennessee. We sometimes save the best for last. Congressman VAN HILLEARY represents a district that covers really the whole State of Tennessee. It goes from east Tennessee all the way over the west Tennessee, but much of it joins Congressman QUILLEN's district and I would like to yield to the gentleman from Tennessee, Mr. VAN HILLEARY.

Mr. HILLEARY. Madam Speaker, I thank the gentleman for yielding.

Everything almost has been said. I want to associate myself with everything that has been said about JIMMY QUILLEN, the great man that we are honoring.

In Washington it has been mentioned he was the dean of our delegation. What does that mean? It means you are a leader. Congressman GORDON mentioned that we all get along up here in Tennessee in the Tennessee delegation, Republican and Democrat. That is absolutely true. That is especially true when Tennessee's interests are at stake, and I think JIMMY QUILLEN deserves a lot of credit for that.

He exerts that leadership when the time comes, when there is something that comes along that has to do with Tennessee. And he has done a super job of it. I think he has presented quite a role model for the fellow that is going to follow him to look up to and he has done a super job at that.

He has also exerted leadership in other ways. He has been a mentor to so many of us up here. I think for those of us who are freshmen from Tennessee,

that is especially the case. And he has been a good friend and a good mentor the whole time we have been up here. He has done so much to put us under his wing, show us the ropes. And I cannot count the number of times we have asked his advice on so many different things. He was always happy to give it. Frances Light Currie was mentioned a while ago.

I think he has also shown leadership inside the walls of that office, as she has as his chief of staff. You can tell a lot about a fellow, it seems to me, when you look at the staff that he or she has as a Member of Congress up here. How loyal is that staff. How long have they been there; is it a revolving door going in and out of that office. In the case of JIMMY QUILLEN, that staff has been there an awful long time. Many of those members have been there about the whole time with Mr. QUILLEN. That says a lot about the staff.

It also says a lot about the gentleman embodied in JIMMY QUILLEN with regard to their staff and their loyalty. They have been a super staff to him. He has been an institution in east Tennessee, and I think they have done an awful lot to make him that institution. I think he would tell you the same thing if he was sitting here.

A Member of Congress' job is split. You have a job up here and you have a job back home. Back home JIMMY QUILLEN truly is synonymous with east Tennessee, where he has been for so many years after being born in Virginia. Everything is just about named JIMMY QUILLEN or JAMES H. QUILLEN in upper east Tennessee. I have been up there many times.

I was in his district not too long ago at a Lincoln Day dinner. It was in Sevier County. JIMMY QUILLEN will tell you real quickly that that is the home of Dolly Parton and he is awfully proud of that. But I was there and really the whole Lincoln Day dinner was a tribute to JIMMY QUILLEN.

He got up finally to speak. He did not talk a very long time, but what he said was, he said, Folks, I hope that you will remember me as a people's Congressman. In fact, that is exactly what they are going to do. ZACH WAMP mentioned a while ago that there was no task too large or too small, no challenge too great or too small. That is exactly the case. He has been a people's Congressman, and I am quite sure that that is how he is going to be remembered for many, many years to come.

Finally, I would just like to say, we have a saying in east Tennessee that you can take the boy out of the hills but you cannot take the hills out of the boy. I think more than anybody I have ever known that applies to JIMMY QUILLEN. He has always remembered where he came from. He never did get Washingtonitis, and he is going back home where he loves those mountains of east Tennessee and his wife, Cecile. We are going to miss you, Mr. QUILLEN. We love you and appreciate everything you have meant to us. Look forward to working with you in the future.

Mr. DUNCAN. Madam Speaker, I thank Mr. HILLEARY for those very fine remarks. I yield to another long time friend of mine and Congressman QUILLEN's, Congressman DUNCAN HUNTER, the outstanding Congressman from San Diego, CA.

Mr. HUNTER. Madam Speaker, I thank the gentleman for yielding. I could not help but join this delegation of Tennesseans and talk a little bit about, I could not help myself from joining the other member of the Duncan caucus, Jim Duncan, who was such a good friend and was preceded by such a wonderful colleague also, John Duncan. To my other, my co-colleague in the Duncan caucus, thanks for letting me have a minute, and to watch my friend KIKA DE LA GARZA and JOHN MYERS talk about JIMMY QUILLEN and about the great tradition and all of the good things that he brought to the House that sometimes are tough to see.

I have often thought of politicians, some politicians, some members of the political establishment make a great 30-minute impression. If they have a 30-minute meeting with you, you think you are the hottest thing in the world. But other politicians and statesmen make a 30-year impression. And JIMMY QUILLEN is one of those guys who made a 30-year impression.

He is a guy whose word was as good as his bond. When he told you he was going to do something, he did it. He was a great ally of mine, a great friend of mine in the House and a friend to so many of us and had that great wisdom that he expressed in that quiet, calm Tennessee manner.

I think in JIMMY, when you watch JIMMY and you talk with him, you had a little bit of an idea of the tradition that has gone before us in this House of Representatives. I am going to miss that. I am going to miss him. But it is neat that he is leaving such a great delegation of Tennesseans to follow in his steps. I thank my friend, my cofounder of the Duncan caucus, for letting me speak just a little bit.

Mr. DUNCAN. Madam Speaker, I thank Congressman DUNCAN HUNTER, a wonderful man, DUNCAN HUNTER. I know Congressman QUILLEN will really appreciate those remarks.

Let me just conclude this special order by saying that in our book, tonight is JIMMY QUILLEN's night in the House of Representatives, a body in which he has served so proudly and with such distinction for 34 years.

As has been mentioned earlier, Congressman QUILLEN now has the all-time record, the record for longest continuous service in the United States House of Representatives for anybody from the State of Tennessee. Many great Tennesseans have served in this body, Davy Crockett. President Andrew Johnson was a Congressman from Congressman QUILLEN's district from 1843 to 1853. James K. Polk served here and, of course, our current Vice President, AL GORE, Cordell Hull served in this body; many other leading Tennesseans have served in the United States House of Representatives. But Congressman QUILLEN has a record that will never be broken and has served his constituents with kindness, compassion, with honor and dignity and has made his mark, certainly, coming up the hard way, coming up from I think what would be described as dire poverty today to reach this body and serve in the United States Congress.

As so many others have said tonight, Congressman QUILLEN, you deserve this night and this tribute and so much more for all you have done for the people of east Tennessee. All of us love you. We respect you. We admire you, and we appreciate the great service that you have performed for the United States of America. You are not only a great Tennessean but a great American. We thank you for your service to this Nation.

Mrs. MORELLA. Madam Speaker, it is my great pleasure today to honor one of the House's longest serving and most highly respected Members. Congressman JAMES HENRY QUILLEN, of the first district of Tennessee, came to the House of Representatives in 1962 already a veteran of the Tennessee Legislature. Congressman QUILLEN holds the record for the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Statehood in 1796, and is Dean of the Tennessee delegation in Washington. He became a member of the House Rules Committee in 1965, and is currently serving as Chairman Emeritus, and as such, is the first member to be bestowed with such an honor.

The vast popularity and support Congressman QUILLEN enjoys in his district has resulted in numerous accolades and awards, a variety of honorary doctorates and establishment of the Quillen Historic Tree Museum. He was named Tennessee Statesman of the Year in 1986. In 1996 Tennessee Governor Don Sundquist declared January 11th "James H. Quillen Day" in Tennessee to celebrate the Congressman's 80th birthday, a fitting tribute to a man who has devoted over half his life to serving both the State of Tennessee and this Nation.

Congressman QUILLEN has dedicated substantial time, effort, and money to further the course of medicine in Tennessee, even donating $800,000 of his re-election fund to Tennessee hospitals and colleges. His most significant achievement in this area was the securing of a medical school for Upper East Tennessee, now named the James H. Quillen College of Medicine in recognition of his tireless efforts.

Congressman QUILLEN's dedication to his district is well illustrated by his "Open Door" sessions, which he has held every nonelection year since his election in 1962. These sessions were triggered when, on his election

night, supporters took the door off the hinges at his campaign office in Kingsport to illustrate Quillen's election pledge to always be accessible to his constituents. This spontaneous symbolic demonstration of his campaign promise led the Congressman to initiate the practice of taking his entire district office to each of his congressional counties to endeavor to meet face to face with all those constituents who needed his assistance. This practice has proved a great success with constituents and has played a central role in developing the popularity and support that Congressman QUILLEN enjoys within his district.

In addition to his tireless efforts on behalf of his constituents Mr. QUILLEN is also well known for his anecdotes and unique sense of humor, with which he is known for enlivening house and committee sessions. A member of my staff who is a former teacher from the Congressman's district informed me of the time he brought his class group from Washington College Academy to meet with Mr. QUILLEN in the Capitol Buildings. When the children noticed his neon red tie emblazoned with ghost, cartoons, he replied that it was "to scare the girls away!".

When campaigning during his first race for the House in 1962, Congressman QUILLEN was fond of telling the "Redbird Story," a tale that soon became his classic trademark. He told of a very bright boy who took great pride in his ability to think intelligently. One day he found a small redbird and decided to test the wisdom of a local hermit who was the region's recognized Guru. The youngster completely enclosed the small bird in his hand and asked the hermit if the bird was alive or dead. If the hermit said the bird was alive, the boy would kill it. If the hermit said that the bird was dead, the boy would release it unhurt. When he asked the Great One the alive or dead question, the hermit simply replied: "Its life is in your hands". For Quillen the story had great significance, and after telling the story at campaign stops, he would add that "My political future is in your hands." This is an observation that has never been forgotten and is constantly reflected by Mr. QUILLEN's overwhelming commitment to his district.

Congressman QUILLEN has enjoyed the support of a highly committed and loyal staff—many of whom are constituents of mine. I would like to commend Dee Kefalas, Brenda Otterson, Ellen Phillips, Ben Rose, Sue Ellen Stickley, Richard Vaughan, and long time chief of staff Francis Light Currie for their years of support.

Mr. QUILLEN's professionalism, dedication, and humor will be greatly missed both by his constituents and this Congress. May I take this opportunity to wish Congressman QUILLEN and his wife Cecile the very best for a long and happy retirement.

Mr. TANNER. Madam Speaker, I rise today to pay tribute to the Honorable JIMMY QUILLEN, the distinguished dean of the Tennessee Congressional Delegation, who will be retiring at the end of this historic 104th Congress. Mr. QUILLEN's attributes and accomplishments are well known. We should all be proud of his outstanding length of service to the people of the First District, the State of Tennessee, and the Nation. He holds the record for having the longest continuous service by any Tennessee Member of the U.S. House of Representatives since Tennessee statehood in 1796. This is truly a record that will probably never be matched.

When you travel in Mr. QUILLEN's district, as I do when I drive back to west Tennessee, one cannot help but notice the beautiful mountainous region that he represents that was home to former U.S. President James K. Polk. In addition, one cannot help but notice the many wonderful tributes that have been bestowed upon Congressman QUILLEN and his family throughout east Tennessee. You literally cannot drive through east Tennessee without passing by a facility, or traveling on a road, that has been named in honor of Mr. QUILLEN and his family. He has served his constituency for 33 years and the institutions in Tennessee that bear his name are a testament that he serves with honor and dignity. Voters trust Mr. QUILLEN to be fair and to adequately represent their views in Congress. His famous "open door" policy that he began on election night in November of 1962 was not only one that he practiced with his constituents, but also was extended to every member of the Tennessee Delegation, regardless of party affiliation.

I have had the honor of serving with Mr. QUILLEN, and his wonderful staff, since 1989. Mr. Speaker, I know that you join with me, my staff, and the great people of Tennessee and the Nation in saying thank you to Congressman JIMMY QUILLEN for a job well done. I wish him and Mrs. Quillen Godspeed during his retirement. We all will certainly miss him.

EDUCATION CUTS IN THE 104TH CONGRESS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Madam Speaker, we are moving toward adjournment. There is a rumor that we may be adjourning the 27th or the 28th of September. And there are some very important unfinished business items that relate to education which I would like to discuss tonight. The session is coming to an end, and it is kind of hard to get information. We seem to be treading water, and I suppose behind the scenes there are some fruitful negotiations taking place.

This is the end of the 104th Congress, the Congress that came in like lightning in January 1995. We came in and we had sessions at one point every day of the week and for 6 months a nonstop agenda. Now as we draw to the end of the session, the close of the session, there is a great calm that has settled over us. I hope it is not the calm before the storm. But the last few months, things have been sort of slowing down.

I want to congratulate the American people for having made that happen. Things have slowed down. The rapidity of the movement, the extremism that characterized the first few months of this session, we can all do without. It is just as well that we do not have it anymore. It is the public; it is the people out there with the common sense that should take the credit.

Everybody in Congress, everybody who is in politics knows how to measure public opinion. They listen to public opinion, and what happened in this case is that the extreme agenda was not a subtle agenda. It was quite open and honest. I congratulate the leaders of the 104th Congress, the majority Republicans, they were honest with their agenda. They laid it out there and people knew just what was going on.

They knew that drastic cuts were going to be made in education, drastic cuts would be made in jobs programs, drastic cuts would be made in housing programs. They knew that Medicare, Medicaid would be cut. They knew the agenda and, with the help of some spokespersons from the Democratic side to get them to understand it, slowly public opinion began to manifest itself and the people who listened to it on both sides, including the Republican majority, have come to the conclusion, I think, that in certain areas they are not going to hold, they are not going to continue the kinds of contempt for public opinion that was manifested in the first half of the 104th Congress.

Public opinion had been out there all the time making certain things clear. It is not that this is some new development. The public has always made it clear that they prefer education to be a priority of the government at every level. The polls have shown that for the last 5 years. Education has always been one of the top five priorities. It moved to the top, last 2 years one of the top three priorities. So for the leadership of the 104th Congress to insist that drastic cuts were going to be made in education was to sort of hold the public opinion process in contempt and to turn their back on the common sense of the American people.

Finally they have heard. Finally, as we move toward the resolution of the first budget, the budget for fiscal year 1996, after the two shutdowns and a lot of drama, one of the things that happened was that the cuts in education were rescinded. They were given up they gave up on the cuts in education.

Yes, there were humongous cuts in other areas, extreme cuts in other areas. I think the most extreme cuts probably took place in housing. But there were cuts in job programs, job programs. There were a number of cuts, 22 billion dollars' worth of cuts still took place, despite the retreat on education, $4.5 billion for education and labor, and they retreated on most of those related to education. Head Start was not cut. The title I program was not cut.

So we had an acknowledgment by the Republican majority that the common sense of the American people, which

said over and over again education should not be cut, education is priority, they bowed to that.

□ 2045

They bowed to that, and I hope they continue to bow to it. We do not know for certain, because in the appropriations bill that passed the House of Representatives before we went out for recess, there was an appropriations bill for the health and human services, education, health and human services, and in that bill there were still some drastic cuts for education programs.

No, they did not cut Head Start any more, and they did not cut title I any more. Those are too highly visible. They did cut Goals 2000. They did a number of other cuts, and you still had a kind of war with the common sense of the American people in respect to education being made a priority.

That situation still exists today. The appropriations bill passed by the House of Representatives is there waiting for action by the Senate, and we have heard that there is good news. Rumors are that the Senate may agree with the Democratic amendment that proposes to restore the cuts made by the House of Representatives in the House of Representatives budget, and not only to restore them, but to increase them. It means that the leadership of the Senate, the Republican leadership of the Senate, is listening, above the heads of the Democrats in the Senate, to the vast majority of the American people out there.

Madam Speaker, public opinion, common sense is registering. They have heard, and it looks at if we may come out of the 104th Congress with all the cuts restored and, perhaps, an increase. There is a rumor that the amount of money for education may be increased above what the House bill passed, substantially above that amount. It is very good news, and it is a victory for the common sense of the American people. The American people are to be congratulated for consistently insisting that education is a priority.

We came into this 104th Congress with the Republican majority proposing that the Department of Education be eradicated. It was that extreme; in 1995 we had a proposal on the table that the Department of Education be eradicated. The superpower of the world was going to do without a Department of Education at the Federal level. It will be the only government of any of the industrialized nations that has no central agency at all relating to education. It would have been a very barbaric and primitive kind of action to take, but it was proposed. It was proposed seriously.

I serve on the Committee on Economic and Educational Opportunities. That is the name that it has now, but for the other 12 years that I have been here it was called the Education and Labor Committee; and before our committee earlier in the session, in 1995, we had two men who should have known better come before the committee and testify that they wanted to abolish, eradicate, the Department of Education.

We had Lamar Alexander, the ex-Secretary of Education. He was the Secretary of Education under George Bush in his last 2 years. Mr. Alexander was proposing that we abolish, eradicate, the Department of Education. We had Mr. Bennett, who had been the Drug Czar, and he had once also been head of the Department of Education before also proposing that this civilized Nation, the leader of the industrialized free world, should not have a Department of Education.

So we are a long way from that kind of extremism; you know, the kind of extremism which followed that proposal with a proposal that we cut school lunches to the bone and that we take title I, one-seventh of the funding for title I, $1.1 billion; that we cut Head Start, which has never been cut in the history of its existence. That kind of extremism was rampant in the first half of the 104th Congress.

As we come to a halt, as we near the end, I am pleased to observe that we are going out not with a bang, but with a whimper. We appreciate the whimper. We have had enough extremism. Extremism is not good, and the Founding Fathers understood the need to have a check on any kind of rapid movement, any kind of blitzkrieg of ideas, a blitzkrieg of programs when they created the two Houses. They knew that one House would have sort of a calming effect on the other. Certainly the Senate, a more deliberative body with a longer term, was to be kind of a brake on extremism, and I think we should applaud the Founding Fathers again. It has worked; the other body has been a brake on the extremism in this House.

And now the other body has come to the rescue of the education appropriations. We are probably, according to rumors, going to get from the other body an increase in the education budget paid for by some very innovative program that I had mentioned 6 months ago, the possibility of using the income from the spectrum to help with our revenue problems, and I see that that is coming to pass. It is a concrete proposal in the Senate that the income from the spectrum should be used to fund this additional amount of money for education.

So we hope this key bill will really move forward in accordance with the rumors, that the positive kinds of things that are being talked about in the rumors will become reality and that the next few days, before we leave, we will see an appropriations bill emerge from the floor of the Senate, which will then go to conference, and we will have—we hope that the Members of the House will still be listening to the voice of the people, the common sense of the American people, and that they will be reasonable about returning education to a status of being nonpartisan activity.

Probably more important than foreign policy, education should be a bipartisan and nonpartisan activity.

You know, we used to have a sort of unwritten rule that was understood that foreign policy was bipartisan, you know, or even nonpartisan. That rule has been broken quite a bit by this present Congress, but maybe it applies, or should apply more so, to education. And we return to a situation that did exist when I first came to Congress where on the Committee on Economic and Educational Opportunities there would be intense arguments about how to do something, about which way we wanted to proceed to improve education, but there was no argument about the fact that we needed an education department.

We needed a Department of Education, and we needed to have an investment in education. How we would do it was a great bone of contention, but nobody ever proposed that we have drastic reductions in the role of the Federal Government in education.

Congress must keep its eye on this prize. Education ranks high in the minds of the people because they understand, they have a wisdom that endures, and they understand what is important and what is not important.

This has now been translated into the platforms of both parties. I think both parties have some strong statements about commitment to education. I do not think you still have in the Republican Party platform anything about eradicating the Department of Education. I think you have very strong statements in the Democratic platform, and you have very strong statements that are being made every day by the President about the commitment we need to make further to advance this Nation on its education agenda.

It is understood that national security, a great part of national security, is what we do in education. It is understood that the H.G. Wells statement that history is a race between education and catastrophe is truer than ever before, that we will have catastrophe if we do not rise to the occasion and make certain that this leader of the free world, this leader of the industrialized world, has the best possible education. An educated populace is our most valuable asset. An educated populace is our first line of security.

We should not have what has occurred in this 104th Congress; that is, a Congress proposing a $13 billion increase in the defense budget while it proposes a $4 billion cut in education programs. That is exactly the opposite

of what we should be doing. Our defense, our security, is very much tied up with education.

And I want to note, you know, that there are many people who understand this. Because there are so many different groups in America who understand this and have become more and more vocal, they have heard the call for help, they have heard the call to protect. We needed to protect ourselves from the extremism, and more and more the widespread and diverse support for education has manifested itself, and that is good. You know, let all flowers bloom; you know, let everybody who is interested in education come forward and participate in the process of getting a clear sense of direction as to where we should go with education.

It is not enough just to support it, it is not enough just to applaud the restoration of the funding at the Federal level. We must have a clear sense of direction as to where it is going to go. We must have a clear sense of how we are going to behave in our localities, the municipal governments, and a clear sense of how we are going to behave with our State governments and just what kind of commitment we are going to make for education as we go toward the 21st century.

The President has a good vision, but the Federal Government is only a small player in the whole education drama. The Federal Government, at most, has spent about 8 percent of the total education budget. At the height of Federal spending for education it did not get beyond 8 percent. The rest of the money is provided by local governments and State governments.

What is most important for the Federal Government is that it be the role model, that it be the drum major, that it set the tone; and that has been a positive development over the years that came to a halt with the advent of the 104th Congress. The tone was just the opposite. That the tone here in Washington was that the Federal Government should back away from the commitment, and, as a result, you have had commitments, retreat from commitments, in a number of States and a number of localities.

Certainly in the locality that I represent in New York City there has been a great retreat, a movement away from the commitment to education of the kind needed. We have in New York right now a good example for all of America to take a hard look at as to what happens when you have a retreat from a commitment to an investment in education.

There were 91,000 young people who reported for school on the opening school day who had no place to sit in New York City. This is hard to describe to most people throughout the country because 91,000 people, 91,000 students, is greater than the number of most school districts. Most school districts, you know, are in the 10,000 to 20,000 range, and many are much smaller than that, school districts. But here we have the New York City school district which has more than a million pupils. You know, at the height of the New York City enrollment, it once reached 1.2 million.

So we are not at a point now where there are more children than the city has ever had. We once had 1.2 million in the enrollment of the New York City schools. But the city is not prepared right now to take care of 1.6 million pupils. It is not because they have never had the situation before; it is because we have leadership that has no vision, a leadership that chose to not listen to the voices of common sense, to not listen to the constituency of the city, to the parents.

We had a chancellor of the schools who laid out the problem very well 2 years ago. He laid out the problem, he proposed a solution; he proposed a program to make the kind of repairs that were necessary so schools could be repaired, he proposed to build schools where they were needed, and it was all there.

So it was not that the vision had not been laid out by someone, an educator who understood what was going to happen. His name was Ray Cortines. He spent some time in Washington. He was a superintendent on the west coast at one point. He was well respected as an educator.

Well, he was kicked out of the city hierarchy. He was hounded to the point where he had to resign because he insisted that you have to prepare for the problems that you are going to face with respect to schools that are too old and crumbling, not safe, and we need to replace those, and we have a situation where, in certain areas of the city, the population is growing at a rapid rate.

□ 2100

So we were not prepared. Came the opening of school, and 91,000 young people had no place to sit, because the vision was not there.

If, in a highly visible situation like this, if there are no places to sit, if space, if the capacity to seat the children is not there, then you know that many other elements of the educational system also are in disarray. You cannot see the quality of teaching, you cannot easily see the quality of equipment and supplies, but if the basic space capacity is not there, then everything else is suspect.

There is a collapse in the education system in New York because of bad leadership, because leadership was extreme in another direction. The mayor was intent upon making tax cuts. The mayor was intent on sending a message that we would not spend as much for education as we have been spending in the past. It was a new mayor, a Republican mayor. He had some extremist views on certain items, and he put blinders on. Now the reality is there, the children had nowhere to sit.

In the midst of the reality, what has happened? We have had a refusal to recognize the reality. There is a great debate that the mayor has started about placing 1,000 of the 91,000 youngsters in parochial schools. There is a great debate about the fact that the parochial schools, the Catholic schools, have specifically said, we will take 1,000 youngsters, not just for this year but we will take them and we will take your worst youngsters, your most difficult in learning, et cetera, and we will keep them through our whole 6 years or a whole 8 years of schooling. You have to pay for them, though. You pay us what you spend per child.

That is another form of choice. In this case a religious school is involved, and there are questions of the constitutionality of it arising. All of that was pushed to the side because private industry said, we will pay for them. We will raise the money. You do not have to use public funds.

The mayor is busy applauding himself and going on to take care of 1,000 youngsters, and I want to congratulate him publicly for getting the private sector to put up money to educate 1,000 young people. I hope the private sector is going to provide $2 million per year, not just for this year but to keep the kids in the Catholic schools.

We are interested in children being educated. I do not think anybody should stand on ceremony and say this is not the right solution, it sets a precedent.

One thousand of the 91,000, good luck. We congratulate the mayor for saving 1,000. But what about the other 90,000? What are we going to do about them?

So I come back to my original concern here; that is, that if the Federal Government is going to drift back on track, if the public common sense is going to penetrate the beltway, if the public common sense is going to penetrate the House of Representatives' leadership, if we are going to come back to the reality that the people want education to be made a priority, that the people want an investment in education by every level of government, starting with the Federal Government, that the Federal Government is going to begin to set an example and become a role model again, then my concern is that we understand that this is not enough.

We applaud the President and his long platform related to education. We applaud the proposal that something be done about construction. It is a proposal that comes kind of late, but let us hope we can get it off the ground next year, with a small amount of money the Federal Government proposes to stimulate investment and construction for schools.

Senator CAROL MOSELEY-BRAUN and I, 3 years ago, authored a provision in the Elementary and Secondary Education Act which called for $600 million to be spent for construction and repairs, especially in situations where you had asbestos and you have lead in the water and you have unsafe conditions in the schools.

The $600 million that was authorized was cut down immediately in the appropriation process to $100 million. That was in the 103rd Congress. When the 104th Congress came in, one of the things they zeroed out right away was the $100 million for emergency repairs and construction. So there is nothing existing in Federal law right now which will give any aid to localities that need help with buildings, with space, with asbestos problems, with lead poisoning problems, with fire violations.

The city of Washington, DC, had several schools closed down on the opening day of school because they had fire code violations.

The mayor of New York says that, really, we do not have a problem with 91,000 youngsters; that really there are places for them to sit on the floor. There are just not desks for all of them; or that maybe there are places for them in other schools. New York is a big city. It has 8 million people. If you bus kids around to places where they have a few empty classrooms or empty seats, if you get it all together, you can find seats for half of the students.

Madam Speaker, I applaud that. If you can get it together, Mr. Mayor, please do, because you have 1,000 that you have taken to parochial schools; there are 90,000 left. If you can take half, move them around in buses, however expensive that may be, or however disadvantageous that may be for young children, if you can do that, then you have 45,000 taken care of. But what about the other 45,000?

And when you get through placing them, you acknowledge, the mayor acknowledges, the school board acknowledges, that many of them are in gyms. And they consider that normal now, because they have been in gyms holding classes for several years now. Many of them are in closets. Many of them are part-time in the cafeteria. Many of them are in small auditoriums. There are various innovations that have been accepted as normal.

So what if you began to meet the fire code violations, the fire code, and end some of the violations which must exist if you have youngsters packed into some of these spaces? Or health code violations, ventilation problems, where you do not have youngsters in a room with the proper ventilation? If you ended all those, our 45,000 of student problems would increase back up to 60,000 easily.

We have a major problem. We have a major problem. No matter what happens here in Washington, no matter how positive the appropriations bill is when it comes finally to the floor, and we will be finished with the appropriations process for this year, it will not help that situation very much, because we do not have anything in the appropriations bill for construction, for repairs. So there is a need to call upon the Federal Government in the future, yes, but there is a need right now at the local level, at the State level, to deal with an emergency.

We have got a generation of children, we have 90,000 young people, who, if we do not solve the problem this year, we partially solve it and it impacts them next year and the next year, what kind of education are you providing for those 90,000 young people? They cannot wait.

The Mayor has said this situation is going to be with us for quite some time. Let us understand, we cannot solve it overnight.

Whose children are involved? If your child was involved, would you be as calm as the mayor is, and say you cannot solve the problem overnight? Or would you be angry? Because we had a chance with Abe Cortines who predicted 2 years ago that we have a problem, and he was driven out of town by the harassment of this same mayor.

One of the items that I have on my agenda tonight is a discussion of National Education Funding Support Day, and that has a lot to do with Washington, of course, but it has more to do with the local level.

What I am trying to do, and this is a project that was conceived of by the National Commission for African American Education, the project was designed to try to engage local communities in the fight for getting more funding for education, to wake up people to the fact that education is something that is very essential, but we cannot take it for granted.

You cannot take for granted that the local officials are going to do what they have to do to plan to avoid having 90,000 kids in New York City not have seats. You cannot take for granted. There must be an involvement at all times by citizens, not just the parents but all of the citizens.

So National Education Funding Day, Funding Support Day, is designed to try to allow an opportunity for the businesses, for the labor unions, for the churches, sororities, all of them to get involved. We encourage them to do something for education. It is kind of a plagiarism on the National Night Out Against Crime.

The National Night Out Against Crime started, and it leaves it up to the locality to be innovative. You decide what you want to do to show that you are not afraid of criminals. You decide what you want to do to protect the fact that maybe the government is not doing enough about crime.

So we saw that phenomenon take place across the country and it caught on. People came out and they are very much active in the National Night Out Against Crime. I think it is on a Tuesday night in August.

So we are calling for a National Morning Out for Education. The date is October 23 this year. It was earlier than last year, which was November 14. National Morning Out for Education is what we are calling for National Funding Support Day.

Let any organization take part. Hopefully they will relate to an education institution, not just schools, but day care enters, Head Start centers, colleges, from kindergarten to graduate school. Let us do some things as laymen which show that everybody is concerned about education, we understand the importance of education.

By doing that as laymen, we send a message to the decision-makers. The elected officials, the people who are supposed to make decisions, will maybe begin to understand that what we have read in the polls is real. They have ignored the polls. The polls say that people at every level set education as one of the high priorities for government investment. They keep saying that. But for some reason the decision-makers are blind, or refuse to recognize that fact.

I do recall with great joy that we had a problem with libraries in New York City for years, getting enough funding. Public libraries were not being funded properly. I am very close to the situation because I am a librarian. I worked for the Brooklyn Public Library for 8 years before I went into city government.

We organized and we showed the elected officials for the first time that the best bang for the buck that you get in public life is through public libraries. You get more out of what you spend for public libraries than you do for any other activity, certainly any other educational activity. More people participate, use the books, use the facilities. The ratio of the dollars you spend to the good you achieve to the kind of help you give people is fantastic.

We finally made a breakthrough, and in the last mayoral election both candidates were vying with each other to see who could do the most for the libraries. That is the kind of breakthrough that I am optimistic about for education in general.

I think we are facing a golden age, that we have seen the worst. The early days of the 104th Congress were the worst days for education. Nobody in the future will ever propose that we eradicate the Department of Education again. I do not believe that is going to happen again.

I think we are on the verge of a new education-industrial alliance, that business understands that it is not

going to be able to just offer rhetoric about the need to have improvements in education. It is going to have to be consistently more involved, that business is going to have to be involved in terms of supporting the kind of government investment in education that is necessary, which if that means more taxes, maybe they will follow the example of the Senate and come up with more creative ways to get taxes, like using the sale of the spectrum.

Why not? The spectrum belongs to all of us. Why have we allowed it to be used for free all these years? The big broadcast industries have used the spectrum up there. It belongs to all of us. They have made billions of dollars. Why did it have to be given away to them for free?

Yes, we did, in the early days of the Nation, we had land grants. We had various ways that we gave land to people, so I guess giving the spectrum away was sort of following that.

The only problem with giving the spectrum away to the broadcasters is that there were only about four major broadcasters. Land grants went to thousands and thousands of people, and the grants of the spectrum, which were not seen as grants, they were given away to four major big broadcasting networks.

So we ought to come back to using that kind of revenue, capturing that revenue to put it into productive activities like education. People like Felix Rohatyn, I like to cite him because he is no wild-eyed liberal, he is a businessman, a multimillionaire, maybe a billionaire, and when he makes proposals people listen, because he has demonstrated in their milieu, the hard-nosed milieu of finance and business, that he knows what he is doing.

So the latest proposal of Felix Rohatyn, who was considered at one point for the Federal Reserve Board, but the name was dropped because of opposition it was felt it would meet from the Republican-controlled Senate, but Felix Rohatyn's ideas have been talked about for quite a while in a number of circles, conservative and liberal. He has come up with a simple proposal that ought to strike home here.

□ 2115

Viewing the chaos in New York in respect to schools and space and knowing that we have an extreme situation in New York, but it is not so different in Chicago, in Philadelphia, in Los Angeles, all of our big cities are in trouble in terms of aging infrastructures for schools. Big cities happen to be where most of Americans live. Most people want to dismiss cities as being lost causes. If you dismiss cities as being lost causes in America, what you are doing is dismissing the majority of the American population as being a lost cause, because the majority of the American population, overwhelmingly they live in cities.

Cities drive our cultures and cities have a lot to do across the world and throughout history with progress and advancement and the cities' role, you cannot substitute any other entity for the kind of role that cities play. If cities decline and cities decay and cities are no longer functional, then nations will no longer be functional. I hope that some day that gets through to our political decisionmakers.

Rohatyn understands this. Rohatyn has been involved when New York City was in fiscal trouble, he became the head of the Municipal Assistance Corporation, which is something like the Washington Financial Control Board that we have in this city now, and after his term there, he was still interested in the city and he proposed some concrete proposals that were not listened to. One of them related to schools.

I am going to read from an article that Rohatyn wrote for the Wednesday, September 11 issue of the New York Times, an op-ed piece by Felix Rohatyn. I will just read some sections of it. Rohatyn says that a decade ago, and, remember, he is responding now to the fact that 91,000 young people did not have a place to sit in New York city schools when they went to school.

A decade ago, in response to the abysmal state of New York City's public school buildings, the Municipal Assistance Corporation, with the support of Mayor Edward I. Koch and Gov. Mario Cuomo, committed $400 million of its surplus funds to creating a new School Construction Authority. This became the cornerstone of a five-year, $4.5 billion construction program aimed at providing decent schools and allowing for increasing enrollments over the next few years.

Yet today the system is more overcrowded than ever. The buildings are often decrepit and, in many cases, dangerous for the children and the teachers. In part, this is the result of poor management * * *.

In 1994, Ramon Cortines, then the Schools Chancellor, and the city's Commission on School Facilities and Maintenance Reform, led by Harold O. Levy, submitted a $7.5 billion, 5-year capital request. Mayor Rudolph Giuliani, struggling with the city's budget gap, gradually reduced this request to $2.9 billion, and later to $1.4 billion, and even the $1.4 billion is now no longer guaranteed.

Such problems are not limited to New York City or to schools. Practically, every large city and state face deteriorating schools, roads, bridges, mass transit systems, sewers, and pollution-control plants. Few have the money to make repairs or build anew, and many have legal restrictions on their debt capacity. They need Federal assistance—specifically a program that would return an existing source of Federal revenue over to state and local governments.

During the Presidential campaign, the 4.3 cent-a-gallon increase in the gas tax that was included in President Clinton's 1993 budget package has come under attack. Repealing it would be bad energy policy and bad economic policy. But it is worth considering a better use for the gas tax than Federal deficit reduction: making it available to state and local governments for public investment.

Localities could spend the money directly on construction and renovation, or leverage the funds with secured borrowing. State and city governments have been cutting back on public investment because of budgetary problems and legal limits on their abilities to issue bonds.

The income from a 4.3 cent Federal gasoline tax has the benefit of being highly predictable. It would provide about $5 billion to States every year, making it ideal for very long-term bonds issued for public investment.

Nationwide, this could comfortably support from $75 billion to $100 billion in new programs by state and local governments over 5 years, assuming that they would pay an additional 20 percent to 25 percent of the cost beyond their take on the gasoline tax.

With its share, New York State could generate $5 billion to $7 billion over the period. Each state would decide how best to use the money, but a significant portion would be committed to new schools and education technology.

Such a program could result in more than buildings. It could create at least 2 million new jobs, public and private. Most would likely be well-paying jobs related to construction. Others would be less specialized jobs that could be opportunities for young people who need a chance to break the cycle of welfare.

Under the new Federal law, finding work for welfare dependents is a hidden time bomb for state governments.

Yes, the money will be lost to the Federal treasury. But replacing $5 billion each year in a $1.5 trillion Federal budget is a small challenge compared with the benefits of $100 billion of additional investment in cities over 5 years. The program would undoubtedly receive strong support from mayors and governors, Republicans and Democrats, business and labor.

A program that would give city and state governments $75 billion to $100 billion would provide only a fraction of the more than $2 trillion needed nationwide for public improvements. But, if successful, the program could be extended and increased over time.

President Clinton has recognized the need for Federal assistance to state and local governments by signing the bill sponsored by Senator Carol Moseley-Braun, Democrat of Illinois, providing interest rate subsidies for local school construction. This was a good beginning, but it is not nearly enough.

Mr. Clinton has long called for public investment, yet neither party has put forth a program to meet the challenges facing urban America.

Turning the revenue from the gas tax into schools and other badly needed public buildings would be a large part of Bill Clinton's bridge to the 21st century.

End of the article by Felix Rohatyn in the September 11th New York Times.

I said before Mr. Rohatyn is a businessman. He is a millionaire, he has to pay lots of taxes. He understands very well what he is proposing. The gas tax exists already. We have had a lot of controversy about repealing it. He says leave it in place, distribute it to the States and local governments, and he thinks the State governors and the mayors of municipalities will be quite happy to have this kind of innovative action by the Federal Government which will stimulate them to match

them it to a certain degree and move for some improvements, including improvements on much needed educational facilities.

I have not even talked about the deterioration of the infrastructure of our colleges. We have a municipal college system, city college, City University of New York has 200,000 students. They have a problem with buildings, too. I have not talked about that.

My point is that I hope that we can look forward to some good news in the appropriations bill that comes from the conference of the Senate and the House. I hope that that will be a signal that we are ending the era of the attacks on the Federal role in education. I hope it will be signal that we are back on track, that education will again be a bipartisan activity. If nothing else comes out of this election year except that one positive feature, it will have a lasting impact on where the country is going.

We are talking about a revolutionary time where education is really as important as the rhetoric says it is. We have had rhetoric about how important education is for decades, for centuries, but it has never been more important than it is now.

I was fortunate enough to visit Russia, the former Soviet Union, this past summer, a seminar in Leningrad. Among the many things that I noted, one is of course the entrepreneurial spirit that has blossomed so quickly among Russians. Human beings are natural entrepreneurs and decades and decades of communism does not wipe out that spirit. So you are very impressed with how quickly it comes alive.

The other thing that is most impressive is the tremendous degree to which the population is educated. It is a tremendously educated population. I do not just mean literacy. This is an industrial nation. This is a nation with a population that has an industrial education, a technological, scientific education.

Yes, they had the worst political scientists in the world, but do not take that to mean that they do not have good scientists otherwise. The problem was political scientists are never given much credit, they are not celebrated like the other scientists, but the Soviet Union existed and plodded along and finally collapsed the way it did because they had the worst political scientists in the world. But they had scientists who put the space station up there that we are now rendezvousing, our astronauts are now going to their space station, and we should not forget that, that the kind of education, higher order education, theoretical, physics, chemistry, metallurgy, whatever you want to name, in a modern, industrialized, scientific society, it exists in Russia.

They understand computers very well. They are far behind us because their political scientists did not want to have an Internet. They did not want to allow a mass production of computers. They did not want to have decent telephones because they did not want people to communicate with each other. The political scientists wrecked the economy and almost wrecked the society once and for all, but it did not wreck it to the point where the education, especially the scientific and technological education, is not there. So you have Russia, you have other eastern European countries, you have Germany, you have numerous stations where education is far superior for the masses, far superior to the education that we provide here.

We talk about global competition, we talk about a small world, we talk about being able to hold our own in very loose terms, but it is very real. An educated population is our only guarantee that our society will be able to hold its own in terms of maintaining its market share, maintaining its standard of living. It can be drastically undercut. If you can have mass production of computer scientists in some other country, not just the Soviet Union, Russia, or Germany and the industrialized nations but in a nation which is a developing nation like India.

India has computer scientists on a par with computer scientists anywhere in the English-speaking world. So you have many computer companies who need computer programmers hiring people from India to work for wages of one year which is equal to one month's salary for American computer programmers. In fact, they call Bangalore, India the capital—and I have mentioned this before—Bangalore, India, is called one of the capitals of computer programming because if they do not bring the Indians from there to our companies here, if they have a problem getting them past immigration and getting enough into the country to do the things they want to do, they take the work to Bangalore.

Large numbers of American corporations are taking their computer programming work to Bangalore, India. They speak English, they understand science, computer science and so forth, and they are major competitors to people in the computer programming world in America. There will be more of these kinds of developments.

So education in terms of market share, in terms of staying ahead of the curve scientifically, et cetera, it becomes of utmost importance. Of course last night at the Committee for Education Funding dinner where 5 retiring Members of Congress were honored, PAT WILLIAMS spoke about education to prevent civic decay. That is not a small thing. In our country, which is a democracy, if we do not educate the populace, the very democracy itself will become an enemy if we do not have people who understand how this democracy works. So nothing is more important. We have activities that are going forward to try to get this across at many levels. Within the beltway and among people who know what the education agenda is, there are certain kinds of activities at work.

The Committee for Education Funding has a National Education Call-In Day which is tomorrow, September 18, 1996. They are giving everybody the capital switchboard, 202/225-3121, asking them to call the Members of Congress—Members of the House and Members of the Senate—and talk about the fact that we need help from the Federal Government to meet the challenges of growing enrollments, more students with special needs, new educational technology and a changing economy. That will work for certain groups of people as it has in the past and we hope that folks will call in and alert their Congressman to the fact that the appropriations bill for this year has not been passed.

□ 2130

Fiscal year 1997 begins on October 1st, and the education programs are not funded. We hope that either through a continuing resolution or an agreement on the appropriations bill we are going to reach the point where this is resolved, but it will not come automatically. So call in. Call in and remember that the Committee for Education Funding has some very hard facts that you ought to bear in mind.

Madam Speaker, I am going to read a few of those facts that the Committee for Education Funding put forward. Committee for Education Funding has about 80 different organizations in the country, national organizations, which have united under one umbrella to fight for more investment in education. So, they speak with great authority. School boards are represented, teacher unions, all kinds of organizations concerned with education. At high education level, at the preschool level, they are all there.

The fact sheet of the Committee for Education Funding reads as follows: It wants to remind us that over the last 2 years, education suffered cuts of more than $1.1 billion. Despite the fact that we stopped many cuts, it still suffered cuts of more than $1.1 billion over the last 2 years.

The fiscal year 1997 budget resolution, which is the one I am talking about now, passed by Congress this year, cuts education and—I am sorry, the budget resolution; in the budget resolution, which guides the appropriations process, we cut education and training by 17 percent in real terms over the next 6 years according to the Senate Committee on the Budget.

While calling for some program consolidation reductions, President Clinton's fiscal year 1997 budget request does propose to increase the investment of education back to $2.8 billion

in fiscal year 1997 and maintains that level of investment over the next 6 years.

Madam Speaker, I will not go on and on with these facts. I just wanted to say that the call-in sponsored by the Committee for Education Funding is a very good idea. It is one way to have people demonstrate that the public opinions are real, the public opinion polls are real; that there are real human beings out there behind those public opinion polls. Every politician is concerned about public opinion polls and focus groups and really being in sync with public opinion. So it is kind of a contradiction, a paradox, that they will not listen to the public when it comes to education.

We have to end that paradox. We have to hit the politicians, the decision-makers, and elected officials, the candidates, hit them with a sledgehammer and make them understand we mean business when we say education is a priority, ought to be a priority. One way you hit them with the sledgehammer is to keep banging away in every way possible.

Make the telephone calls on October 23rd when we have the National Education Funding Support Day. Organize some kind of group and demonstrate your concern by going to a school and linking up with a school. Some people have gone to schools and provided books, gifts. Other people have helped programs in schools. There is one group of parking agents who have said they will provide a week of safe conduct to certain schools in certain parts of the cities that have had trouble with kids not being able to get to school safely.

Whatever your particular organization can do, do it. We are urging that churches adopt a school and link up with what we call net day. There is a net day project that most of you have heard about. Net day means that that is a day when a locale or a State pledges to wire all of its schools, to provide the wiring necessary for the schools to have appropriate computers and for the schools to link up with the Internet.

A minimum net day effort is to wire the library of the school and five classrooms. So let us have some net days on October 23. If you cannot do it by October 23, then for the period between October 23 and the middle of November, in the middle of November we have National Education Week, from October 23 to the middle of November. Try to mobilize and get together the necessary ingredients and elements to wire your school, to wire the library and wire four classrooms. That is what net day is all about.

At the same time, you might consider the fact that there is a campaign on called the campaign to get the E rate. The E rate means a rate for the wired schools, for their being able to utilize the services, whether they are online services or whatever to come in the future at a reduced rate.

All schools and libraries, according to the law passed by the Congress, we passed the law which says the FCC must work out a way for all schools and libraries to get a reduced rate, to be accommodated. It does not spell out how the FCC should do that, so the Secretary of Labor has proposed that they do it for free to all schools and libraries. It will be easier to administer that way, and what the companies will be doing is developing future customers.

Madam Speaker, we have massive numbers of customers that, if they make it easy for them to get the necessary wiring and the cost of using the Internet and the various services is zero for the schools, then the kinds of people they will develop in the schools will be customers in the future forever. People spend 12 years in school, but they live two or three times that long. If they learn how to use these various facilities, they will be creating a market for themselves.

So we say the E rate should not just be a discount rate, but for schools and libraries why not have it completely free? And that is one proposal I would like to see us support. Secretary Riley has a proposal. If we do not get that, then there are various discounts that are being proposed that we will also fight for.

The FCC will make this decision sometime within the next 2 months, so it is important, as we participate in National Education Funding Support Day, to understand how important that is. That is a once in a generation time activity. Once you get that kind of benefit, it goes on and on, and it has implications for many years and many generations to come.

We talk a lot about how costly these new educational technology items are, computers, et cetera. And it is true they cost so much more than a desk and chair and book. In New York City we are struggling with the problem of just providing a desk and a chair. But we cannot get locked into a situation where we do not discuss educational technology, computers, online Internet, because we have not solved the problem of the desk and the chair. If every city in America had decided it would not build an airport until it fixed all the roads and all the sidewalks, then very few cities in America would have airports. They would be in very bad shape if they did not have airports.

So you have to look to the future and get involved in the new technology and what it can do for the imaginations of the youngsters who are in our schools and make certain that the schools in the inner city communities, like New York City, like my district in Brooklyn, one of the poorest districts, is not left behind because they do not have the computers and they do not have the access to the Internet.

Madam Speaker, all of it has to go together. We have to fight for the desk and fight for the chair, fight for the space in a building, fight for the safety in the building, the end of the violations related to asbestos or lead poisoning, ventilation. We have to fight for it all at one time.

It costs money. It will cost money, but it is not half as costly as some of the modern expenditures that we are accustomed to. We are ready to appropriate $13 billion more to the Department of Defense. In fact, that is what the majority, Republican majority has done. They have added $13 billion to the President's request for defense. A new attack submarine costs $775 million. A B–2 bomber, we can give 7 million more children an opportunity to become productive citizens for the cost of three B–2 bombers. We could double the safe and drug-free schools program for the cost of the *Seawolf* submarine program. America could hire an additional 267,000 elementary and secondary schoolteachers for a billion dollars. For a billion dollars we could spend an extra $23 on every elementary and secondary school child in the country. We could purchase 398,000 multimedia computers for a billion dollars.

You say a billion dollars is a lot of money. A billion dollars is what—the CIA had $2 billion in its slush fund that they could not account for. It had gotten lost. To let you know, $2 billion for the CIA was not very much, but $2 billion would go a long way in terms of spending for our school children.

Modern costs are high, but we should not get overwhelmed. We should understand that, if education is a number one national security item, if the people of the country, in their commonsense wisdom, have decided education ought to be the highest priority, then let us not hesitate to make the investment in education, to take us across that bridge to the 21st century. Our children deserve it, our great Nation needs it. I think we can do not less than what our capacity allows us to do.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 211. Concurrent Resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 3060.

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. 3816) "An Act making appropriations for energy and water development for the fiscal year ending September 30, 1997, and for other purposes."

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 67. Concurrent resolution to authorize printing of the report of the Commission on Protecting and Reducing Government Secrecy.

ROCKFORD RESCUE MISSION: BRINGING THE COMMUNITY TOGETHER TO SOLVE COMMUNITY PROBLEMS

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 60 minutes.

Mr. MANZULLO. Madam Speaker, I come to the floor of the House today to praise the efforts of the Rockford Rescue Mission in their winning fight against homelessness, addiction, and poverty. For more than 30 years, the Rockford Rescue Mission has provided food, shelter, job training, and drug and alcohol rehabilitation to the most needy in the Rockford community.

In 1964, Mr. Stewart, a recovering alcoholic, recognized that there were a number of men in downtown Rockford who were either alcoholic, unemployed, undereducated, lacking direction, or a combination of these. Mr. Stewart saw that these men congregated in relatively the same area and felt that there had to be some way to reach them and help them find direction back to being contributing members of the community.

With just $9.63, Stewart rented a small building on Kishwaukee Street, and the Rockford Rescue Mission was born. He took in the homeless. He fed them, gave them a place to rest, and helped in every way he could to see these men back to being part of the community instead of wayward outcasts.

Mr. Stewart asked his pastor and his wife, the Reverend Gerald and Nadine Pitney, to take over the directorship of the Mission. Reverend and Mrs. Pitney agreed and began a life-long, family commitment to serving and helping the poorest of the poor in the city. The Mission started small, serving only a few single men needing food and shelter.

Over the years, the needs of the Rockford community changed. More and more women and families needed help and direction. As these demands developed, the volunteers and limited staff worked tirelessly to expand the facilities and types of assistance they offered to meet Rockford's growing needs. Today, under the leadership of the Reverend Perry Pitney (the son of the Reverend Gerald and Nadine Pitney), the Rockford Rescue Mission is continuing its efforts to adjust to the changing needs of the community.

Reverend Perry Pitney, recognizing that the needs of Rockford's homeless have changed dramatically since the Mission first opened, stated, "The reality of who the homeless are has changed dramatically over the past few years. The idea of old, alcoholic male drifters passing through a community is now a proven myth. Homelessness is a local issue and must be dealt with locally."

The needs of the homeless in the Rockford community continue to grow. In 1995, the Rockford Rescue Mission served over 80,000 meals, housed over 18,000 people, and gave away over 87,000 food items, clothing, and household necessities. Now the Rockford Rescue Mission is looking to triple its size. In doing so, they will expand their programs for outreach into the community. The current facilities cannot keep up with the overwhelming number of people searching for a place to begin again. The Rockford Rescue Mission is dedicated to the future of Rockford and is committed to keeping its doors open to everyone seeking help.

The staff of the Mission wants Rockford to continue being a city of hope. The expansion of facilities and services will help supply the tools necessary to fight a winning battle against homelessness and poverty. This is a picture of what some of their new facilities will look like.

Homelessness, poverty, substance abuse, and unemployment are not problems unique to Rockford, Illinois. Nearly every community in this nation faces these problems. Clearly, our communities are all searching for workable solutions to help those of our neighbors looking to start over. The Rockford Rescue Mission has set itself apart as a model of compassion with real results.

Help: that is what the Rockford Rescue Mission is all about. Compassion: that is what drives the staff and volunteers to commit themselves to the betterment of the futures of men, women, and families in need. In turn, the entire Rockford community will have a better future.

I come to the floor of the House today to congratulate the Rockford Rescue Mission for more than three decades of service to people. In the best traditions of the United States, they have lived and taught compassion. They are expanding their efforts to reach more people. They have started work on renovating two buildings which will provide space for a thrift shop, the Helping Hand program, emergency services for men, women, and families, and a men's recovery program. The Mission realizes that programs to help children must be stepped up, curbing gang participation and violence. The Mission realizes that the cycle of poverty and homelessness is often perpetuated generation after generation. Reaching the children and breaking that cycle is of paramount importance.

Too many organizations today say, "All we need is more government money, more Federal grants, and we can accomplish the task." But Rockford Rescue Mission has accomplished all this without any government money. They did it on their own, meeting their obligations through donations from individuals, churches, and businesses. They have succeeded in helping the Rockville community by involving the Rockford community. The Rockford Rescue Mission has done more to fight poverty and homelessness than most government programs. Why? Remember what Reverend Pitney said, "Homelessness is a local issue and must be dealt with locally."

The Rockford Rescue Mission on South Madison Street in Rockford, IL has provided day to day survival assistance for three decades. Their philosophy is to help "All whom we can, in all ways we can, as long as ever we can." Day after day for 30 years, the Rockford Rescue Mission has helped the neediest of the needy with no questions asked. The Rockford Rescue Mission has helped find food, shelter, clothing, and guidance for the homeless, the battered, the addicted, and the hungry.

JUDICIAL TAXATION

Madam Speaker, we hear over and over how the Government must spend more money here and there. Who is the government? Is it us, here in Congress? Is it the bureaucrats inside the beltway? No. It is the average American person.

Who is the average American? The average American is the one who gets up at the crack of dawn fixes the childrens' breakfast, reads the morning paper, takes the dog out for a walk, kisses the spouse good-bye as one and in many cases both leave for work.

The average American goes to work to support the family, pay the bills, maybe sometime save enough to buy something new, or go on vacation. The average American wants a good life, and strives hard for it. The average American is competitive and wants to get ahead; no doubt wants America to get ahead.

So, I ask again, who is the government? My colleagues, the Government is the people—the average American person, who puts in a hard day's work.

But in today's society, as I alluded to a moment ago, it is becoming the norm—in a two parent household—that both parents must work to make ends meet.

Each person must work about a third of the day or more in order to cover the costs that each government (local, State and Federal) requires in order to operate.

Is it any wonder that Americans are upset when their government simply

suggests that more money will take care of a problem; that more money is going to solve an inconsistency?

I want to take some time tonight to explain what is happening in a school district in Rockford, IL.

People living in Public School District 205 are dismayed over the sharp increase in their property taxes as a result of a Federal court remedy in a disegration lawsuit against the school district. The compliants I have received from people include the fact that taxpayers are funding millions of dollars for a school master, attorney's fees, consultants, etc., while seeing little money going to educate their children. They complain, and rightly so, that huge spikes in real estate taxes are making homes in Rockford very difficult to sell. Seniors have advised me they can barely pay the taxes on their homes. This situation with the Rockford schools is dividing and devastating the city.

Rockford is not the only community affected by judicial taxation. There are numerous school districts having the same problems we are. The Federal judge in Kansas City, MO ordered taxes increased and spent over $1 billion, and there has been little improvement in the school system or with regards to desegregation numbers. Lawyers, masters, and consultants have been the beneficiaries of these court orders while the children's education has seen little improvement.

The people of Rockford continue to be placed in a situation where the Federal court enters remedies to be paid for with a checkbook that has no limits.

I know many of the people in the city of Rockford. They are not segregationists. They are concerned Americans. They are concerned about their neighbors. They are concerned about the quality of their schools and their children's education. But they are also concerned about making it through life. They are concerned about their living expenses. They are concerned about making ends meet. They are concerned about putting food on the table. They are concerned average Americans.

But, a law suit is filed. A judge makes a finding that there is not racial equality. The first thing that is needed—money. Money will solve the problem, so we need to raise capital in order to bring about equity.

Isn't anyone asking or wondering—Is there another way? What happens when the people are tapped out?

What about all of the additional daily expenses: other taxes, bills, food on the table?

I want to discuss constitutional authority and the expense of taxes for a moment.

The Constitution is the document that grants the authority to Congress, the executive branch, and the judiciary. Nowhere within that document does it say that anyone at the Federal level of government other than Congress can institute a tax increase, period. That's what it says, that's what it should mean.

But, a Federal judge, practically anywhere across the Nation, still will continue such tax mandates from on high. The people who are affected still will have to pony up expenses, whether they be to pay for the judicially imposed taxes, or to fight the imposition in court—which again takes money.

Judicial taxation is not, however, limited to school districts. Federal judges have ordered tax increases to build public housing and expand jails. Any State or local government is subject to such rulings from the Federal courts.

Now, are we seeing a pattern here? Does it really take more money to resolve a problem?

The Federal Government needs more money; so, it raises taxes. We've seen it done, several times over the past 20 years. Yes, we've seen in both Democrat and Republican administrations. We have seen it twice in the 1990's. Most recently, we had the largest tax increase in the history of this Nation—the $268 billion Clinton tax increase—to pay down the deficit and bring down the debt. Guess what, spending has continued to rise. The debt has continued to increase to over $5.1 trillion. That is a lot of money.

Remember that State governments still must operate. That costs money. Local governments need money to operate.

Now, in addition to all of that, we have a situation in which a Federal judge orders a community to pay more for something that is not necessarily their fault. Whether it be for a new jail—because of overcrowding, or to build a new school—because the ones that were closed down were not good enough. Remedies are necessary, but we must always examine the costs.

American parents, Rockford citizens, have always been concerned about the economic well-being and competitiveness of their children. No one has a greater stake in good jobs at good wages than do the parents who nurture and support their children. This will not change.

Parents know that excellent schools exist all over America. These schools often excel in spite of, not because of, out-of-State administrators or Federal judges. Parents ordinarily seek out schools that are friendly, familiar, and near. In so doing, they help create a sense of the school as a community dedicated to learning.

Researchers have found this sense of community to be an indispensable factor in academic success. Yet it is precisely this community that will be lost if the impact of un-democratically raised taxes continues this upward fashion.

Well, in school district 205—this Federal judge's order is tearing the community apart. People are fleeing the community because they don't have the money to pay for the extra expenses. I say again—the situation in Rockford, IL, is dividing the devastating the city.

Even Bill Clinton stated in his acceptance speech at the 1992 Democratic National Convention, "governments do not raise children—parents do."

If we are to take this seriously, that government cannot buy love and equality for children any more than money can buy happiness for adults, we must remember the forgotten American.

We are currently entering into a debate on reforming the Federal Tax Code. We will be studying the impact of Federal tax policy on personal savings and spending, the impact on State and local governments, as well as the overall effect on the economy.

One additional area that Congress needs to address is the impact judicial mandates and taxes on State and local governments. Actions by Federal judges that directly or indirectly force a State or local government to raise taxes have had serious impacts on our Nation's economy. In many cases, remedy decisions have forced State and local governments to increase taxes, putting more pressure on take home pay or affecting property values.

Everywhere you look, someone is getting taxes for this or that reason. A nickel here, a nickel there, doesn't seem like much. Now, multiply that out, over the long term. Before long, it adds up to $50 here, $50 there. Not much, some say. Guess what? It is a lot of money.

The forgotten American pays every single day—the one who gets up at the crack of dawn. Members here in Congress have the task to check the spending.

I have introduced legislation which places very strict limitations on the power of a Federal court to increase taxes for purposes of carrying out a judicial order.

This legislation is not about desegregation or any other decision where a Federal law has been broken. It is about taxpayers paying for Federal court remedies involving the raising of taxes without the permission of the taxpayers—this is taxation without representation. The remedy should be tempered by the community's ability to pay for it, without raising taxes.

If the school board, municipality, or State government feels that taxes have to be raised, then it should go to the people and ask for an increase. Otherwise, the school board should work within its mans. There is no such thing as a school district dollar just as there is no such thing as a Federal tax dollar. The money belongs to the people. Judicial taxation is a back door method to take people's hard earned money without representation.

I am not criticizing Federal judges. Our judges are honorable people. But a judge works within the parameters of the laws available to him or her. The purpose of my legislation is to make it very difficult for a Federal judge, who is an unelected official, to raise taxes, and therefore press him or her to work within the budgetary constraints of the State or local government.

Any lasting result that could come out of a judge's remedy decision must come from the community and must have the people behind it. There has been no success in cases where judicial mandates alone act as the remedy. As I mentioned before, there are many people who are willing to make a positive contribution to solving these problems. By relieving the State and local governments of the burden of judicial taxation, the people of a State, city, or school district will be able to step forward and be part of a solution that is best for the community.

Let me be explicitly clear that I am not talking about whatever remedies are made by the court. I am talking about how to pay for whatever remedy results from any decision. That is where Congress can have input into this area. I take no position on what remedial actions may be enacted—that is a matter of the elected officials on the State and local level, but I am constrained to take a position on how those remedies are funded. This becomes a Federal function because this is a Federal judge applying Federal and constitutional law.

Congress must act on tax reform in all areas. The power of unchecked taxation is a very serious threat to our system of government, it is a threat to the average American who is trying to make ends meet.

Government—every single one of us—cannot continue to stand idly by and watch the tax dollars be raised and spent unchecked. We have an obligation, as the guardians of the Federal purse, to make sure that the money of the forgotten American is spent wisely.

Because we must remember how hard the average American, the forgotten American has to work in order to pay for the bed where he or she sleeps, pay for the food and coffee they eat and drink for breakfast, pay for the food that they pack for their kids' lunches, pay for the gas to power the car that they must buy, and go to work and come home to the house that must be paid for. This is the forgotten American who pays, not only for the bills in everyday life, but for the tax bills that run the American Government. It is for these people that we, ourselves, must work hard to make sure that each and every tax dollar is raised and spent correctly and wisely.

The time for reform is now.

THE DRUG ISSUE—IT'S EVERYONE'S RESPONSIBILITY

Madam Speaker, this evening I also want to discuss one of the biggest problems facing this nation: illegal drug use.

Statistics show that illicit use is rising at an alarming rate. Drug use among our nation's children has more than doubled in the past four years—a staggering rate of increase.

The scourge of illicit drugs is rampant in our society. How do we know this? Well, we read it in our local newspapers everyday; we hear about it on the daily radio and television talk shows; we see it on our nightly news programs.

Some may say that this saturation reporting is desensitizing the general public to the problems that drug abuse is causing in America's communities, homes and schools, and with our children—our future.

I've heard a lot of rhetoric from both political parties about drug abuse. However, this is not a partisan issue. Drug abuse knows no political ideology.

Let's take a look at some of those alarming statistics from some recent studies. On August 1, 1996 the U.S. Department of Health and Human Services reported:

Drug use among teenagers has skyrocketed—from 1992 to 1995, and overall drug use among those 12 years-old to 17 years-old has gone up 78 percent;

Marijuana use from the same period more than doubled at 105 percent;

Use of the hallucinogenic drug LSD also more than doubled at a 103 percent increase; and

Cocaine use increased a staggering 166 percent for that time frame.

Another study—this one from Luntz Research, shows that among teenagers up to the age of 17:

60 percent say they can buy marijuana within one day;

62 percent have friends who use marijuana;

58 percent have been solicited to buy marijuana; and

58 percent know someone who personally uses hard drugs such as LSD, heroin or cocaine.

This is staggering as much as it is tragic.

There is a study that is particularly disturbing. It is a survey, apparently the first of its kind, that asked parents and teens about attitudes toward drugs. Sponsored by Columbia University's Center on Addiction and Substance Abuse, it found that:

Two-thirds of baby-boomer parents who experimented with marijuana as teenagers expect their own children will do the same;

Overall, that 46 percent of the parents surveyed said they expect their children to try illegal drugs;

Forty-nine percent—almost half—of parents surveyed knew someone who uses illegal drugs today; and

One-third of parents have friends who currently use marijuana. These are friends of the parents.

These studies reveal a common theme: that drug use is on the increase and there seems to be a growing apathy about its misuse. The message that drug use is bad for society is somehow getting lost.

It is not just the numbers; it is the simple fact that people feel that there is a need to experiment and use drugs, and that it is somehow expected. In areas around the country, it seems to have become almost a right of passage for our adolescents into adulthood.

Is this the message we want to send? Of course not. Drug abuse reaps deadly consequences. Almost three-quarters of all crime is somehow drug related. Drug abuse sets the stage for death by overdose and suicide. There are scores of accidents caused by drug use. Make no mistake about it: drugs have an impact on each and every member of our society, and we must do something about it. And I don't mean we, as Congress. No the we I am talking about is everyone in our country.

The issue of drugs is not, and should not be, about election year politicking. It is and must be about attempting to deal with this scourge, this blight on our nation. Who's to blame? That is the political question. What to do? That is the real question. Let's not talk about blame; let's talk about what to do.

To answer that question we must begin by asking ourselves whether we have done what we can to work against this national disgrace. Drug abuse knows no race, no political persuasion, no economic class, no gender. It is everyone's problem because it affects everyone.

That is why everyone must do his or her part to work for a lasting solution. It starts at home. The effort begins with parents and guardians. The responsibility continues with our schools—it takes constant reminders from our teachers and administrators about the problems of drugs. The responsibility is with our media and entertainment industry, and it continues with our business leaders. Responsibility is with our elected officials—Republican, Democrat, and Independents.

Our children need guidance and role models so that when they come of age they can exercise individual responsibility and make the right choices concerning drugs.

But is the next generation being given the direction it desperately needs? When I look at the Columbia University study, it makes me wonder. Joseph Califano, president of the National Center on Addiction and Substance Abuse at Columbia University and a former secretary to the U.S. Department of Health, Education and Welfare states:

> That the baby boomers appear to be so ambivalent and so resigned to drug use by kids is very disturbing. They should be mad as hell. Instead, they're saying there's nothing we can do about it.

In the past, Mr. Califano astutely remarked:

Drugs are not dangerous because they are illegal; they are illegal because they are dangerous. Not all children who use illegal drugs will become addicts, but all children, particularly the poorest, are vulnerable to abuse and addiction. Russian roulette is not a game anyone should play. Legalizing drugs is not only playing Russian roulette with our children. It's slipping a couple of extra bullets in the chamber.

He makes a good, solid point. People should care about drugs, drug abuse and society's attitudes about it. Congress, most of all, should never discuss legalization of drugs. We should be discussing how to keep people from using drugs at all.

I want to discuss how one member of this body thought he could make a difference. He is Representative ROB PORTMAN. Mr. PORTMAN saw a problem and decided he wanted to address it head on. When he found that it worked, he decided to share this information with other members of Congress. It is something that is based in commonsense, indeed. It is the Community Anti-Drug Coalition.

This coalition is an attempt by participating members of Congress to mobilize the local communities in conjunction with local law enforcement; schools; parent/teacher associations; community clubs—such as the Lions and Rotary Clubs; the media—television, newspaper and radio; churches; state and local politicians; local, state, and national anti-drug and rehabilitations services to jointly arrive at a solution to end illegal drug use and drug abuse. The effort is to get everyone involved in community-wide, and by extension, a nation-wide anti-drug awareness project. It is a very exciting opportunity for members of Congress to utilize their public offices as a soap box and encourage all members of their communities to get involved in the simple message that we all know to be true: Drugs are dangerous, drugs are bad, people should not use drugs.

I encourage everyone watching at home and members here in the chamber to get involved. This is a problem that needs a comprehensive solution. The solution involves participation and action by all segments of the local community and at all levels of government. Let's not wait any longer.

□ 2200

Lastly this evening I am going to be joined by my colleague, Congressman PETER HOEKSTRA of Michigan. I yield to the distinguished gentleman from Michigan [Mr. HOEKSTRA].

Mr. HOEKSTRA. Madam Speaker, I thank my colleague for yielding. It was with some interest, as I was coming out to Washington earlier today, that I read in USA Today and went out and took a look at what the Associated Press [AP] had to say about the similar article that was in USA Today. It is described by Bruce Babbitt, one of the members of the President's administration. He describes it as "It is a great win/win situation for everyone." And you take a look at it and say, now, what would somebody in the President's administration be calling a win/win, a win/win for everybody. If it is a win/win for everyone, it is a win for those of us in Washington, it is a win for the American people and whatever projects.

And when you get beyond the win/win, what you find is that it is, quoted in one of the Washington papers, Babbitt proposes a new tax.

You were talking earlier in your special order about taxes. We know how much the American people are taxed. And it appears that for Mr. Babbitt and for the President, perhaps that number is not high enough yet, that when 38 cents of every dollar that the American family earns goes to pay taxes at the local, the State or the Federal level, maybe that is not quite enough; that when the average American family works until May 7 of every year to pay that 38 cents or to pay their share of State and local and Federal taxes, Mr. Babbitt and the President still do not believe that that is enough. When they figure out that the cost of government, when you not only take the cost of taxes that we directly pay, but you add in the indirect cost of government and the rules and regulations and that we work, that the average family works until July 3 to pay those additional costs, we find out now what Independence Day means. It has a whole new meaning.

It no longer means independence from the tyranny of taxation with no representation, but in today's world, it means that on July 4 is the first day that the average American keeps what they earn on that day and they do not send it to one form of government or another or are not paying for the cost of regulations.

Mr. MANZULLO. Madam Speaker, what happens during the month of July and August is that the average American decides to go on vacation.

Mr. HOEKSTRA. Madam Speaker, what in the world does vacation have to do with new taxes?

Mr. MANZULLO. Well, Secretary Babbitt has found a way to tax the accoutrements of vacation.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Things that you use on vacation.

Mr. HOEKSTRA. Madam Speaker, I believe that we ought to be fair to Mr. Babbitt, and I have misspoken myself. We are not talking about a new tax. The fee or the—excuse me, the term that the Secretary uses is, U.S. Interior Secretary Bruce Babbitt would put a, not a tax—a surcharge on outdoor-related equipment, and so it is not a tax.

Later on now the AP goes on to take the liberty of describing a surcharge as a tax, but Mr. Babbitt has not called it a tax. He is working with, teaming with a wildlife group. And they also do not use the term "surcharge" or "tax." They call it a "user fee." This is what I think is interesting. We will talk a little bit about the amount. We will talk about the amount.

But listen what they say about a user fee, which Mr. Babbitt calls a surcharge, which the Associated Press calls a tax, and which you and I would probably call a tax because what it means is that an American citizen is taking some money and sending it to government, and that is typically a tax.

But they go on to say, make sure that the user fee must not act as a barrier to a product's sale. The user fee must not act as a barrier to a product's sale. So obviously, again, this is a case of companies and small businesses, because we will go through the list, these things are sold by small businesses. These small business people in America just must be making excess obscene products.

I know that the distinguished chairwoman in the Speaker's chair this evening is chairing the Small Business Administration and cannot participate in this dialog. But I am sure if she had the liberty to participate in this dialog, the meetings and the hearings that we have had with her, she would clearly indicate that small businesses are under tremendous pressure and that any attempt to go back to small businesses or the American people probably would be hindrance to the sale of a new product.

□ 2215

This is naive people in Washington saying we can charge people more, but of course it will not be a barrier to sale of more product. I gladly yield.

Mr. MANZULLO. You know, what is interesting is what is going to be taxed. I mean film.

Mr. HOEKSTRA. Gentleman give an example?

Mr. MANZULLO. Film. Secretary Babbitt wants to put a 2 to 3-percent national sales tax on cameras, film, lenses and, look at this, an outdoor sleeping mat.

Now there is no tax on a mattress inside the house, no national tax, but if you sleep outside, he wants to have a 5-percent outdoor recreation equipment.

We just bought my son a mountain bike. We do not live in the mountains, but we bought him a mountain bike, and he wants to put a 5-percent tax on mountain bikes.

Look at the list of things he wants to tax: backpacks, camping stoves.

I have Century Tool located in the district that I represent, and I am going to talk to them tomorrow and say: "Look at Secretary Babbitt, wants to put a 5-percent surcharge because people cook outside, that somehow they're to be penalized for that."

Camping utensils, canoes, canteens; 5-percent tax on canteens, climbing equipment, compasses.

Secretary Babbitt needs to perhaps have a compass to find his way out of this tax hysteria, but he wants to have a 5-percent tax put on compasses, cooking bags, floatation vests, hiking boots, kayaks. The whole ski industry would be subjected to now a new 5-percent tax: skis, poles, boots.

Sleeping bags. My kids have sleeping bags; they never slept outside. They sleep on the floor of the family room.

Snow shoes, Tents.

Every tent in America would be subjected to a new 5-percent Babbitt tax, Babbitt-Clinton tax. And canoe paddles, or prepacked camp foods.

That is interesting.

Mr. HOEKSTRA. If the gentleman would yield?

Mr. MANZULLO. Yes.

Mr. HOEKSTRA. I mean you are getting to the fun parts now. I mean we think about it, the list that you have just gone through. Backpacks? The majority of backpacks in this country—

Mr. MANZULLO. Is for school.

Mr. HOEKSTRA. Go to schools. It is the kids.

I have got three kids, 14, 11 and 8. They all go to school every morning with backpacks. Those now next year, when we go out and buy them with a Clinton, new Clinton-Babbitt tax, those backpacks will cost 5 percent more.

But you forgot a couple of interesting things in there because obviously it is clear that Mr. Babbitt believes that government is not taking enough money, and otherwise he would not be proposing it. But remember this is a big number. This is a 5-percent tax. In Michigan our sales tax is 6 percent. You now tack on a 5-percent on top of that so he obviously believes government is not big enough and is not spending too much and he wants a little bit more money. But he also believes that the IRS is not big enough because we are going to have to come up with rules and regulations to implement this. We are going to tax certain camping utensils, but only those that are connected or folding. So, if it does not connect or snap together or fold, you do not pay the tax.

Mr. MANZULLO. So if a Swiss army knife has a spoon on it or a fork, that would be taxed, but a smaller Swiss army knife would not be taxed.

Mr. HOEKSTRA. If it only had knives, and if it had just the blades with no forks——

Mr. MANZULLO. Screwdrivers and things like that.

Mr. HOEKSTRA. I do not know, but we would have a bureaucrat at the IRS who would make that call.

Mr. MANZULLO. And what about talking about——

Mr. HOEKSTRA. Do not go to the calls yet, but take a look at another one, the floatation vests.

Mr. MANZULLO. Floatation vests?

Mr. HOEKSTRA. Floatation vests. Select, and for those—you know, this is, I am glad that they have already got the bureaucrats involved because for most people, floatation vests are just kind of like life preservers. But are we going to tax all floatation vests, or are we going to go to the IRS and come up with a set of rules and regulations that say these vests are taxed, taxed as 5 percent, and these are not? We are only going to tax selected classes of life preservers, but of course we are not going to tax standard lifeboat vests.

You know, there is stuff on here. You outline the skis, polls, boots. That includes cross-country and downhill. Make sure we do not forget snowboards; they are now on the list. I do not know what a stuff sack is, but they are going to be taxed.

Now let us go on. So we have covered—if you are going to have any fun outside, you know you can figure you are going to pay 5 percent, and it is not on this list, but I bet it soon will be: rollerblades will be on there. I cannot imagine not having rollerblades.

Mr. MANZULLO. Well if you have skis, you have to have rollerblades as a matter of equity——

Mr. HOEKSTRA. Otherwise it would be discrimination.

Mr. MANZULLO. Right.

Mr. HOEKSTRA. But then going on to the category that you were talking about: cause. For those of you that have bird feeders in your backyard you will now know that we are going to have the Clinton-Babbitt backyard and wildlife products tax.

Mr. MANZULLO. At 5 percent.

Mr. HOEKSTRA. Five percent, the Backyard and Wildlife Products Act. Five percent. And what are we going to tax here? We are going to tax wild birdseed and other wild animal feed except seed that is packaged for pet feed.

All right. So we are going to have somebody in Washington again describing, you know, what is pet feed and what is wild animal feed.

Mr. MANZULLO. Reclaiming my time, would birdseed for robins and birds that are not considered to be wild, would that be taxed?

Perhaps the tax would be based upon the tax people would have to come to your backyard and determine which birds were eating the seed, then have a proportionate tax based upon that.

Mr. HOEKSTRA. Yes, and I would guess that if you took your seed that was packaged for pet feed and you ran out of wild bird feed but you took your seeds for pet feed and you used it outside for a wild bird, you know, you would be breaking the law.

Mr. MANZULLO. But what if your pets are wild birds?

Mr. HOEKSTRA. Well, if it is a pet and it is wild, then it cannot be your pet. But I bet we would have a regulation on defining when a pet is a pet and when it is wild it is not.

Mr. MANZULLO. And would the gentleman comment on whether or not the new Clinton tax would impact birds that decided to be hygienic and take a bath?

Mr. HOEKSTRA. Yes, we cover that, or excuse me, the Clinton-Babbitt tax covers that because we do have a tax here on wild birdbaths.

Mr. MANZULLO. Wild birdbaths.

Mr. HOEKSTRA. Wild birdbaths, and we also have a tax on wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife, nest platforms for wild birds.

Mr. MANZULLO. And You know what is amazing about this is that Mr. Babbitt, claiming to be a conservationist, would want to try to do everything possible to encourage the wisest use possible of our natural resources and to encourage people to feed the wild birds in the backyard, and instead he wants to impose another tax.

Mr. HOEKSTRA. I beg to take exception because I take Mr. Babbitt at his word. He does believe that he is doing the best for wildlife because what he is doing is he is saying: "You as American citizens don't know what to do for wildlife or the birds in your backyard. Send me the tax because when I collect the money, States would then apply for the money to fund specific projects and would be required to match 25 percent of the Federal grants."

So this is not about protecting or preserving the environment; it is just about how we do it. You pay the tax, you send the money to Washington so that the bureaucrats here in Washington can figure out what projects are best to do, and you know you cannot do that at the State level. We have got to have people in the Interior Department who are going to get this money from the IRS, who will then review the grants, and this is, you know, goes back—you are aware of the myth project that we have been working on, the myth that says only Washington can do things right. This is going to create a new department on not Independence Avenue, on Dependence Avenue, because it is going to be once again bureaucrats making decisions.

In this case they are taking your money that you are going to buy birdbaths, birdhouses, bat houses, birdseed and this even goes on. You got a hummingbird feeder in your backyard.

Mr. MUNZULLO. So what?

Mr. HOEKSTRA. You got to pay taxes on the hummingbird feeder. If you go to the grocery store and you buy suet and you put it in this little mesh thing, I am sorry, that is now taxed. You have to pay.

Mr. MANZULLO. It is a tax on fat.

Mr. HOEKSTRA. A tax on fat.

Mr. MANZULLO. And if the gentleman will yield, then there is a special tax, a 5-percent tax on books, videos and audio. We have a CD-ROM that we play on the back porch of our farm.

We call R. Olsen. Occasionally an eagle will stop by on its way to the Mississippi River, or a great blue heron, and we have the Roger Torrey Peterson bird guides, the tremendous bird guides, the books that you buy so you can examine and identify the birds in your backyard, and those audio tapes of wildlife calls, you know, the owl tapes, you know what I mean. We play those at night, and the owls, you can see the owls fluttering around, and we take the flashlight, teach the kids about nature.

My wife is a biologist and loves to teach the kids about the environment. All that will be subject to another 5 percent tax, talk about an additional tax on educational materials.

Mr. HOEKSTRA. If the gentleman will yield, it goes on. We have talked about outdoor recreation equipment, backyard wildlife products, books and videos. You talked about the binoculars or may be we have not covered that yet; binoculars, hand lenses, spotting scopes, tripods, window mounts. Sorry. Those all now also have a 5-percent tax.

This now goes on, talks about recreational vehicles, RVs. Now the tax rate is much lower on this.

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. What is that?

Mr. MANZULLO. Starting lower.

Mr. HOEKSTRA. But we all know once a tax is in place, we do not raise it. Well, maybe that is not right. Usually when we have a tax in place it provides a floor from which to raise it, but you go out and buy an RV, or you go out and buy a sport utility vehicle—you know, a camper, a motor home a travel trailer or any of this. We are now talking about a quarter to a half a percent tax on these items.

You know we have been joking about this, about what the Clinton-Babbitt tax looks like, because I mean it is, it is taking more money out of the system, it is moving decision-making to Washington. But this is a serious proposal, and this is indicative of what this administration believes. They believe Washington does not have enough money, that the American people are not even intelligent enough to make basic decisions about wildlife in these types of things, and they want more, they want more rules and regulations, and they want to grow the IRS, and they want more of our money, and they are blatantly going out and talking about increasing taxes and not talking about tax simplification. This is complicating the tax code, and it provides another avenue for Washington to suck a little bit more money out of our pockets and feed it to the bureaucrats here in Washington.

Mr. DE LA GARZA. Madam Speaker, if the gentleman will yield?

Mr. MANZULLO. Yes.

Mr. DE LA GARZA. I thank the gentleman, and I just wanted to take a brief moment here, that Sunday I heard a speaker, and he mentioned an item that I think would be very appropriate here, although it is very enlightening to hear the gentlemen discuss this issue. But he mentioned about a speaker who had a speech prepared, and everyone started leaving, and more people left, and more people left, and more people left. Finally there was only one left. So he went and finished his speech, then went to thank the gentleman for staying, and the gentleman says: "The only reason I stayed is because I'm the next speaker."

And I thought I would mention this at this time.

□ 2230

Mr. HOEKSTRA. Madam Speaker, we thank the gentleman for staying.

Mr. MANZULLO. We thank the gentleman for staying. Does the gentleman from Michigan have anything else to add?

Mr. HOEKSTRA. We are going to hear a lot more about this issue and others like it. We on our side of the aisle, we have pushed for family tax relief. We believe that Washington already collects enough of our money and we do not want any more money in Washington. We want to return it back to families. We want to return it back to small businesses, because we believe the best engine for growth in this country are small businesses and Americans deciding the priorities for where they spend their money.

This I believe is just the beginning of a whole new series of taxes that a Clinton administration would love to put on the American people. You and I were both here in 1993 when we in this Congress, you and I both voted against it, but when we in this Congress came forward and it passed the Clinton tax increase, where again it became very clear, government is not big enough, we do not have enough money, we want more. This is just what I believe is the first scheme to get more money from the American people.

I think it goes after it exactly the wrong way. It taxes the very things that are important to families, that are important to children. It hides the tax, because it would be a tax at the manufacturer's level, not at the sales tax level, so once again people will be paying taxes and they will not know that it is actually going to the Federal Government. At the same time, it does it in such a way that much of the tax dollars that will be raised will be used to fund bureaucrats here in Washington.

The gentleman and I, we are talking about tax simplification, we are talking about going to a flat tax, we are talking about going to a consumption tax, or anything that takes the huge array of IRS tax booklets, so we could actually go fill our taxes out on a postcard or whatever. All this represents is a whole new series of taxes, complicated taxes describing what camping utensils will and will not be taxed, which flotation vest, which hiking boots. It is absolutely the wrong way to go at this time, or almost at any time.

I cannot see any time where this kind of a tax in this kind of a direction would be appropriate. But it is an important lesson I think for the American people to understand that this is what the Clinton administration is talking about. This is the direction they are going.

Mr. MANZULLO. Reclaiming my time, Madam Speaker, and we have at times tried to put a bit of levity into Secretary Babbitt's and President Clinton's proposal to increase taxes on things such as bicycles, mountain bicycles and outdoor sleeping mats. I think it is a dark day in America when the administration would come to the American people and say, because you use the outdoors, we are going to tax you.

We are talking about a hidden 2 percent to 3 percent tax on a camera, on films. We are talking about kids that buy binoculars to look at birds and other animals in the fields, we will have a 5 percent hidden tax. We are talking about a simple book that talks about nature.

Is that not interesting? You can have a book that describes how to rearrange the inside of a house, that would not be subject to a tax, but a book that talks about how to examine birds and wildlife and things outside—ostensibly even plants—would be subject to a tax.

This is the forgotten America of whom I have spoken so many times in this Congress, the person who gets up at the crack of dawn, packs the lunch. Perhaps both spouses go to work; one of them is working solely for taxes. They get the kids off to school, they write the checks, and they ask themselves in the morning, why is it that we are working harder than ever in our entire lives and taking home less money?

The answer is very simple, because government at all levels is too big. What is even more dangerous about this new proposed Babbitt-Clinton tax is the fact that Americans will be paying a tax and not even know it is a tax, because the tax will be buried into the cost of the manufacturer's product.

Mr. HOEKSTRA. If the gentleman will continue to yield, Madam Speaker, think of the arrogance that is used to describe this tax, the arrogance toward the American taxpayer, because they say the user fee must not act as a barrier to a product sale.

Do these people never get outside of the beltway? Who thinks that the average American family, the parents that pack their kids off to school in the

morning, that they have an extra 5 percent to pay for backpacks, for compasses, for dry bags, sleeping bags, hiking boots? No big deal, it is only 5 percent. They have that.

They talk about the pressure on the family, and the financial pressure, but then it is kind of like where are they coming from? Five percent, of course they can; hey, they have 5 percent more to send to Washington. And they do it on a whole range of things.

It is an arrogant way of taking a look at the American family and saying, we in Washington need 5 percent more, and you, at the family level, you have it. You can afford to easily give us 5 percent, because if we ask you for 5 percent more, that will not be a barrier to you being able to buy this product.

Where have they been? And maybe it is time for the Clinton-Babbitt team to get outside of the beltway and talk to some real Americans, and find out how much 5 percent means to them.

Mr. MANZULLO. Madam Speaker, I include for the RECORD this teaming with wildlife product list which shows the proposed tax on the products.

The material referred to is as follows:

TEAMING WITH WILDLIFE PRODUCT LIST

The following list is a draft of those products being considered for a user fee. Before this list is incorporated into the draft legislation, we are asking companies, customers (users) and coalition members to provide feedback on this list, as well as other details of the proposal. The products listed below would have a graduated user fee of ¼%–5% of the manufacturer's price. The user fee must not act as a barrier to a product's sale. Beside each category is a suggested level for the user fee. Feedback from companies and consumers will help determine the final list of products and the percent to apply to each.

Outdoor Recreation Equipment (5%): Backpacks, Camping stoves, Camping stove fuel, Camping tarps, Camping utensils (connected/folding), Canoes, Canteens, Climbing equipment, Compasses, Cooking kits, Dry bags, Flotation vests (selected classes—not standard life boat vests), Hiking boots, Hiking staves, Kayaks/spray skirts, Mountain bicycles, Outdoor sleeping mats, Skis/poles/boots (cross-country, downhill, telemark), Sleeping bags, Snowshoes, Tents, Paddles, Portable water purifiers, Prepacked camp foods, Scuba diving masks/snorkels/goggles/flippers, Snowboards, Stuff sacks, Wet suits/Air tanks/Regulators/Spearguns, Whitewater rafts.

Backyard and Wildlife Products (5%): Wild bird seed and other wild animal feed (except seed packaged for pet feed); Wild animal and wild bird feeders such as hummingbird feeders, suet feeders and other types of feeders; Wild bird baths; Wild bird houses, bat houses, squirrel houses and houses constructed for use by other wildlife; Nest platforms for wild birds.

Books, videos, Audio (5%): Field guides to bird identification, nest identification, animal tracks, mammals, fishes butterflies, insects and other animal groups; "How-to" guides such as wildlife viewing guides, hiking and paddling guides, etc.; Audio tapes of wildlife calls; CD-Rom guides to wildlife and its enjoyment.

Binoc, Monoc and Spot Scopes (5%): Binoculars, Hand lenses, Monoculars, Spotting scopes, Tripods, Window mounts.

Photographic Equipment and Supplies (2–3%): Cameras, Film, Lenses, Lens filters, Photo disc, Range finders (including those designed for use with photographic cameras and parts thereof).

Recreational Vehicles (RV's (¼%–½%, no more than $100): Campers/motor homes/travel trailers.

Sport Utility Vehicles (¼% no more than $100):

MEXICAN INDEPENDENCE DAY

The SPEAKER pro tempore (Mrs. MEYERS of Kansas). Under a previous order of the House, the gentleman from Texas [Mr. DE LA GARZA] is recognized for 60 minutes.

Mr. DE LA GARZA. Madam Speaker, I take the time today to inform the House and my colleagues that yesterday, September 16, was Mexican Independence Day. I spent the day visiting schools on the border area where I live that were celebrating on our side of the Rio Grande River the Mexican independence. I would like to relate to why it impacts on our side, and a little bit of what we have in unison with the people of Mexico and the nation of Mexico.

First, let me say that the odyssey began some 500 years ago, when the first Spanish galleons traveled across the Atlantic under the sponsorship of a gracious queen of Spain, really searching for the Far East and the spices, and all of the other things that they wanted to bring back to Spain and to Europe, but a sailor named Christopher Columbus navigated his way and ended up in the islands of the Caribbean. From then came further and further immigration to the new lands, to the new world.

Some of the first galleons that traveled from Spain, and the Spanish and the Portuguese navigated the world over, all the seas of the world, and then Great Britain and all of the other navies of the European nations, those that had navies, but this was the beginning of colonizing, the beginning of bringing people.

Records show that the Spaniards came to Hudson Bay, to the northeast part of the United States, throughout the Atlantic, through the Gulf, but the eventual landings in which we are interested tonight came into what is now Mexico, basically Mexico and the Gulf parts of the United States. Although others went to what is now Peru, Chile, Argentina, they began settlement throughout all of the Americas.

The relation to us, and this is of interest, is that in 1776, the process for independence began in what is now our Nation, the United States of America, by mostly immigrants from Great Britain, some German and other Europeans, but basically from Britain who had taken dominion over the lands that we now know as the northeast part of the United States, and a few States of the South. All of us know the interest and it was mentioned in earlier debate about taxation without representation.

Eventually there was that yearning for independence which all individuals have inherently, so began the quest for independence, and the independence that was declared independent; or we, those who represented our country at that time, their desire for independence led to the Declaration of Independence on July 4, 1776.

Mexico came some 33 years later, in 1836. That was what began the process, on September 16, 1810. So what I wanted to bring out to the attention of our Members is that people of similar interests and similar desires that lived in Mexico and were the leaders of Mexico wanted their independence from Spain, so we had probably the most powerful nation in the world at that time, Spain, with dominion over what we now know as the Americas.

They were saying the same thing, and that is the interest that we insist that our children and hopefully all of our people understand, that unity in thought and in deed by people of similar character and similar interests, and by accident, there were many similarities. There was a cry for independence here; there was a cry for independence in Mexico.

A bell was rung in Philadelphia, the Liberty Bell that all of us know. Thirty-some years later a bell was rung at a village named Dolores Hidalgo, which could be almost the echo of what we heard in Philadelphia, almost the echo of the bell that rang at Dolores Hidalgo, shouting the same thing: Liberty, just, freedom, equality. It has been hard to achieve and it is not yet ultimately achieved, both in our country or in Mexico, but that was the beginning.

George Washington was, in Mexico, Father Miguel Hidalgo y Castilla. We had a Betsy Ross that is credited for weaving the first flag of our country. Mexico had a lady, Dona Josefa Ortiz de Dominguez, that was a part of the independence movement, and actually warned the Mexican insurgents or the Mexican freedom-loving leaders of that effort that the Spaniards were coming to catch them and imprison them.

Those are the things that we recollect at this time, because they almost copy our Constitution, and the Jefferson and the Franklins, Mexico had their counterparts. Morelos was a foremost Parliamentarian in Mexico, and they have had harsh times because of internal problems, military.

But this is something that we ought to realize and consider in our dealings with Mexico, that we were dominated by the British, and I say we, those that lived here at that time.

□ 2245

My part of Texas was not a part of the endeavor of 1776 because we were a

part of New Spain. Then when those great Mexicans, of which my family was one, although we lived far away from the area up where the events occurred, it was nonetheless part of New Spain, and later it became part of Mexico when Mexico secured its independence from Spain. And then when Texas secured its independence from Mexico in 1836, we became Texas. And then when Texas joined the Union, we became citizens of the United States of America for which we are proud and we have served. You can count the Purple Hearts, you can count the Medals of Honor, you can count those who served. I served twice, Navy and Army. My mother's youngest brother died in the service of our country. We have his Purple Heart. So those are the things that unify us. I wanted to say to some of our colleagues that might have some concern that we have a double culture. Well, double or triple culture does not diminish an individual, it enhances the individual. It brings more knowledge, it brings more activity related to their individual ethnic beginnings.

In Texas, the center part of Texas when Mexico wanted to colonize the northernmost part of their territory at the time, which stretched basically from Texas to California, to Oregon, all what we call now the Southwest, they sent impresarios which they offered land to go bring from Europe people to colonize, to come and live on the land. But one caveat was, don't bring Spanish, don't bring British, don't bring French. Those were the three nations that coveted that area. So they went to middle Europe and they brought German and Czech and Slovak and Polish, some Hungarians. Madam Speaker, those are the ethnic groups in my congressional district now in Texas that came when we were a part of Mexico. They settled in that area, and I have in my district all of those ethnic groups, speaking their language, their culture.

Next week there is going to be a Czech night near Corpus Christi. We have the German festivals, we have the Polish festivals. This is part of what the United States is. This is a mosaic of what we are and who we are. That is why the interest in the Mexican independence. Because if they had been no Mexican independence, we may not have at this time what we now know as the United States of America.

Also in an unfortunate incident of history, two-thirds of Mexico became part of the United States. Texas, New Mexico, Arizona, California, Oregon, Utah, Colorado, almost all of that area which was Mexico became part of the United States. And now we proudly proclaim and pledge allegiance to our flag. But yet we have respect for whom our ancestors were, what they did, and where they came from. And so we have this dual, that when we celebrate Mexican independence day, many of our families, my family, were part of that effort and became independent from Spain, as our brethren from the northeast became independent from Great Britain. And now we are what we are, incidents of history but nonetheless reality in the world we live in. And because of that, we are the most powerful Nation in the world, in the history of the world.

Also this morning, Madam Speaker, I was able to participate in a Hispanic month celebration at the Department of Agriculture. As unmerited as it may have been, they honored me with a plaque being chairman of the Committee on Agriculture. But this is something that most of our colleagues need to know, and the people need to know, that when the Spaniards came to the new world, they brought what was the beginning of American agriculture, the greatest agricultural nation in the world. But they brought the seeds for wheat, the vines for the grapes. They brought many of the European agricultural products. But here was corn and cocoa and some argument about tobacco but I insist that tobacco was here. Potatoes. Throughout the Americas, we wove together what the Europeans brought with what we already had here. And in many parts of this Western Hemisphere, the Indians, we call them that, the Aztecs in Mexico, they had irrigation systems, they had aqueducts. At the same time they had aqueducts in Spain and all the areas of Europe. The basic American water law comes from Spain. But the natives in this hemisphere, the Aztecs, performed surgery. They had zoological gardens grander than any that you see now throughout our country. They had pyramids grander than those on the River Nile. And in Guatemala and in the Yucatan and in Peru, the Incas, we had a civilization equal at least to that that came from Europe. This is part of our history, part of our culture.

That is what I wanted to tell my colleagues, that when we celebrate Mexican independence day, we are celebrating part of what has been an impact on what is now the United States of America, including territory. Because this was the way to the Pacific that belonged to Mexico at that time, in 1848, the Treaty of Dolores Hidalgo that was transferred to the then fledgling United States of America. So you cannot separate the issue. I as an individual cannot separate or bring myself to separate myself from the culture, from the ethnic derivatives. I serve this Nation, this country, that flag. But yet some of my ancestors served the other country and that flag, and forever I will have respect for both, but loyalty to this one. So that is something I wanted to make clear. For those who may have some confusion, for those that may ask, well, why would we celebrate Mexican independence?

Mexico has had a very harsh history, occupied by Spaniards first, occupied by the French. President Benito Juarez began the process of ridding Mexico of the French occupation. The Austrian emperor opposed an emperor of Mexico named Maximilian and they did not have the ability to resist but eventually a humble Indian named Benito Jurarez led an effort to rid Mexico of the imposition of foreign rule. And we celebrate the Fifth of May, which is the culminating battle, not the end, of getting the French out of Mexico. That is celebrated on the border and through many parts of the United States where there are Mexicans or of Mexican descent, because this was what rid all of the new world of foreign powers. The French were the last to occupy Mexico and after that, there has been basically no formal occupation of any of the lands of North and South America. We celebrate that with great joy, we do in Texas because the general that led the Mexican troops had been born in Texas, when Texas was a part of Mexico. So we take great pride in that. That general was born in what is now my congressional district, in Goliad, TX, when his father was head of the garrison for the Mexican army in Goliad, TX. Goliad later played a part in the Texas effort for independence against Mexico. But I wanted to congratulate, if for no one else but myself as a Member of this House, the people of Mexico and the Government of Mexico.

One word that I would like to leave, and it is quoted quite often, that President Benito Juarez said that "among men, as among nations, respect for the rights of others is peace." And that we honor on the Fifth of May.

And then another great President of Mexico and my good and dear friend, President Gustavo Diaz Ordaz, said right here from this rostrum when he delivered an address to a joint session of Congress that, and I quote, "Geography has made us neighbors, history has made use friends." He said that right from here, Madam Speaker. And that is what we celebrate when we celebrate. You cannot separate the United States of America, as we know it today, from the Mexican people, from the Mexican culture because, as President Diaz Ordaz said, "Geography has made us neighbors, history has made us friends." That is irrevocable, that is inseparable.

And so I join with all of those that celebrated yesterday throughout the United States Mexican independence with this explanation, if I might call it, of why we do that, why we are proud, and what we have done in order to foster and enhance the United States of America which for those of use that are citizens is indeed something that we feel that an accident of history made me a citizen of the United States of America but one that I am terribly proud, but I will always have a love, admiration and respect for the Mexican people because at one time we were

part and a great part of our country was part of their country. That is irrevocable, but also you cannot separate it from your feelings and from the interests that you have when neighbors honor and respect neighbors.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GANSKE (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), on Tuesday, September 17, on account of being unavoidably detained.

Mr. HEINEMAN (at the request of Mr. ARMEY), for today and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Ms. GREENE of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes September 20.

Mr. BILIRAKIS, for 5 minutes each day on September 17, 18, 19, and 20.

Mr. DREIER, for 5 minutes, today.

Ms. GREENE of Utah, for 5 minutes, today.

Mr. MICA, for 5 minutes on September 17 and 18.

Mr. HUNTER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous material:)

Mr. STOKES.
Mr. BENTSEN.
Mr. SKELTON.
Mr. DEUTSCH.
Ms. DELAURO.
Mr. LEVIN.
Ms. WOOLSEY.
Mr. BARRETT of Wisconsin.
Mr. DELLUMS.
Mr. REED.
Mr. UNDERWOOD.
Mr. STARK.
Mr. NADLER.
Mrs. MEEK of Florida.
Mr. POSHARD.
Mr. PALLONE.
Mr. JACOBS.

(The following Members (at the request of Ms. GREENE of Utah) and to include extraneous material:)

Mr. BARRETT of Nebraska.
Mr. FIELDS of Texas.
Mr. TALENT in three instances.
Mr. DIAZ-BALART.
Mr. FRANKS of New Jersey in two instances.
Mr. BASS.
Mr. RADANOVICH.
Mr. BEREUTER in two instances.
Mrs. MORELLA.
Mr. BILIRAKIS.
Mr. SCHIFF.
Mr. MARTINI in two instances.
Mr. HUTCHINSON.
Mr. DORNAN.
Mr. BURR.

(The following Members (at the request of Mr. DE LA GARZA and to include extraneous material:)

Mr. CLINGER.
Mr. DUNCAN.
Mr. CHRYSLER.
Mr. GOODLATTE.
Mr. ENGLISH of Pennsylvania.
Mr. EVERETT.
Ms. KAPTUR.
Mr. LEWIS of Georgia.

ADJOURNMENT

Mr. DE LA GARZA. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p.m.), the House adjourned until tomorrow, Wednesday, September 18, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

5152. A communication from the President of the United States, transmitting his request to make available appropriations totaling $300,000,000 in budget authority to the Department of Agriculture, $100,000,000 in budget authority to the Department of the Interior, a $100,000,000 supplemental request for Veterans Compensation and Pensions, and making available appropriations totaling $50,000,000 in budget authority to the Department of Housing and Urban Development and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-264); to the Committee on Appropriations and ordered to be printed.

5153. A communication from the President of the United States, transmitting his requests for fiscal year 1996 supplemental appropriations and fiscal year 1997 budget amendments totaling $1,097 million for programs that are designed to strengthen our anti-terrorism, counter-terrorism, and security efforts in this country and abroad and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 104-264); to the Committee on Appropriations and ordered to be printed.

5154. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Amendment to Revenue Limit on Bank-Ineligible Activities of Subsidiaries of Bank Hold Companies Engaged in Underwriting and Dealing in Securities [Docket No. R-0932] received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

5155. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Australia, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

5156. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Lamps; Reflective Devices and Associated Equipment (National Highway Traffic Safety Administration) (RIN: 2127-AF90) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5157. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans State: Approval of Revisions to the State of North Carolina's State Implementation Plan (SIP) [FRL-5606-3] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5158. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: Perchloroethylene Dry Cleaning Facilities; Amendments (RIN: 2060-AF90) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5159. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerances for Emergency Exemptions (RIN: 2070-AB78) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5160. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications and Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96-193] (AAD 95-91) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5161. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Human-System Interface Design Review Guideline [NUREG—0700, Rev. 1] received September 12, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

5162. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Taiwan (Transmittal No. DTC-53-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5163. A letter from the Assistant Secretary for Legislative Affairs, Department of State,

transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Algeria (Transmittal No. DTC-47-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5164. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to France (Transmittal No. DTC-61-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5165. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Norfolk, MA, Nonappropriated Fund Wage Area (RIN: 3206-AH58) received September 17, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

5166. A letter from the Chairman, Securities and Exchange Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U:S.C. 552b(j); to the Committee on Government Reform and Oversight.

5167. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, transmitting the Service's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Red Snapper Management Measures (RIN: 0648-AG89) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5168. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to amend the criminal law, title 18 of the United States Code, to prevent economic espionage and to provide for the protection of trade secrets in interstate and foreign commerce; to the Committee on the Judiciary.

5169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulation; Lower Grand River, Louisiana (U.S. Coast Guard) [CGD08-96-003] (RIN: 2115-AE47) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5170. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Stability and Control of Medium and Heavy Vehicles During Braking (National Highway Traffic Safety Administration) [Docket No. 92029; Notice 11] (RIN: 2127-AG06) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5171. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airspace Designations; Incorporation By Reference (Federal Aviation Administration) [Docket No. 28674; Amendment No. 71-28] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5172. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28675 ; Amdt. No. 1751] (RIN: 2120-AA65) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5173. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishement of Class E Airspace; Miller, SD (Federal Aviation Administration) [Airspace Docket No. 96-AGL-11] received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5174. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-216-AD; Amendment 39-9757; AD 96-19-10] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on transportation and Infrastructure.

5175. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthness Directives; Gates Learjet Model 35 and 36 Series Airplanes Modified by Raisbeck Supplemental Type Certificate (STC) SA766NW (Federal Aviation Administration) [Docket No. 96-NM-63-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5176. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; American Champion Aircraft Corporation Models 8KCAB, 8GCBC, 7GCBC, 7ECA, 7GCAA, and 7KCAB Airplanes; Correction (Federal Aviation Administration) [Docket No. 96-CE-36-AD; Amendment 39-9726; AD 96-18-02] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5177. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT9D-7R4 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 94-ANE-51; Amendment 39-9721; AD 96-17-11] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5178. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piagio P-180 Airplanes (Federal Aviation Administration) [Docket No. 95-CE-78-AD; Amendment 39-9750; AD 96-19-02] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5179. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; De Havilland Model DHC-8-100 Series Airplanes (Federal Aviation Administration) [Docket No. 95-NM-266-AD; Amendment 39-9745; AD 88-09-05 R1] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5180. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-231-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5181. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-225-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5182. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 95-NM-221-AD] (RIN: 2120-AA64) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Transportation and Infrastructure.

5183. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans (Revenue Ruling 96-48) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

5184. A letter from the Chief Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Vesting Standards (Revenue Ruling 46-47) received September 16, 1996, pursuant to 5 U.S.C. 801(a) (1) (A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3153. A bill to amend title 49, United States Code, to exempt from regulation the transportation of certain hazardous materials by vehicles with a gross vehicle weight rating of 10,000 pounds or less; with amendments (Rept. 104-791). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3348. A bill to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events; with an amendment (Rept. 104-792). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 3923. A bill to amend title 49, United States Code, to require the National Transportation Safety Board and individual air carriers to take actions to address the needs of families of passengers involved in aircraft accidents; with an amendment (Rept. 104-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 4040. A bill to amend title 49, United States Code, relating to intermodal safe container transportation (Rept. 104-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3802. A bill to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes; with an amendment (Rept. 104-795). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 191. Resolution to

confer honorary citizenship of the United States on Agnes Gonxha Bojahiu, also known as Mother Teresa (Rept. 104–796). Referred to the House Calendar.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2505. A bill to amend the Alaska Native Claims Settlement Act to make certain clarifications to the land bank protection provisions, and for other purposes; with an amendment (Rept. 104–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 3968. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; with an amendment (Rept. 104–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes (Rept. 104–799). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. S. 677. An act to repeal a redundant venue provision, and for other purposes (Rept. 104–800). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3936. A bill to encourage the development of a commercial space industry in the United States, and for other purposes; with an amendment (Rept. 104–801, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2941. A bill to improve the quantity and quality of the quarters of land management agency field employees, and for other purposes; with an amendment (Rept. 104–802, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. GREENE of Utah: Committee on Rules. House Resolution 522. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–803). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. House Concurrent Resolution 180. Resolution commending the Americans who served the United States during the period known as the cold war; with an amendment (Rept. 104–804 Pt. 1).

Mr. SPENCE: Committee on National Security. House concurrent Resolution 200. Resolution expressing the sense of the Congress regarding the bombing in Dhahran, Saudi Arabia; with an amendment (Rept. 104–805). Referred to the House Calendar.

Mr. SPENCE: Committee on National Security. H.R. 4000. A bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title (relating to missing persons) as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997; with an amendment (Rept. 104–806). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Agriculture discharged from further consideration. H.R. 2941 referred to the Committee of the Whole Hose on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Government Reform and Oversight discharged from further consideration. H.R. 3936 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committees on International Relations and Intelligence (Permanent Select) discharged from further consideration. H. Con. Res. 180 referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 2941. Referral to the Committee on Agriculture extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3936. Referral to the Committee on Government Reform and Oversight extended for a period ending not later than September 17, 1996.

Pursuant to clause 5 rule X the following action was taken by the Speaker:

H. Con. Res. 180. Referral to the Committees on International Relations and Intelligence (Permanent Select) extended for a period ending not later than September 17, 1996.

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. FILNER:

H.R. 4080. A bill to amend the Small Business Act to establish programs and undertake efforts to assist and promote the creation, development, and growth of small business concerns owned and controlled by veterans of service in the Armed Forces, and for other purposes; to the Committee on Small Business, and in addition to the Committee on Veterans' Affairs, 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. OBERSTAR (for himself, Mr. OBEY, Mr. KILDEE, Mr. DINGELL, Mr. VISCLOSKY, Mr. LATOURETTE, Mr. HOKE, Mr. LAFALCE, Mr. GUTIERREZ, Mr. STUPAK, Ms. KAPTUR, and Mr. BROWN of Ohio):

H.R. 4081. A bill to direct the Secretary of the department in which the Coast Guard is operating to submit to the Congress a plan and cost estimate for the engineering, design, and retrofitting of the icebreaker *Mackinaw;* to the Committee on Transportation and Infrastructure.

By Mr. HERGER:

H.R. 4082. A bill to direct the Secretary of Agriculture to conduct a pilot project on designated lands within the Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities; to the Committee on Resources, 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. SCHAEFER:

H.R. 4083. A bill to extend certain programs under the Energy Policy and Conservation Act through September 30, 1997; to the Committee on Commerce.

By Mr. ABERCROMBIE (for himself and Mr. FALEOMAVAEGA):

H.R. 4084. A bill to amend the Native American Graves Protection and Repatriation Act to provide for Native Hawaiian organizations, and for other purposes; to the Committee on Resources.

By Mr. BAKER of Louisiana (for himself, Mr. BACHUS, and Mr. LAZIO of New York):

H.R. 4085. A bill to terminate the property disposition program of the Department of Housing and Urban Development providing single family properties for use for the homeless; to the Committee on Banking and Financial Services.

By Mr. BEREUTER (for himself, Mr. CRANE, Mr. GIBBONS, and Mr. BERMAN):

H.R. 4086. A bill to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Mongolia; to the Committee on Ways and Means.

By Mr. BROWDER:

H.R. 4087. A bill to designate certain Federal lands in the Talladega National Forest in the State of Alabama as the Dugger Mountain Wilderness; to the Committee on Resources, 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. CONDIT:

H.R. 4088. A bill to provide for the conveyance of certain property from the United States to Stanislaus County, CA; to the Committee on Science.

By Mr. ENGLISH of Pennsylvania:

H.R. 4089. A bill to amend title 31, United States Code, to provide that recently enacted provisions requiring payment of Federal benefits in the form of electronic funds transfers do not apply with respect to benefits payable under the old-age, survivors, and disability insurance program under title II of the Social Security Act; to the Committee on Government Reform and Oversight.

H.R. 4090. A bill to amend the Internal Revenue Code of 1986 to clarify the application of the retail tax on heavy trucks and trailers; to the Committee on Ways and Means.

H.R. 4091. A bill to amend title II of the Social Security Act to establish, for purposes of disability determinations under such title, a uniform minimum level of earnings, for demonstrating ability to engage in substantial gainful activity, at the level currently applicable solely to blind individuals; to the Committee on Ways and Means.

By Mr. FOGLIETTA (for himself, Mrs. CLAYTON, Mr. CUMMINGS, Mr. FATTAH, Mrs. MEEK of Florida, Mr. DELLUMS, Mr. OBERSTAR, Mr. OWENS, Mr. TOWNS, Mr. HILLIARD, Mr. ACKERMAN, Mr. FROST, Mr. CLYBURN, Mr. BARRETT of Wisconsin, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. JOHNSTON of Florida, Mr. TORRES, Ms. WATERS,

Ms. NORTON, Ms. MCKINNEY, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT of North Carolina, Ms. BROWN of Florida, and Mr. JACKSON):

H.R. 4092. A bill to prevent law enforcement agencies from stopping people on highways because of their race or color; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Ms. MOLINARI, Mr. FRELINGHUYSEN, and Mr. MARTINI):

H.R. 4093. A bill to require the Federal Aviation Administration to address the aircraft noise problems of New Jersey and Staten Island, NY; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS (for himself, Mr. COX, Mr. PORTER, Mr. WOLF, Mr. DAVIS, Mrs. MORELLA, Mr. GILCHREST, Mr. HAYWORTH, Mr. BEREUTER, Mr. CRAPO, Mr. SPENCE, Mr. SHADEGG, Mr. ROHRABACHER, Mr. HORN, Mr. HANSEN, and Mr. EHLERS):

H.R. 4094. A bill to amend title 31, United States Code, to provide for continuing appropriations in the absence of regular appropriations; to the Committee on Appropriations.

By Mr. GOODLATTE:

H.R. 4095. A bill to protect the national information infrastructure, and for other purposes; to the Committee on the Judiciary.

By Mr. HOKE.

H.R. 4096. A bill to encourage and expedite the granting of membership in the North Atlantic Treaty Organization to Romania, Slovakia, and Slovenia; to the Committee on International Relations.

By Ms. LOFGREN:

H.R. 4097. A bill to amend title 18, United States Code, with respect to child exploitation offenses; to the Committee on the Judiciary.

By Mrs. MEYERS of Kansas:

H.R. 4098. A bill to enhance the administrative authority of the president of Haskell Indian Nations University, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. CARDIN, Mr. ENSIGN, Mr. MATSUI, Mr. HOBSON, and Mr. POMEROY):

H.R. 4099. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4100. A bill to amend titles XVIII and XIX of the Social Security Act to require hospitals participating in the Medicare or Medicaid Program to provide notice of availability of Medicare and Medicaid providers as part of discharge planning and to maintain and disclose information on certain referrals; to the Committee on Commerce, and in addition to the Committee on Ways and Means, 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. STUDDS:

H.R. 4101. A bill to direct the Secretary of the department in which the Coast Guard is operating to provide rescue diver training under the Coast Guard helicopter rescue swimming training program; to the Committee on Transportation and Infrastructure.

By Mr. INGLIS of South Carolina (for himself and Mr. SCOTT):

H.J. Res. 193. Joint resolution granting the consent of Congress to the Emergency Management Assistance Compact; to the Committee on the Judiciary.

By Mr. DAVIS (for himself, Mrs. MORELLA, Mr. WYNN, Mr. WOLF, Mr. MORAN, and Mr. HOYER):

H.J. Res. 194. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Miss COLLINS of Michigan (for herself, Mr. BARRETT of Wisconsin, Mrs. CLAYTON, Mr. FILNER, Mr. FRAZER, Mr. PETE GEREN of Texas, Mr. GREEN of Texas, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Mrs. SCHROEDER, Ms. WATERS, Mr. PAYNE of New Jersey, Ms. BROWN of Florida, Mr. THOMPSON, Mr. JEFFERSON, Ms. NORTON, and Mrs. MEEK of Florida):

H.J. Res. 195. Joint resolution recognizing the end of slavery in the United States, and the true day of independence for African-Americans; to the Committee on Government Reform and Oversight.

By Mr. FRANKS of New Jersey:

H. Con. Res. 215. Concurrent resolution to encourage the Secretary of State, foreign nations, and others to work together to help reunite family members separated during the Holocaust; to the Committee on International Relations.

By Mrs. KENNELLY:

H. Res. 523. Resolution designating minority membership to certain standing committees of the House of Representatives; considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 784: Mr. DEAL of Georgia.

H.R. 789: Mr. BEREUTER and Mr. POSHARD.

H.R. 1023: Mr. HEINEMAN, Mr. KOLBE, and Mr. CRANE.

H.R. 1073: Mr. SKAGGS and Mr. WAMP.

H.R. 1074: Mr. SKAGGS and Mr. WAMP.

H.R. 1325: Mr. PETRI and Mr. OBERSTAR.

H.R. 1662: Mr. FATTAH.

H.R. 2006: Mr. PETRI.

H.R. 2167: Mr. GILMAN, Ms. LOFGREN, and Mr. LATOURETTE.

H.R. 2185: Mr. CANADY and Mr. MATSUI.

H.R. 2246: Mr. MOAKLEY.

H.R. 2434: Mr. STENHOLM, Mr. NEAL of Massachusetts, and Mr. MATSUI.

H.R. 2748: Mr. FRANK of Massachusetts.

H.R. 2807: Mr. ENGEL and Mr. HINCHEY.

H.R. 2927: Mr. LIPINSKI.

H.R. 3030: Mr. LEWIS of Georgia.

H.R. 3142: Mr. SALMON, Ms. DUNN of Washington, Mr. BASS, and Ms. FURSE.

H.R. 3199: Mr. DORNAN and Mr. ROEMER.

H.R. 3226: Mr. BROWN of California and Mr. SHAW.

H.R. 3250: Mr. WELDON of Pennsylvania.

H.R. 3311: Mr. MORAN, Mr. BARCIA of Michigan, Mr. OLVER, Mr. HEFNER, and Mr. FROST.

H.R. 3391: Mr. PALLONE.

H.R. 3433: Mr. FRANKS of New Jersey.

H.R. 3498: Mr. FATTAH.

H.R. 3514: Mr. WELDON of Florida and Mr. SALMON.

H.R. 3518: Mr. DORNAN and Mrs. SEASTRAND.

H.R. 3591: Mr. CONDIT.

H.R. 3690: Mr. CRANE, Mr. HASTINGS of Washington, and Mr. NETHERCUTT.

H.R. 3691: Mrs. THURMAN.

H.R. 3704: Mr. EVANS, Mr. HILLIARD, Mrs. MINK of Hawaii, Ms. BROWN of Florida, Mr. MILLER of California, Mr. SANDERS, Mr. FALEOMAVAEGA, Ms. LOFGREN, Mr. LIPINSKI, Ms. WOOLSEY, Mr. FOGLIETTA, Mr. YATES, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. CLAY, Mr. ACKERMAN, Mr. GIBBONS, Mr. COLEMAN, Ms. NORTON, Mr. DELLUMS, Mrs. COLLINS of Illinois, Mr. DEUTSCH, Mr. HINCHEY, Mr. PETERSON of Minnesota, and Mr. OWENS.

H.R. 3752: Mrs. CUBIN, Mr. SKEEN, and Mr. COOLEY.

H.R. 3775: Mr. EDWARDS, Mr. SALMON, and Mr. TEJEDA.

H.R. 3835: Mr. BLUTE, Mr. BORSKI, Mr. BOUCHER, Ms. BROWN of Florida, Mr. HILLIARD, Mr. KENNEDY of Massachusetts, Mr. LAHOOD, Ms. MCKINNEY, Mr. OWENS, Ms. RIVERS, and Mr. STUPAK.

H.R. 3838: Mr. HOSTETTLER and Mr. BARTLETT of Maryland.

H.R. 3860: Ms. LOFGREN, Mr. EVANS, and Mr. DEUTSCH.

H.R. 3905: Mr. CASTLE.

H.R. 3923: Mr. GILLMOR and Mr. EVANS.

H.R. 3927: Mr. KENNEDY of Massachusetts, Mr. DURBIN, and Mr. MCHALE.

H.R. 3942: Mr. ROGERS.

H.R. 3950: Mr. BARTLETT of Maryland and Mr. DAVIS.

H.R. 3984: Mr. FIELDS of Texas and Mr. DORNAN.

H.R. 4019: Mr. CUNNINGHAM, Mr. WICKER, Mr. LEWIS of California, Mr. RADANOVICH, Mr. BAKER of Louisiana, Mr. HORN, Mr. CALVERT, Mr. HUNTER, Mr. ROHRABACHER, Mr. DREIER, Mr. HAYWORTH, Mr. WHITE, Mr. NEY, Mr. PACKARD, Mr. KING, Mr. MOORHEAD, Mr. CRANE, Mr. INGLIS of South Carolina, Mr. LIPINSKI, Mr. WELLER, and Mr. STOCKMAN.

H.R. 4036: Mr. HAMILTON, Mr. LANTOS, Mr. BERMAN, Mr. HYDE, Ms. ROS-LEHTINEN, and Mr. GOODLING.

H.R. 4037: Mr. DELLUMS.

H.R. 4062: Mr. HORN.

H.R. 4066: Mr. DORNAN, Mr. RIGGS, Mr. HERGER, and Mr. CUNNINGHAM.

H.R. 4068: Mr. BISHOP.

H.J. Res. 173: Ms. PRYCE.

H.J. Res. 174: Ms. PRYCE, Mr. HANCOCK, Mrs. MYRICK, and Ms. FURSE.

H. Con. Res. 21: Mr. KLUG and Mr. STUPAK.

H. Con. Res. 51: Mr. LANTOS and Mr. GILMAN.

H. Con. Res. 145: Mr. GILMAN.

H. Con. Res. 212: Mr. DEUTSCH.

H. Res. 30: Mr. CREMEANS, Mr. BROWDER, Mr. NEY, Mr. TRAFICANT, and Mr. CHRYSLER.

H. Res. 490: Mr. BURTON of Indiana, Mr. KINGSTON, Mr. ROHRABACHER, and Mr. TORKILDSEN.

H. Res. 501: Mr. HASTINGS of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4278

Omnibus Appropriations Act for Fiscal Year 1997

OFFERED BY: MS. HARMAN

AMENDMENT NO. 1: At the appropriate place, insert the following new title:

TITLE— . DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION LOCK-BOX

SEC. . (a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of

1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

TALLY DURING HOUSE CONSIDERATION

SEC. . There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

DOWNWARD ADJUSTMENT OF 602(A) ALLOCATIONS AND SECTION 602(B) SUBALLOCATIONS

SEC. . (a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

PERIODIC REPORTING OF LEDGER STATEMENTS

SEC. . Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS

SEC. . The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1995, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EFFECTIVE DATE

SEC. . (a) IN GENERAL.—This title shall apply to all remaining appropriation bills making appropriations for fiscal year 1997 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

EXTENSIONS OF REMARKS

THANK YOU, BARBARA BOWES, FOR YOUR LOYAL SERVICE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FIELDS of Texas. Mr. Speaker, it was with mixed emotions that I announced last December 11 my decision to retire from the House at the conclusion of my current term. As I explained at the time, the decision to retire was made more difficult because of the loyalty and dedication of my staff—and because of the genuine friendship I feel for them.

Today, I want to thank one member of my staff—Barbara Bowes, my district coordinator—for everything she's done for me and my constituents in the 16 years that she has worked in my office.

During the last 16 years, Barbara has handled difficult tasks with ease and efficiency—and handled impossible tasks with only slightly less ease and efficiency.

When the Houston Ship Channel was in my congressional district, Federal maritime and environmental officials often came to Houston for inspection trips or to hold public hearings. Invariably, one or more helicopters would magically appear to take me and the visiting dignitaries on an inspection tour over the Channel, or above some Superfund site. Only later did I realize that it was Barbara, not God, that somehow or other—and I still haven't figured out how exactly she did it—made those helicopters appear.

Barbara has worked closely with my Washington, DC, scheduler to arrange events in my district. She has scheduled all of my 569 town meetings, as well as several special seminars held over the years. And she has represented me at countless meetings that I was unable to attend. In short, Barbara's official job description is as dynamic and flexible as Barbara herself.

It's impossible to explain what Barbara's exact responsibilities are only because I've never asked her to do the same thing two days in a row. But to borrow a phrase, when something absolutely, positively needs to get done, more often than not, it's to Barbara that I turn. I trust her judgement, her maturity and her loyalty—and I always will.

In 1993, when I ran for the U.S. Senate in a special election, I asked Barbara to take a leave of absence from my official staff and join my campaign staff. As I told her at the time, her participation in my Senate campaign provided me with a comfort level that I would not have enjoyed had she not been with me. I lost that campaign, but Barbara's presence made the experience more enjoyable than it would have been without her.

More than most people, Barbara has her priorities straight. While she loves her job, her real joy in life is her family.

Her husband, Bill, deserves canonization for tolerating his wife's long hours and often erratic schedule. Despite that kind of schedule, Barbara's children and grandchildren always come first, and she is always there for them.

When Bill or Deb Bowes need advice—or a good babysitter for Kelsey or William III—Barbara's there to help. When Susie or "Bo" Wilburn need advice—or a good babysitter for Haley Sue—Barbara's there to help. And when Tom Bowes needs some motherly advice—oftentimes on how to avoid getting into a situation that might, eventually, require a good babysitter—Barbara's there for him as well. And she has also always been there for her parents, C.T. and Harriett Williamsen of Houston.

Barbara Bowes is one of those hardworking women who make all of us in this institution look better than we deserve. She has done that for me, and I appreciate this opportunity to publicly thank her for the dedication, loyalty and professionalism she has exhibited as a member of my staff.

Mr. Speaker, I know you join with me in saying "thank you" to Barbara Bowes for her years of loyal service to me, to the men and women of Texas' Eighth Congressional District, and to this great institution. And I know you join with me in wishing Barbara, and her husband Bill, all the best in the years ahead.

TRIBUTE TO NINE OUTSTANDING STUDENTS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to recognize nine outstanding students from my district. These students set their sights high, and as a result, each student received a Congressional Award.

Congressional Awards are given to students who excel in the four program areas, including public service, personal development, physical fitness, and expedition and exploration. The awards are divided into three categories, based on age, accumulated hours, and duration of activities. It was my privilege to meet these outstanding youths and present them with their awards.

First, Dana Metzler of Kirkwood was awarded the Silver Congressional Award. Ms. Metzler was between the ages of 16 and 18 and had worked a minimum of 420 hours over at least 15 months to earn her award. Ms. Metzler attends Kirkwood High School.

Second, there were eight Bronze Congressional Awards, youths at least 14, who had worked 210 hours over the course of at least 7 months. These honorees included: Tanith Leigh Balaban of Chesterfield, who attends Parkway Central High School; Alyssa Barker of Fenton, who attends Rockwood Summit High School; Kevin Buckley of Bridgeton, who attends Christian Brothers College in Clayton; Kathleen Castello of St. Louis, who attends Rosati-Kain High School; Megan Connally O'Keefe of Bridgeton, who attends Pattonville High School; Kathleen Paige of St. John, who attends St. Thomas Aquinas-Mercy High School; Stephanie Schaller of Ballwin, who attends Cor Jesu Academy; and Christopher Slaten of St. Louis, who attends Parkway West of Middle School.

Mr. Speaker, I am pleased to be able to recognize these extraordinary young people for their achievements. Their success is a true reflection not only of their drive and determination, but also on the parents, family members and teachers who have supported their hard work and determination. These students are an excellent example of what young people will achieve when given the opportunity.

LEGISLATION TO CLARIFY THE APPLICATION OF THE RETAIL TAX ON HEAVY TRUCKS AND TRAILERS

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. ENGLISH of Pennsylvania. Mr. Speaker, today, I am introducing legislation to both correct existing law as well as practices in the administration of those laws that have proven to be quite burdensome and inefficient.

Currently, a 12-percent excise tax is imposed on heavy trucks, trailers, and tractors. The tax is on trucks weighing over 33,000 pounds, trailers weighing over 26,000 pounds, and all tractors used with a trailer or semitrailer for highway transportation. The IRS has crafted a registration, certification, and reporting regime that imposes a heavy paperwork burden and awkward procedures for proving compliance. Complex regulations and rulings issued over many years have added to the compliance burden.

I am introducing legislation today to remedy the most serious administrative difficulties brought to my attention with the following four proposed changes:

First, to clearly delineate taxable tractor sales and to eliminate uncertainty regarding when there is a tax on an incomplete chassis, my bill would make the tax apply only to tractors with a gross vehicle weight in excess of 33,000 pounds.

Second, similarly, to provide certainty regarding when an article is subject to tax, my bill codifies the clear and unequivocal test put in place by the IRS in Revenue Rule 91–27 which imposes the tax on the restoration of a worn or used truck, tractor, or trailer only where the cost of such restoration work exceeds 75 percent of the price of a comparable

new vehicle. My bill expands this sensible test to cover the restoration of wrecked vehicles as well as changes or modifications of a truck's function such as the conversion of a tractor to a straight truck, the lengthening or shortening of a frame, or the addition or subtraction of axles.

Third, to foster greater uniformity in the application of the tax and to provide a more precise measurement of the reduction in tax that should occur for tires that are part of a taxable sale and which have been previously taxed, my bill provides an offset to the truck excise tax equal to the tax already paid on such tires. Correspondingly, the bill eliminates the deduction now allowed for the fair market value of tires in determining the taxable amount of a retail truck sale.

Fourth, heavy truck dealers must register with the IRS and furnish exemption certificates for vehicles purchased for resale. A dealer who makes a sale for a resale must produce a valid exemption certificate obtained in connection with sales for resale. A dealer can be required to pay on an exempt sale where the IRS, long after the transaction has been completed, determines that verification of the claimed exemption is inadequate and there is no proof the tax was collected from the first retail user. Even though some sales have obviously been for resale, slavish application of the statute and regulations have nevertheless resulted in the collection of such taxes.

My bill would make it easier to more systematically obtain and retain the required certifications by permitting invoices used in transferring taxable vehicles to include a certification that the transfer is a sale for resale. Resellers would affirm under penalties of perjury, that there was no obligation to collect the Federal excise tax. The same penalties imposed under current law for fraudulent claims of exemption would remain in force. Because it has proven to be of minimal compliance value, my bill would also eliminate the cumbersome registration system now required for heavy truck dealers and other resellers.

THE ELIZA BRYANT CENTER: CELEBRATING 100 YEARS OF SUCCESS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. STOKES. Mr. Speaker. I rise today to salute the Eliza Bryant Center which is located in my congressional district. One hundred years ago, in 1896, the Cleveland Home for Aged Colored People was opened at 284 Giddings Avenue. A century later, Eliza Bryant Center is located only a half-mile away from its original site. The center is a comprehensive provider of geriatric services including adult day care, senior wellness, transportation, and nursing home care.

The Eliza Bryant Center is one of the oldest black institutions in the country. It is believed to be the first black charitable organization in the Cleveland area. Its founder, Eliza Simmons Bryant, was a free black woman who moved to Cleveland from North Carolina. She established the center in 1896 after learning that nursing homes in Cleveland did not admit people of color.

Mr. Speaker, as it marks 100 years of service, the Eliza Bryant Center is enjoying great success. The center provides skilled nursing home and adult day care programs which include nutrition, health care monitoring, socialization and supervision. Eliza Bryant Center also provides Cleveland's only inner-city Alzheimer Disease Support Group.

The center's wellness activities include field trips, cultural events, arts and crafts and other social activities for seniors. It also includes an intergenerational program involving Cleveland schoolchildren, and a special community garden for senior citizens.

Mr. Speaker, I am proud of my close association with the Eliza Bryant Center over the years. Under the direction of its executive director, Harvey Shankman, and his dedicated staff, the center is preparing to enter its second century of service. The center recently initiated a $2.5 million centennial campaign to further address the growing needs for community seniors who wish to remain in their own homes.

I am also pleased to note that the Eliza Bryant Center was the recipient of the 1995 Excellence in Community Services Award from the Association of Ohio Philanthropic Homes for the Aged. The center enjoys a close affiliation with Case Western Reserve University, Cleveland State University, Ursuline College, Job corps and the Cleveland Public Schools.

Mr. Speaker, as it marks a historic 100 years of service, I am pleased to salute the Eliza Bryant Center. It continues to be a beacon of light and a model of excellence.

TRIBUTE TO ADM. RONALD J. "ZAP" ZLATOPER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. SKELTON. Mr. Speaker, I rise today to recognize a truly outstanding naval officer, Adm. Ronald J. "Zap" Zlatoper, who will soon be completing his assignment as the 27th Commander in Chief of our U.S. Pacific Fleet and retiring from active naval service. It is a pleasure for me to recognize a few of his many outstanding achievements.

A native of Cleveland, OH, Admiral Zlatoper was commissioned in 1963 through the naval ROTC program at Rensselaer Polytechnic Institute in Troy, NY. He was assigned to Attack Squadron 65 from 1965 to 1968, where he flew the A–6 Intruder on combat missions over North Vietnam. In subsequent assignments, he served in Attack Squadron 42 and Attack Squadron 34. In 1978 he served as executive officer and then commanding officer of Attack Squadron 85.

In senior operational assignments during the 1980's, Admiral Zlatoper commanded Carrier Air Wing 1 aboard U.S.S. *America* (CV–66), served as senior Air Wing Commander of Carrier Air Wing 15 in U.S.S. *Carl Vinson* (CVN–70) and was chief of staff to commander Seventh Fleet aboard U.S.S. *Blue Ridge* (LCC–19).

After selection for rear admiral in 1988, he was assigned to the staff of the Chief of Naval Personnel. In July 1990 he took command of Carrier Group Seven, homeported in San Diego. Five months later, commanding the eight ships of the U.S.S. *Ranger* (CV–61) battle group, he deployed to the Arabian Gulf for operations Desert Shield and Desert Storm. Under his leadership, the battle group executed the first cruise missile and aircraft attacks on Iraqi forces. As the antisurface warfare commander, he was responsible for the destruction of the Iraqi Navy, receiving the Distinguished Service Medal for his accomplishments.

In 1991 Admiral Zlatoper was promoted to vice admiral. He became the Chief of Naval Personnel and Deputy Chief of Naval Operations for Manpower and Personnel. In 1994 he was promoted to admiral, and he was assigned as Commander in Chief, U.S. Pacific Fleet. Admiral Zlatoper brilliantly led naval forces in the Pacific. Admiral Zlatoper's genuine concern for the quality of life of sailors and their families was evident in notable improvements in their working and living conditions throughout the Pacific.

During his stellar naval career, Admiral Zlatoper has been awarded over 20 personal decorations including the Defense Distinguished Service Medal; Navy Distinguished Service Medal; Legion of Merit; Distinguished Flying Cross; Meritorious Service Medal; Air Medal; and Navy Commendation Medal (with Combat "V"); plus various campaign and unit awards.

Admiral Zlatoper, his wife Barry, and their two children Ashley and Michael, have made many sacrifices during his 33-year naval career. "Zap" Zlatoper is a tremendous credit to the U.S. Navy and the country he so proudly serves. As he now prepares to embark on a second successful career, I call upon my colleagues to wish him every success as well as fair winds and following seas.

WESTON BECOMES A MUNICIPALITY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate the city of Weston on becoming Broward's 29th municipality. Through the valiant efforts of the city's new mayor, Mr. Harry Rosen, council members Eric Hersh, Mark Myers, John Flint, and Cindy Fishbein, State Representative Debbie Wasserman Schultz, State Senator Howard Forman and the entire Broward delegation, Arvida/JMB Partners, Broward County, and the Indian Trace Community Development District, residents of Weston now live in a thriving incorporated community. This is an exceptional opportunity for Broward County because it will increase community development, create economic growth, and provide essential municipal services to residents and businesses in Weston.

Emerging in the mid-1970's, the Weston area has come to represent a mix of residential, commercial, and industrial uses. Since

that time there has been a considerable amount of long-range planning and development in this unincorporated area of Broward County. In 1994, the Board of the Indian Trace Community Development District recognized the need to incorporate the area so that future delivery of municipal services would effectively serve the expansion. Recently, the residents voted to enact the Charter for the City of Weston. This monumental decision will greatly impact the citizens and businesses that reside in Weston because it will improve the quality of life as well as protect the identity of the community.

Situated on more than 10,000 lush acres, Weston is the largest area adjacent to our priceless Florida Everglades. Because of it's unique landscape and distinct urban planning, Weston is an extremely attractive place for prolonged community development. As a municipality, residents will greatly benefit from a higher level of services including a democratically elected governing body, police and fire protection, and dramatic increase in funding levels which will help to maintain the parks and recreation facilities adjacent to the community. Furthermore, the residents overwhelming approval to incorporate the city shows the community's dedication to the city of Weston and their excitement for new ventures. I wish the residents of the city of Weston the best and look forward to the extraordinary opportunities that lie ahead.

HONORING UKRAINIAN INDEPENDENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mrs. MORELLA. Mr. Speaker, I take this opportunity to congratulate the people and the Government of Ukraine on the occasion of that nation's celebration earlier this month of 5 years of independence. Ukraine has made considerable progress in political reform during this time, and Ukrainians are to be congratulated for their conduct of free and fair elections for the presidency and parliament, and their adoption of a new, democratic constitution.

As a major European nation, Ukraine, with the continent's sixth largest population and second largest land mass, has an important role to play, both geopolitically and economically, in Central and Eastern Europe. This region is also important to the United States, so that a strong and stable Ukraine, by contributing to European peace and stability, enhances U.S. national security.

Ukraine has made a promising start in its effort to establish a just, democratic system with a free and open economy. It must build on these steps by implementing its constitution, assuring minority rights, guaranteeing private property, and constructing a reliable and fair system of justice in which all Ukrainians can have faith.

The United States should make every effort to support the people of Ukraine as they strive to live in peace and democracy. We should continue assistance with political and economic reform, nonproliferation, trade relations, and military training so that we may assist Ukrainians in achieving their aspirations as a people and as a nation.

HONORING TRUE VOLUNTARISM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BASS. Mr. Speaker, I rise today to pay tribute to an effort being undertaken by a remarkable young man whom I have the privilege of representing in Congress. I am talking about 16-year-old Steffan Legasse, of Walpole, NH, who has taken it upon himself to help raise money for churches in the South that have been burned and damaged due to the wave of recent arson attacks.

We all are shocked and dismayed by these terrible arson fires. Yet one young man from Western New Hampshire was so moved by what he heard and saw that he decided to do something to help those affected by the church burnings. Steffan undertook a 1,000 mile cycling project this summer in order to raise money for the churches and his own church, St. John's Episcopal Church, of Walpole. The name of his project is "BikeHikes '96." Steffan rode his bike from home to his summer job each day and has made excursions to Vermont and Georgia in conquest of his 1,000 mile goal.

Recently, while in Georgia, the Legasse family met with the Rev. Harry Baldwin, pastor of the Gay's Baptist Church, of Millen, GA, one of many churches recently burned. Some of the funds raised through BikeHikes '96 will help Rev. Baldwin's church. Steffan recently wrote about his meeting: "Rev. Baldwin is a very kind and compassionate person. He helped me better understand the pain felt by the members of his church, yet he also spoke of their faith, hope and determination to rebuild. I have learned that even terrible deeds can result in a positive outcome."

Steffan has biked more than 900 miles as of today. He is taking pledges and donations to raise $10,000 for these churches.

Mr. Speaker, I had the pleasure of meeting young Steffan the other week and I must say I was very impressed. He is a very polite and delightful young man who is deeply committed to this project. I know that his parents, Mr. and Mrs. David Legasse, are very proud of their son, as are Steffan's other family members and friends.

Steffan is still working on BikeHikes '96 and has set up a site on the World Wide Web where computer users can learn for themselves about this wonderful project. The website address is http://www.legasse.com/bikehikes/update.html. For more information on Steffan's effort, you may write to 14 Roxbury Street, Keene, NH 03431.

Mr. Speaker, I ask all of my colleagues to join me today in saluting Steffan Legasse for his effort to help other citizens in need. He represents the true spirit of voluntarism in America.

TRIBUTE TO LISA ELIZABETH GIVENS

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today in honor of Lisa Elizabeth Givens, a distinguished student from Chesterfield, MO. Ms. Givens recently was awarded a scholarship by the AMVETS to pursue a career in international business.

Ms. Givens competed against hundreds of applicants nationwide to win the scholarship. This is just one of the many ongoing youth programs AMVETS has developed to recognize the importance of scholarship and rewarding bright and industrious young people like Ms. Givens.

Mr. Speaker, I hope you will join me in congratulating Ms. Givens and wish her all the best in her pursuit of her goals.

GLARING DEFICIENCIES IN U.S. FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BEREUTER. Mr. Speaker, even as this administration points to successes in the area of foreign policy, we are watching those alleged successes unravel. The administration's policy toward Ireland has totally backfired and nearly precipitated a rupture of our relations with the United Kingdom. In Haiti, police who have been trained by this administration are now implicated in a series of political murders. The Middle East peace process has collapsed.

The administration's policy toward Bosnia is even more troubling. The Clinton administration repeatedly has assured this body that United States troops would not remain in Bosnia beyond the December 20, 1996 termination point. But our troops in Europe are now receiving orders to spend 1997 in Bosnia, and U.N. Ambassador Albright is backtracking as fast as she can on the administration's promises to the American people.

And the United States now finds itself standing up to Iraqi aggression by itself. The alliance put together by former President Bush is now in tatters, and the administration seems to lack the elementary competence to preserve our few remaining allies. One would assume the administration would first consult with Kuwait before announcing the deployment of thousands of troops to that country, but that seems beyond this administration's capability.

Mr. Speaker, this Member would ask to insert into the RECORD an editorial from the September 17, 1996 edition of the Omaha World Herald entitled "U.S. Involvement in Bosnia, Iraq Seems to Rely on Afterthoughts." As the editorial correctly notes, the current collapse of foreign policy is what happens when the voters elect a president who minimizes the importance of foreign policy expertise. This Member commends this insightful editorial to his colleagues.

U.S. INVOLVEMENT IN BOSNIA, IRAQ SEEMS TO RELY ON AFTERTHOUGHTS

The foremost reasons that the Founders created the presidency was to give the country a head of state to command the armed forces and deal with other nations. The Clinton administration had not handled those responsibilities well, particularly in Bosnia and Iraq.

President Clinton is reaping the harvest from his 1992 campaign slogan. "It's the economy, stupid," which implied that George Bush's attention to foreign policy was a sign of detached elitism. The flaws in Clinton's approach are now showing.

Certainly Bosnia had elections that were relatively free of violence. But U.S. troops were originally scheduled to leave Bosnia by Dec. 10. On Sunday, reporters asked Madeleine Albright the U.S. ambassador to the United Nations and Secretary of State Warren Christopher whether the schedule will be met. They said it was too early to say. The U.N. mission will end Dec. 20, they said, but an international police force will still be needed. Neither would respond to questions about whether the United States would be part of that police force.

Serbs, Muslims and Croats seem as polarized as ever. The peace that emerged from the Dayton negotiations is artificial. From all appearances, the combatants are biding their time until international troops get out of the way. Then the violence and ethnic cleansing will resume. The risk and expense of U.S. involvement will have been for nothing.

Flaws are also evident in American policy in Iraq. It has now come to light that Americans running a Central Intelligence Agency operation in the northern Kurdish zone disappeared in the middle of the night when Saddam Hussein moved his forces into the region. Surprised Kurdish and Iraqi associates of the Americans were left to fend for themselves.

By some reports. 100 of those U.S. cooperators were captured and executed. Apparently as an afterthought, the administration persuaded Turkey to accept some of the others.

Afterthought—that seems to be the way the White House developed policy in the Persian Gulf. Hey, someone in the administration seems to have said late last week, let's send 5,000 troops to Kuwait to show that President Clinton means business. The plan was flashed around the world. But apparently no one bothered to inform Kuwait. The result was the spectacle of a tiny nation—one that depends on its friendship with the United States to protect itself against Saddam—keeping the secretary of defense waiting until Monday, when clearance for the troop buildup was finally granted.

Other allies in the region have demonstrated reluctance to support U.S. moves against Saddam. Sen. John McCain and other critics of the administration said the administration failed to lay the necessary groundwork among friendly nations for such a mission.

The administration also failed to inform Congress. Speaker Newt Gingrich has said that the situation in the Middle East is almost too muddled to help Clinton find a way out. Gingrich said the White House should back up, consult with the bipartisan leadership of Congress and meet with the gulf war allies in the Middle East to develop a coherent philosophy for dealing with Iraq. He said the United States must know before it acts that other nations will come to its support.

Of course it must know. Gingrich's view is self-evident. The fact that the White House does things differently shows what can happen when the voters elect a president who minimizes the importance of foreign policy expertise.

TRIBUTE TO THE HISPANIC POLICE AND FIRE ASSOCIATION

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. MARTINI. Mr. Speaker, Aristotle once wrote:

The good of man is the active exercise of his soul's faculties in conformity with excellence or virtue, or if there be several human excellences or virtues, in conformity with the best and most perfect among them.

Today, Mr. Speaker, I rise to pay tribute to several members of the Hispanic Police and Fire Association who have established excellence by displaying outstanding success in their field.

Each year, Mr. Speaker, the Police and Fire Association honors their members who rise far and above the call of duty. This year the Fireman of the Year Awards went to Chris Freeman and Chris Szczygiel. The Police of the Year Awards were accepted by Educardo DeHais and Angel Casabona. Furthermore, Dr. Wayne Petermann and Lorenzo Hernandez were honored with the Humanitarian of the Year Award and the Civic Leader of the Year Award, respectively, for their exemplary service to the community. Finally, Luis Sanchez and Luis Guzman were presented with President of the Year Awards.

The Hispanic Police and Fire Association exemplifies the work ethic and pride so very important in every career and in our daily lives. It is their hard work and dedication, Mr. Speaker, that protects the entire community from the violence and catastrophe all too present in today's society.

On behalf of my colleagues in the House of Representatives, I would like to acknowledge our appreciation for the hard work of these courageous individuals. They put their lives on the line every day, in order for all citizens in the community to feel secure in their own homes.

TRIBUTE TO DICK AND EILEEN MERCER

HON. BILL BARRETT

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BARRETT of Nebraska. Mr. Speaker, I'd like to recognize a family from the Third Congressional District of Nebraska before my colleagues in the House of Representatives.

Dick and Eileen Mercer of Kearney, NE, recently received the 1996 Nebraska Cattlemen-Pfizer Animal Health Stewardship Award. In addition, they received the National Cattlemen's Beef Association Region VII Award. Although I've never had the opportunity to personally visit the Mercer's Double M farm, it's reputation is known far and wide. I've heard it said that if anyone deserves this award, it's Dick and Eileen.

The Mercer's, along with their sons, operate a 3,000-head feedlot outside of Kearney. For more than 20 years, the Mercers have taken a hands-on approach to environmental stewardship. They have committed to water and soil testing. Organic matter in the soil has increased, which helps with water retention and erosion control, while nitrate levels have decreased. To control pests, parasitic wasps are employed, decreasing the need to use insecticides.

One of the most unique features of the Mercer's stewardship is their work with the city of Kearney to compost waste from the municipal sewage plant. Municipal waste is composted with manure from the feedlot and used as fertilizer on cropland. The feedlot was designed to utilize the natural characteristics of the land. Specifically, it's higher than adjacent fields allowing waste to flow downhill. From there, liquids are pumped onto the crops. To be sure, the soil is tested to ensure the proper amount is applied. In Dick's own words, as quoted by the Omaha World Herald, "The project is a perfect example of how urban and rural people can work together to improve and protect the environment."

In addition to local conservation work, the Mercers have been actively involved in the community and local, State, and national environmental organizations, demonstrating their dedication to economically and environmentally sound cattle production. I'm pleased to be able to honor Dick and Eileen today. And although I realize Dick and Eileen have not been stewards of their land in the hopes of receiving awards or recognition, it's sometimes nice to get a pat on the back and acknowledgment for one's lifelong work.

CONGRATULATE ANDY PETTITTE FOR BECOMING FIRST 20 GAME AMERICAN LEAGUE WINNER

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to congratulate Deer Park, TX native and New York Yankee pitcher Andy Pettitte, who on September 4 became the first American League pitcher to win 20 games this year. Andy has accomplished this remarkable achievement after only three seasons in the big leagues and he is the first Yankee pitcher to do so in 11 years. In performing this feat, Andy pitched the Yankees to a 10–3 win over the Oakland Athletics.

Winning 20 games is an extremely impressive achievement for Andy Pettitte considering that the last 20-game winner in the American League was in 1993. In 1993, Andy was playing college baseball after completing a remarkable high school pitching career at Deer Park High School, in the 25th Congressional District of Texas. I know that his parents, who still live in Deer Park, are proud of their son's accomplishments, as is the entire Deer Park community.

I look forward to great things in this young man's future. In a time when major league

pitching has been declining, Andy has been a stellar performer for the Yankees and is one reason they lead the American League Eastern Division. Given his abilities, Andy now leads the pack for baseball's prestigious Cy Young Award.

I believe that we will continue to see remarkable pitching from this hard-working player who began his career in Deer Park, TX. We can be proud of his accomplishments and wish him the best in the coming months.

TRIBUTE TO LT. DENNIS HUFFORD

HON. JAMES M. TALENT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. TALENT. Mr. Speaker, I rise today to congratulate Lt. Dennis Hufford of the Chesterfield Police Department. Lieutenant Hufford has the honor of being the first officer from the Chesterfield Police Department to be sent to the Federal Bureau of Investigation National Academy in Quantico, VA. On September 13, 1996, Lieutenant Hufford, joined by his wife, three children, and Chesterfield Police Chief Johnson, graduated from the academy, the most venerated institution of its kind in the Nation.

Lieutenant Hufford has been an asset to the community and the Chesterfield Police Department since its inception in 1989. Serving as the commander of the Detective Bureau, he was the second officer hired by the department. Later, he was promoted to commander of field operations where he now supervises 70 officers. Lieutenant Hufford will use the skills he learned at the academy when he returns to this position this week.

Mr. Speaker, I hope you will join me in congratulating Lieutenant Hufford on this exciting milestone and tremendous accomplishment, as well as commend the Chesterfield Police Department and Chief Johnson on an excellent choice.

POLITICAL TARGETS EASIEST ONES TO SPOT IN IRAQ MISSILE BARRAGE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the editorial which appeared in the Omaha World-Herald on September 11, 1966:

[From the Omaha World-Herald, Sept. 11, 1996]

POLITICAL TARGETS EASIEST ONES TO SPOT IN IRAQ MISSILE BARRAGE

The Butcher of Baghdad, The Bully of Baghdad. "Saddamed if you do, Saddammed if you don't."

Guess who's back in the headlines? Saddam Hussein. Again. The news types have dusted off the old cliches and come up with a few new ones to catalog his latest military indiscretions.

Six years after he invaded Kuwait, six years after his forces were pummeled unmercifully in what he described as "The Mother of All Battles," the Iraqi president has again put his meager military strength at risk. This time he chose sides among rival Kurdish factions and sent 40,000 troops in to assure a victory for his favorite in northern Iraq.

This time, as last time, the president of the United States has cited our vital interest in peace and order in the oil-rich Middle East and ordered a military response. And its the sort of no-strings response that leaves voters looking ahead to Election Day with the maximum comfort level.

Missiles from afar. No ground troops. Virtually no risk of American casualties. Little notice taken and little need to comment on Iraqi casualties, military or civilian. Plenty of room for the Pentagon to claim bull's-eyes for the finest in American technology.

In the sort of analogy that Nebraskans always appreciate, the Tomahawk cruise missile is described as being so accurate that it can be fired from New York or Chicago and whiz right through a set of goal posts in Washington, D.C.

Goal posts, touchdowns and extra points are also inviting terms for describing a political victory for the Clinton camp. In danger of being pegged, again, as a foreign policy lightweight by Bob Dole, of being called soft on Iraq, the president has yielded to aggressive temptation.

When George Bush presided over victory in the 1990 Gulf War, his approval rating soared to 89 percent. Unfortunately for Bush, it was not time for an election.

President Clinton, who knows approval ratings like a sports bookie knows the box scores, scored 69 percent in an early Time Magazine/CNN poll after pulling the military trigger. Hey, it's early yet.

But what makes so much sense politically makes little sense strategically or in support of sound foreign policy. It's swatting a fly with a sledgehammer.

This time, putting the best face on it, it's an exclusively American message to a meddler to mind his own business.

But this time, unlike last time, the United States has no support among Iraq's neighbors, no support from the United Nations, and, with the exception of the British, no support from our traditional allies. There is no coalition of 32 countries joining in defense of an invaded country.

This time, unlike last time, Saddam is operating within his own borders and intervening in a dispute between Kurdish elements sympathetic to either Iran or Iraq.

This time, the United States has stepped beyond economic sanctions and pushed the launch buttons for nothing more serious than violating a no-fly zone in Saddam's own country—even though the Iraqi leader used ground troops and no airplanes.

This time, the likely effect is to polish his image as somebody who stands up to the American aggressors and to tarnish our image for intervening militarily in regional disputes in which we have only the most marginal stake.

This time, critics of presidential policy can speak their minds without having to worry about undermining "our troops." This time, there are no troops. There are only anonymous warheads from afar and a chance to practice our marksmanship.

Since their significance is almost completely symbolic, we could just as well have fired the missiles minus the warheads. We could have substituted leaflets and campaign signs that state matters plainly. "Clinton in '96."

INTRODUCTION OF A RESOLUTION TO REUNITE FAMILIES SEPARATED BY THE HOLOCAUST

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, I recently had the honor of being involved in a remarkable reunion between two siblings who were both Holocaust survivors, but who had been separated for over 60 years. Solomon and Rivka Bromberg were separated during the Holocaust, and neither had heard from the other since.

However, thanks to the resourceful work of younger relatives and Israel's Jewish Agency, these two Holocaust survivors were finally reunited in Israel last month after so many years. Solomon Bromberg's oldest son Michael had worked with the Jewish Agency to contact Sharon Feingold, the granddaughter of Rivka Bromberg Feingold. They then orchestrated a phone call between Solomon and Rivka and a formal reunion in person.

I became involved with this emotional saga only when the family began its search, which is still ongoing, for a third sibling, Abraham Bromberg, believed to be in the United States. Nevertheless, I had been very moved by the emotional reunion of Solomon and Rivka.

Today there are thousands of Holocaust survivors in Russia, Eastern Europe, the United States, Israel, and other nations who were separated from their families during the Holocaust and who may not know the fates of their relatives.

For this reason I am introducing a concurrent resolution today to urge the Secretary of State, foreign nations, especially Israel, Russia, Poland, and other Eastern European nations, and organizations such as the Red Cross and Israel's Jewish Agency, to coordinate efforts to help reunite family members separated as a result of the Holocaust. If my colleagues could have seen the emotional reunion of the Brombergs, they would agree with me that these thousands of families deserve help in finding their own long lost relatives. With some additional effort by the State Department and the cooperation of other agencies and foreign governments, there can be thousands more happy reunions. Therefore, I urge my colleagues to support this resolution.

TRIBUTE TO VICTOR MAGHAKIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. RADANOVICH. Mr. Speaker, today I would like to give special tribute to Victor Maghakian, a gentleman who resided in California's 19th Congressional District, and who served our great country, until his death in 1977.

William B. Secrest, a guest writer for the Fresno Bee, wrote a wonderful tribute to Mr. Maghakian, and at this time, I would like to share it with my colleagues:

"TRANSPORT" MAGHAKIAN SERVED HIS COUNTRY WELL AS A MARINE

To find the soul of Memorial Day, let us pause from gun salutes and distant trumpets to recall the life of a great adopted Freeman.

Victor Maghakian was born in Chicago, but he and his family gravitated to San Diego in 1930 and to Fresno nine years afterward. Between moves he served a hitch in the United States Marine Corps and was stationed throughout the Philippines and China. His familiarity with foreign bases and situations earned him the nickname "Transport," signifying "he knows his way around.

"SUICIDE UNIT"

When Pearl Harbor occurred, Transport was serving as a Fresno County deputy sheriff. Full of shock and fierce patriotism, he re-enlisted in the Corps immediately. He was elated to discover it needed volunteers for a so-called "suicide unit" of crack soldiers.

The unit, known as Carlson's Raiders after its founder and commander, Col. Evans F. Carlson, was reserved for the toughest Marines—15,000 applied, 900 were accepted. Its members endured weeks of training in martial arts, mountain climbing, beach landings and 35- to 50-mile daily hikes.

By mid-1942 Transport and the Raiders were itching to join the island-hopping, hand-to-hand combat in the Pacific. Their first mission was to fool the Japanese into thinking a large troop wave was hitting Makin Island. Only 222 Raiders were slated for the invasion—a tiny ripple that turned out to be as good as a tsunami.

During the night of Aug. 16, the Raiders snuck into Makin via submarines and rubber boats. After daylight the battle began. Transport, machine-gunning frantically and nursing a forearm wound, noticed that two planes with enemy officers had landed. They were assessing the situation for the brass at headquarters and therefore had to be stopped.

Bleeding, struggling to stay conscious and armed with just a rifle, Transport crept toward an anti-tank gun. Before he got there, he pulverized an enemy launch with a grenade, and surprised and bayonetted a Japanese infantryman. Luckily, enough ammunition was left to destroy both planes and muzzle the officers. Transport's boldness ensured that the small Raider force stayed a secret.

Transport's follow-up exploit was just as amazing. The following December, he and some other Raiders were bogged down by enemy sniper fire on Guadalcanal. Suddenly, a bullet hit and mortally wounded one of his buddies, Lt. Jack Miller of Dallas. Transport stood out and made himself a human target so the sniper would give up his hiding spot. The enemy was soon mowed down and Lt. Miller avenged.

This time, Transport's bravado came at a personal price. He was shot through the wrist, and the watch he was wearing became embedded in skin and bone. It took years for the fragments to work their way out or be removed; once, the mainspring was found wrapped around an artery. Some pieces never emerged.

WILLING TO TAKE A CHANCE

Asked why he took that high risk, Transport offered a homely, yet apt, answer: "It seems to get you mad. Good and mad. Furious. You make up your mind you are going to get that so-and-so if it costs you a slug in the belly."

Wounds and risks never daunted Transport. During the 1944 battle of Eniwetok, he elminated the last four Japanese soldiers on Mellu Island single-handedly, and rescued a platoon by looping around an enemy flank and destroying it with grenades. He also saved the life of a young marine who later ended up in Hollywood—Lee Marvin—and became the first officer to raise the American flag on Tinian Island.

Transport left active duty in 1946, full of honors: the Navy Cross, two Silver Stars, a Bronze Star and two Purple Hearts. When fully retired he was listed as 60 percent disabled, but it didn't affect his subsequent successful career as a Las Vegas hotel executive and security consultant. After living there for much of the postwar era, he returned to Fresno three years before his death in 1977. Capt. Maghakian now sleeps at Ararat Cemetery.

Without the Transports, we would not know freedom, strength or national greatness. It's sad to know that recently, when names were proposed for new local high schools, his came up and was rejected. For now we can honor his name through remembrance, and hope that soon Victor Maghakian will have a memorial which befits his undeniable stature.

TRIBUTE TO JAMES H. QUILLEN

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DUNCAN. Mr. Speaker, previously, my colleague and I engaged in a conversation regarding the accomplishments that Congressman QUILLEN has performed in the House of Representatives and the services he provided for hundreds of thousands of people in the First District of Tennessee and the entire State.

I request that a copy of the attached statement from Steven Blackwell, which is representative of the views and thanks of thousands of people, be placed in the RECORD at this point. I would like to call it to the attention of my colleagues and other readers of the RECORD.

TRIBUTE TO JAMES H. QUILLEN, U.S. CONGRESSMAN

On a day when his colleagues in the House of Representatives have risen to pay tribute to the distinguished career and the dedicated public service of James H. "Jimmy" Quillen of Tennessee, perhaps it is in order for a constituent of Jimmy Quillen's to have the opportunity to add an additional word of praise and of thanks for the long service of this unique public servant. I enormously appreciate this opportunity to do so.

For thirty-four years, since the summer of 1962, when I was fifteen years old, Jimmy Quillen has been the central political figure of Tennessee's First Congressional District. And for that same thirty-four years, since January 1963, a period of time unsurpassed by any serving Republican on Capitol Hill, Jimmy Quillen has been my Congressman.

On legislative issues, particularly on matters of national defense, on the role of the United States as an international guarantor and exponent of free markets, free ideas, and free people, and on issues of sound and prudent tax and fiscal policies, Congressman Quillen has fully and faithfully represented the views I have held.

In the areas of constituent services, no American of either party—or of any party or no party for that matter—could have wanted a better exponent and advocate in dealing with myriad bureaucrats at home and abroad. Those golden bulldogs awarded for watching the Treasury might equally as well have been given for tenacity in guarding constituent interests.

In Republican political activities, Congressman Jimmy Quillen has exemplied the pragmatic, conservative outlook that for generations has characterized the independent-minded mountain Republicans of East Tennessee.

His colleagues, the staffs of various committees, and the professionals who represent every conceivable interest before Congress know James H. Quillen as a long-term legislator and effective negotiator.

I, and countless others whom he had represented throughout his tenure, know him as a man who rose from the most meager of circumstances, as man who answered his country call in time of war and sailed in harm's way to the opposite side of troubled globe, and as a hard-working legislator. But I have had the honor and privilege to know him as more as well. I am proud to have known him as a friend; I have been honored to have him as my Congressman; and, I will miss him.

46TH ANNIVERSARY OF TEMAS MAGAZINE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise once again to commemorate the 46th year of the first edition of TEMAS magazine, and I would like to extend my sincerest congratulations for the wonderful job that for these more than four decades TEMAS has performed for Spanish-speaking communities throughout the United States.

TEMAS' philosophy, under expert supervision and with the collaboration of a distinguished staff, has always contributed to social peace in our communities, progress and brotherhood within our diverse society. People of all ethnic backgrounds invariably find an effective and honest fighter for their rights in TEMAS.

For all this, and much more, I would like to publicly congratulate TEMAS and pledge my continued support for their efforts. I wish Lolita de la Vega, Ana Maria Perera, their staff and TEMAS continued success and good fortune.

THE INTRODUCTION OF THE NATIONAL INFORMATION INFRASTRUCTURE PROTECTION ACT

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. GOODLATTE. Mr. Speaker, today I am introducing crime legislation which will bring out criminal code into the computer age. The NII Protection Act, would strengthen the Computer Fraud and Abuse Act, 18 U.S.C. 1030, by closing gaps in the law to better safeguard the confidentiality, integrity and security of computer data and networks. The Senate companion to this legislation, S. 982, has already cleared the Senate and now the House

must act to send this legislation to the President's desk.

With all the benefits created by the explosion of computer networks comes a very serious concern—networked computers also provide new opportunities for criminal activity. The Computer Emergency Response Team, known as CERT, based at the Carnegie Mellon University, in Pittsburgh reports that the number of reported intrusions into U.S. based computer systems rose from 773 in 1992 to more than 2,300 by 1994—a 197-percent increase in 2 years. Additionally, CERT reported the number of sites attacked rose more than 89 percent during the same period.

Once into a computer system, hackers have the ability to steal, modify, or destroy sensitive data—thus the potential costs to users, including businesses, are staggering.

That is why the Justice Department and the FBI support this important legislation. It will help stem the on-line crime epidemic and increase protection for both Government and private computers.

The NII Protection Act improves the current Computer Fraud and Abuse Act by providing additional protection for computerized information and systems, by designating new computer crimes, and by extending protection to computer systems used in foreign or interstate commerce or communications.

Current law falls short of protecting our Nation's infrastructure which increasingly relies on computer systems. Although financial institutions and consumer reporting agencies are currently protected under the Computer Fraud and Abuse Act, this bill closes a number of loopholes in the criminal code which allow other industries to fall victims to computer crimes.

Since hacker activities generally do not cross State lines they are not Federal offenses. The NII Protection Act would extend coverage under the Computer Fraud and Abuse Act to any computer used in interstate or foreign commerce or communications and thus, would strengthen Federal law enforcement's ability to fight this type of criminal activity.

The bill would allow Federal prosecution of all those who misuse computers to obtain Government information and, where appropriate, information held by the private sector. The harshest penalties would be reserved for those who obtain classified information that could be used to injure the United States or assist a foreign state. Those who break into a computer system, or insiders who intentionally abuse their computer access privileges, to steal information from a computer system for commercial advantage, private financial gain or to commit any criminal or tortious act would also be subject to felony prosecution. Individuals who intentionally break into, or abuse their authority to use, a computer and thereby obtain information of minimal value, would be subject to a misdemeanor penalty.

The bill would also penalize any person who uses a computer to cause the transmission of a computer virus or other harmful computer program to Government and financial institution computers not used in interstate communications, such as intrastate local area networks used by Government agencies that contain sensitive and confidential information. Computers used in foreign communications or commerce would also be covered.

Outside hackers who break into a computer could be punished for any intentional, reckless, or negligent damages they cause. The bill also punishes modern-day extortionists who threaten to harm or shut down computer networks unless their demands are satisfied.

The NII Protection Act would provide much needed protection for our Nation's important information infrastructure and help maintain the privacy of electronic information. I urge quick action on this important legislation.

20TH ANNIVERSARY OF CHRISTO AND JEANNE-CLAUDE'S "RUNNING FENCE"

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate the 20th anniversary of Christo and Jeanne-Claude's "Running Fence, Sonoma and Marin Counties, CA, 1972–76", which occurred in the district I am privileged to represent. I wish that I could be present at the Valley Ford Post Office as we celebrate and remember this remarkable achievement.

"Running Fence," was completed September 10, 1976 and displayed for 14 days. Marin and Sonoma Counties owe a great deal of gratitude for Christo and Jeanne-Claude's tireless efforts to construct this temporary, 24½-mile-long work of art. In order to realize this successful collaborative project ranchers and residents, engineers and elected officials, lawyers and members of the business community, as well as many dedicated workers, came together for the purpose of art.

Mr. Speaker, it is my great pleasure to pay tribute to Christo and Jeanne-Claude and to thank them for realizing the "Running Fence," vision in Marin and Sonoma Counties and for the wonderful lasting impression they have left us. In fact, it should be noted that a print of "Running Fence," is hanging in my congressional office in Washington, DC. I appreciate those who are working to remember "Running Fence," and I extend my hearty congratulations and best wishes for continued inspiration in the years to come.

HONORING THE LIFE AND WORK OF BERNARD JACOBS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. NADLER. Mr. Speaker, this country lost a great American on August 27, when the president of the Shubert Organization, Bernard Jacobs, died at the age of 80.

A native New Yorker, Bernie Jacobs was a graduate of New York University and Columbia Law School. For nearly 40 years, working with his partner and friend Gerald Schoenfeld, he helped make the Shubert Organization a leader in the theatrical life of the Nation, through his profound knowledge and understanding of Broadway as an art and a business.

The Shubert Organization owns theaters in Philadelphia, Washington, Boston, and Los Angeles, but on Broadway they are preeminent. I am proud to say that most of their theaters are in my congressional district.

With Bernie Jacobs' leadership, the Shubert Organization has been instrumental in bringing some of the most important American and British productions to Broadway, some of which have toured nationally and internationally. Bernie Jacobs' championship of the creative community was legendary. As producers, the Shubert Organization has directly developed and produced shows by many of the leading playwrights, directors, and composers of this era.

Bernie Jacobs' support for the crafts people who serve the industry was widely recognized, and his humanity led him to arrange for children and students to see Broadway shows for free.

He was on the faculty of the Columbia School of the Arts and a longtime trustee of the Actors' Fund of America, and he received many awards from theatrical and charitable institutions.

Mr. Speaker, it is fitting that this man, who contributed so much of lasting value to America, should be remembered and honored.

TRIBUTE TO DEMOS MEGALOUDIS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BILIRAKIS. Mr. Speaker, honor is always most gratifying when it comes from those who know us best. I rise today to honor a very close friend, Mr. Demos Megaloudis, who was taken from us this past Wednesday, September 11, 1996. He was a man whose life was an example for us all.

As a husband to his wife, Stella, and father to his son, Gary and daughter, Chris he was a loving, committed family man, who clearly put them first.

As a businessman he established a name associated with honor and service, not personal gain.

Within the community, although well known, he was not a sophisticated man, aloof with self importance. He was a man who showed deep care and concern for his fellow man. Seeing needs in the community he was willing to step forward—but not for recognition.

Many, many have benefited from Demo Megaloudis' personal investment in their lives—from the crippled and burned children helped by the Shriners' Hospital, to the children given love and care by the Elk's Harry Anna Crippled Children's Home, to those in need of the Lion's Club projects for the blind and those of poor eyesight, to the local Tarpon Springs residents of our African-American community—he was always there to roll up his sleeves to do whatever he could.

When his father died at the same age Our Lord decided to take Demos from us, he gave up his dreams of going to college to run the

family cleaning and dry cleaning business. But that dream stayed with him and instilled in him the importance of education. Thus, Demos worked hard as vice chairman of the St. Petersburg Junior College Board of Trustees. He knew the importance of education as life's stepping stone for young people.

I personally have lost as fine and loyal a friend as any man could hope to have. Our area and the world are better places for his having lived. His legacy of love, kindness, and purity of heart will live on and hopefully guide all of us.

My Demos, we will miss you. May your memory be eternal.

TRIBUTE TO JOHN RENNA

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. MARTINI. Mr. Speaker, I would like to pay tribute to a very special individual from the Eighth Congressional District of New Jersey.

It is often said that those who put the most into life get the most out of life. No one exemplifies this axiom better than John Renna. Mr. Renna has dedicated his life to public service, and all those he has served are certainly better off for it. In a time when the truly good people of this world often go unnoticed, it is in fact people like John Renna who deserve recognition. For his years of dedicated service, it is my honor to pay tribute to a man who has been synonymous with assisting the communities of Essex County.

John Renna has been a true public servant since his days with the U.S. Army 50 years ago. Since that time, John has worked his way through our State's highest offices, becoming the New Jersey Commissioner of Community Affiars in 1982. In addition to serving under former Governor Tom Kean, John has had two stints as the Republican Chairman of Essex County, from 1977 to 1985 and from 1986 to 1996. I commend him for honorably and gracefully performing his jobs throughout his professional career.

The virtue and integrity with which John Renna went about his professional duties carried over into his active involvement within the community. As a member of the West Orange Chamber of Commerce, UNICO National, and Project Heartbeat, John Renna has continually given our community his best. The greatest good we can do is not just share our riches with others, but to reveal their riches to themselves. Throughout his life, John Renna has done exactly that.

The highest service we can provide is willingly assisting others, not out of compulsion, but always out of compassion. Throughout his distinguished personal and professional life, John Renna has always put others ahead of himself. For a career of dedicated service to our community, I am honored to pay tribute to John Renna.

TRIBUTE TO MARTHA MORGAN

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. SCHIFF. Mr. Speaker, I rise today to remember Martha Morgan, who passed away last week after a short illness.

Marty, as she was known to her family and friends, began her political work back in her native New Mexico as a staffer on the Women for Nixon campaign in 1968 and the Lujan for Congress campaign of 1970. She became then Congressman Lujan's district office director in 1981 and joined my staff as district director in 1989.

She moved to the Government Operations Committee in 1993 and was serving, as always, with devotion and skill as Government Reform and Oversight staff, when she was so tragically stricken last week.

Marty is survived by two children, four grandchildren, and a host of friends. She will be sorely missed by all of us.

KELLY SERVICES, INC., 50TH ANNIVERSARY CELEBRATION

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. LEVIN. Mr. Speaker, on Monday, October 7, Kelly Services, Inc., will celebrate the golden anniversary of their founding. Employees and customers throughout the world will attend events recognizing the 50 years of business which William Russell Kelly started on October 7, 1946. A major event will take place at the company headquarters in Troy, MI.

From first year sales of $847.72 in 1946 to current sales of several billion dollars, Kelly Services has grown globally with the changing climate of business. From Russell Kelly Office Service to their World Wide Web site, Kelly has been at the forefront of change, anticipating their customers' needs and adapting to serve them.

Always a staffing services industry leader, Kelly began expanding to other States in 1954 and was in all 50 States by 1979. The first international office was opened in Toronto in 1968, the first European office in Paris in 1972, and new offices continue to open in cities around the world. Today there are 1,300 locations in North America, Europe, Australia, and New Zealand. "Temps" are available to fill office, labor, technical, scientific, home health care, legal support, and temporary-to-full time vacancies. Kelly Services defined the standard of industry competition by pioneering programs for the training, testing, and classification of temporary employee skills, enabling them to better serve their clients, both managers and workers.

During more than 30 years of leadership, current president and CEO, Terrence E. Adderly has guided the development of a proud history. Along the way, Kelly Services has garnered a whole host of awards, including 1988 Detroit Press Michigan Company of the Year, 1990 Forbes Best Business Services and Supplies Company for the 1990's, Blue Cross/Blue Shield Savings and Service Excellence Award, National Displaced Homemakers Network Partners in Change Award, U.S. Defense Investigative Service James S. Cogswell Award for Outstanding Industrial Security Achievement, and Michigan Minority Business Development Council Consumer and Commercial Services Corporation of the Year.

From "Kelly Girls," an icon of the post-World War II era, to the current impressive and diverse array of staffing employees and services, Kelly Services, Inc. has truly earned the respect and confidence of people throughout the world. I salute their accomplishments and join their employees and customers everywhere in this celebration.

INTRODUCTION OF THE BI-STATE AIRCRAFT NOISE CORRECTION ACT

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing legislation, along with Representatives MOLINARI, FRELINGHUYSEN, and MARTINI, entitled the "Bi-State Aircraft Noise Correction Act". Our bill is directed at ending the Federal Aviation Administration's reign of tyranny over New Jersey's and Staten Island's skies.

For 9 long years, the FAA has cynically pitted the citizens of New Jersey against the citizens of Staten Island. The agency deliberately sought to convince the residents of Staten Island that the people of New Jersey were the ones blocking meaningful relief from aircraft noise. In turn, the FAA fostered the perception that any reduction in airplane noise over Staten Island would make the problem worse over the skies of New Jersey.

This cynical ploy was aimed at provoking a war between the States, thereby diverting attention from the real culprit. Today, for the first time, our States stand united behind a common solution. Instead of fighting each other, we will be focusing all our energies to compel action by the Government agency that started it all: The FAA.

Our bill takes a new approach to this issue by mandating aircraft noise reduction goals for the FAA, not specific new air routes.

For New Jersey, our bill directs the FAA to reduce aircraft noise by 6 decibels for at least 80 percent of the people residing between roughly 2 and 18 miles from Newark Airport. Let me put into context what a 6-decibel decrease means to the average person. By way of example, many of my constituents impacted by aircraft noise have to cease their outdoor conversations when a plane is overhead. A 6-decibel decrease will reduce noise enough that most conversations will not be interrupted when a plane flies over.

As a result of the FAA's long history of resistance to every effort aimed at addressing the airplane noise problem over the metropolitan region, this legislation includes a contingency plan in the event the FAA refuses to

carry out the requirements of this legislation. Our bill provides legal standing for citizen groups in New Jersey and Staten Island to sue the FAA to ensure compliance with this act in Federal district court.

No longer will the FAA be able to hide behind a bureaucratic veil, as they have so effectively done in the past, to deny our constituents relief from aircraft noise. If the FAA does not comply with our legislation, they will have to answer to a Federal judge.

Since the inception of the Expanded East Coast Plan in 1987, I and other Members from New Jersey and New York have tried everything we can think of to get the FAA to face up to its responsibility to address the real concerns of citizens who have had their homes and neighborhoods disrupted by a level of aircraft noise that has diminished their quality of life.

Just last week, the House passed an amendment that calls for the establishment of an aircraft noise ombudsman in the FAA to represent the concerns of those living with airplane noise.

Last November, I presided over a House Aviation Subcommittee hearing where the FAA administrator admitted he had no plan to solve our aircraft noise problem.

I also introduced legislation moving the FAA eastern regional office from Queens, NY, to Union County so FAA bureaucrats could hear the problem they have created.

After nearly a decade of the FAA's acts of duplicity and evasion on this issue, it's become apparent that they never intend to voluntary take steps to remedy this problem.

That is why our bill is so significant. No longer will our constituents be solely at the tender mercies of the FAA. Our bill mandates a solution.

After years of acrimony and bitterness between the FAA and members of the New Jersey and New York delegations, I understand that it is unrealistic to expect the FAA to rush out and embrace our bill. The FAA's first reaction to our legislation will probably be to kill it by working behind the scenes with their allies, late at night, leaving no fingerprints.

Instead of playing that cynical, political game, I instead challenge the FAA to sit down with the sponsors of our legislation and hash out a solution to this problem. I refuse to accept the FAA's posture that nothing more can be done to reduce noise in New Jersey and Staten Island. I suspect more savvy FAA representatives know this issue can be worked out amicably and quickly—if the will exists on their part to do it.

Mr. Speaker, I will be working tirelessly, from now until adjournment sine die, to enact our bill. In the interim, I urge the FAA to accept my offer to negotiate an end to our differences.

THE HOSPITAL SELF-REFERRAL ACT OF 1996

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. STARK. Mr. Speaker, I am pleased to introduce the Hospital Self-Referral Act of 1996.

Previously, I have sponsored legislation that restricts physicians from self-referral because this practice leads to overutilization and increased health care expenses. This legislation is designed to rectify a similar problem.

Today, nonprofit hospitals, for-profit hospitals, and large health care conglomerates have acquired their own posthospital entities such as home health care agencies, durable medical equipment businesses and skilled nursing facilities so as to refer discharged patients exclusively to their own services. As a result, many nonhospital based entities have seen inflows of new patients completely halted once a hospital acquires an agency in their service area.

The effects of this self-referral trend are harmful. Hospitals that refer patients exclusively to their own entities eliminate competition in the market and thereby remove incentives to improve quality and decrease costs. Further, hospitals are able to selectively refer patients that require more profitable services to their own entity while sending the less profitable cases to the nonhospital based entities. The nonhospital entity is forced to either raise prices or leave the market. Worst of all, patients have no voice in deciding which entity provides the services.

This legislation remedies the problem by leveling the playing field. First, hospitals will be required to provide those patients being discharged for posthospital services with a list of all participating providers in the service area so that the patient may choose their provider.

Second, hospitals must disclose all financial interest in posthospital service entities to the Secretary of Health and Human Services. In addition, they must report to the Secretary the percentage of posthospital referrals that are made to their self-owned entities as well as to other eligible entities.

This legislation does not hinder a hospital's ability to offer its own services. It merely guarantees that all providers will have an opportunity to compete in the market. Most importantly, it guarantees that patients will have choice when selecting their provider.

Attached is a letter that typifies the current problem in the home health services market.

IDAHO HOME HEALTH INC,
Pocatello, ID, July 24, 1996.

Re Medicare and Medicaid patient steering.

D. MCCARTY THORTON, ESQ.,
Chief Counsel, Office of the Inspector General, Washington, DC.

We understand you are interested in receiving information about Medicare and Medicaid patient steering. We own a Medicare and Medicaid state licensed home health agency that began twenty (20) years ago, and offer the following examples:

A. IDAHO FALLS, IDAHO

In 1993 we opened a branch office before the local hospital offered home health. We received Medicare and Medicaid hospital home health referrals on a regular basis. Once the hospital opened their home health agency in 1994 our Idaho Falls office has not received a single referral from the hospital in more than three (3) years. We also inquired of the other home health agencies in the area and they all indicated they too have not received a single home health referral from the hospital from the hospital for years.

In 1995 we were given minutes of a meeting wherein the DNS at the hospital instructed the nursing staff to refer only to the hospital's home health agency. We interviewed and have recorded conversations with post hospital home health patients who state they were never given a choice of providers. We ever had one of our own employee's family member request our agency upon hospital discharge and they were still admitted to the hospital's agency.

B. MONTPELIER, IDAHO

We opened our home health agency there in 1992. The only local hospital opened their home health agency in 1994. Between 1992 and 1994 we received hospital referrals on a regular basis. Since 1994 not another agency in Montpelier, including ours, has received a hospital home health referral.

C. AMERICAN FALLS, IDAHO

We opened our agency there in 1994. The hospital opened their home health agency in 1995. For nearly two (2) years we received hospital home health referrals on a regular basis. Since the hospital opened their agency not another home health agency in American Falls has received a hospital home health referral.

D. BLACKFOOT, IDAHO

We opened our agency there in 1992 and received regular referrals from the physician owned Blackfoot clinic. In 1995 the doctor owned clinic opened a home health agency. Since they opened their own agency, we have not received a single home health referral. Each doctor owns more than 5% and each doctor signs home health certifications. We advised HCFA and our intermediary of this fact years ago and to date neither has done anything to our knowledge.

E. SODA SPRINGS, IDAHO

We opened our office there in 1993. Between 1993 and 1995 we regularly received hospital referrals. Since Hospital X opened its own agency in 1995 we have not, nor has any other agency received a hospital home health referral.

Traditionally, hospitals account for about thirty to forty (30–40%) of home health referrals for free standing agencies. Our experience proves in service areas, where hospitals have opened their own agencies, that figure normally decreases to about 0 to 1%. We have repeatedly tried to correct this situation through meetings with hospital employees. We have written the Governor, the Attorney General, met with state and national congress people. We have written letters to HCFA, our intermediary, and the OIG. To date, no one has offered any assistance. Hospitals are reimbursed normally twice what we receive from Medicare for the identical service. Why the proper authorities fail or refuse to respond to these facts is unknown. Had our agency provided the care we would have saved millions of tax payor dollars.

Sincerely,

WILLIAM F. BACON,
Vice President and General Counsel.

TRIBUTE TO SISTER PATRICIA LYONS

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's most dedicated and caring individuals, Sister Patricia Lyons. Sister Patricia is being honored for a lifetime of exemplary service to her community. I wish that

I could have joined with her colleagues, friends, former students, and family last Friday to celebrate her remarkable accomplishments.

Over 50 years ago, Sister Patricia founded and served as the first director of the Garden School at Dominican College in San Rafael. At Garden School, Sister Patricia has introduced generations of youngsters to the joys of math and reading, the challenges of computers, and the freedom of expression through art. Through her work for the Garden School, which was the first school for early childhood education in Marin County, Sister Patricia has touched the lives of over 3,000 children.

Through her work Sister Patricia has instilled in her students a sense of social responsibility and concern for other cultures, while providing a strong academic base that ensures their future success. Today her classroom is filled with the children and grandchildren of former students, and this multigenerational tradition testifies to the love and high esteem in which Sister Patricia is held by her community. In addition to numerous awards and honors, Sister Patricia has been named Marin County's Private Schoolmaster of 1996.

Mr. Speaker, it is my great pleasure to pay tribute to Sister Patricia Lyons during this special evening at Dominican College. Marin County owes a great deal of gratitude for the tireless efforts of Sister Patricia. She has long championed the importance of early childhood education in our community. I extend my hearty congratulations and best wishes to Sister Patricia for continued success in the years to come.

TRIBUTE TO ANTONIO B. ECLAVEA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. UNDERWOOD. Mr. Speaker, the Department of the Army expects personal and professional ethics, integrity, confidence, and competence from its warrant officers. In addition, they are required to possess tactical knowledge, progressive levels of expertise, and leadership qualities to justify the existence of this tier in the Army rank structure.

Recent problems stemming from early separations resulted in the implementation of changes within the warrant officer tier. As part of the fiscal year 1992–93 National Defense Authorization Act, the Warrant Officer Management Act became law. As a result, the new grade CW5 was created in order to keep the most senior and most experienced warrant officers in service.

Although the first warrant officers promoted to the rank of CW5 were selected in 1992, it was not until 1992 that the first active duty CW5's were appointed by the Army. One of the selectees, Antonio B. Eclavea, a native son of Guam, holds the distinction of being the first Army warrant officer to be promoted to CW5 in the Adjutant General Corps.

Born in Agana, Guam on September 9, 1934, CW5 Eclavea first entered military service through the U.S. Air Force. After rising to the rank of master sergeant, he traded his Air Force stripes for warrant officer's bars when he joined the Army in 1969.

For over 34 years, CW5 Eclavea served on various posts including tours of duty in Vietnam, Taiwan, Germany, and the Republic of Korea. He was also stationed to a number of stateside locations prior to serving as special assistant to the Chief of Staff of the Army. In addition to completing the Army Adjutant General Course and the Master Warrant Officer Course, he also received a bachelor of science degree in economics and business administration from Marymount College in Salina, KS. Awards and decorations conferred to him include, among others, the Legion of Merit, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, and the Army Achievement Medal.

On Guam, the personal accomplishments and success of native sons and daughters are always celebrated and adopted as triumphs for everyone in the community. By virtue of the great contributions his military career has made toward the strength and security of this Nation and by being one of the first to be promoted to the grade of CW5, Antonio B. Eclavea has brought great recognition to himself, the island of Guam, and its people. On behalf of the people of Guam, I congratulate CW5 Eclavea for his outstanding achievements. I also join his wife, Rose Marie, and his sons Johnny, Anthony, Michael, and Mark Henry in proudly celebrating his great accomplishments.

TRIBUTE TO HERBERT WEBB, M.D., OF EFFINGHAM, IL

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. POSHARD. Mr. Speaker, it is my pleasure to congratulate a constituent of the 19th Congressional District, who for countless hours has demonstrated the real meaning of selflessness, Dr. Herbert Webb. On September 20, 1996, Dr. Herbert Webb will celebrate 50 years of service as a physician in the city of Effingham, IL. Not only is Dr. Webb an outstanding doctor, he has been an active member of the community since 1946. This commitment to the people of Effingham serves as an example to us all.

Dr. Webb began his medical career when he graduated from Sydney College in Virginia in 1938. Four years later he received his medical degree from the Medical College in Richmond. He entered the U.S. Army in 1942, serving his country during World War II, and was honorably discharged in 1946.

Dr. Webb's leadership has elevated him in his career to the point where he now serves as chief of the surgery department and president of the medical staff in St. Anthony's Memorial Hospital. For many years he has been a dedicated member of the Kiwanis Club, the American Legion, Elks Club, and the Masonic Lodge. To this day he proudly serves as an Elder at First Presbyterian Church in Effingham. On top of all these accomplishments, Dr. Webb has successfully raised seven children.

In Effingham, and in the thousands of American communities just like it across the Nation, being a doctor is a tremendous responsibility. I'm sure Dr. Webb knows most everyone in town on a first-name basis, and can remember the various ailments and maladies which were treated through a timely prescription or perhaps just a comforting word at the bedside.

He has watched children grow from infants who babble in church to adults who serve as deacons in their congregation. Sharing a friendly greeting with the local merchant or police officer and helping a little boy or girl conquer the fear of stitches or shots have been the rule for Dr. Webb, not the exception. As a doctor in Effingham, Dr. Webb is respected by his community, which appreciates the labor of love he has invested in them.

It is with great pride that I have the opportunity to honor Dr. Webb for his many years of dedicated service to the people of Effingham. It is not often we find a hard-working public servant such as Dr. Webb, who for countless hours has strived to make our community a better place. For all his service to our community, I ask that you join me, Mr. Speaker, in congratulating Dr. Herbert Webb.

TRIBUTE TO WALLACE KIDO

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. REED. Mr. Speaker, I rise today to take this opportunity to congratulate and recognize the distinguished career of Wallace Kido, the manager of the Providence district of the U.S. Postal Service. In that capacity, Mr. Kido is responsible for serving postal customers throughout the State of Rhode Island and southeastern Massachusetts, a region generating revenues in excess of $440 million. Sadly, after 32 years of exemplary public service, Mr. Kido has announced that he will be retiring early next year.

During his tenure with the Rhode Island office, Mr. Kido has been a good friend and an effective representative of the U.S. Postal Service. His career with the U.S. Postal Service began back in 1964, when he started as a clerk in San Francisco.

Since then, Mr. Kido has taken on a series of increasingly higher positions and assignments, including director of the Office of Human Resources at Postal Service headquarters. Mr. Kido joined the Providence Postal Service in 1986 as general manager-postmaster. Prior to his appointment, Mr. Kido earned a master's degree from the Massachusetts Institute of Technology, where he represented the Postal Service in the Alfred P. Sloan Fellows Program.

Mr. Kido's duties as Providence district postmaster include managing 195 post offices, 3 processing and distribution plants, and almost 9,000 employees. His remarkable energy and commitment to the task makes what he does seem effortless.

During his 10 years as manager in Providence, Mr. Kido has brought a degree of excellence, and more importantly, a sense of pride, to the challenging task of coordinating

the processing of 1 billion pieces of mail each year. In fact, average overnight delivery service in Rhode Island has exceeded the national average over the last seven quarters.

Today, I ask my colleagues to join me in paying tribute to Mr. Kido's exemplary service. He will be greatly missed as the Providence district manager, and I wish him all the best as he embarks upon a new phase of endeavors.

TRIBUTE TO ALBERTA MARTIN, AMERICA'S LAST CONFEDERATE WIDOW

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. EVERETT. Mr. Speaker, I would like to pay homage to a very special lady who is a unique bridge to our Nation's past, Mrs. Alberta Martin. Mrs. Martin is America's only surviving Confederate widow.

A resident of the city of Elba in my home county of Coffee in Alabama, Mrs. Martin is the widow of the late William Jasper Martin, who served in the 4th Alabama Infantry from May 1864 to April 1865 defending the Confederate States of America.

Private Martin, then just 18, served in the 4th Alabama in the final days of the Civil War. He and his comrades marched to meet the forces of Gen. Ulysses S. Grant in Virginia, and he was 1 of only 202 members of his 1,400-man infantry to return home.

In 1927, Alberta Martin at the age of 20 married her Confederate veteran husband. They were married 5 years until he passed away in 1932.

In recognition of Alberta Martin's unique status as America's only remaining Civil War widow, the city of Elba is hosting a day in her honor on September 24. Mrs. Martin is a living tribute to the memory of America's and Alabama's history.

I salute Mrs. Alberta Martin and wish her many happy years of life at home in historic Coffee County, AL.

HONORING THE EL PORTAL WOMEN'S CLUB ON THEIR 50TH ANNIVERSARY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mrs. MEEK of Florida. Mr. Speaker, I rise today, September 17, 1996, to recognize the achievements of the El Portal Women's Club on the occasion of their 50th anniversary. For half a century, its members and their friends have worked to make the village of El Portal a better place in which to live.

In 1946, soon after the end of World War II, national optimism ran high. Men and women were uniting to forge a new homefront and community pride meant to them a great deal. It was at this time that the El Portal Women's Club set out on their great adventure. The 200 charter members of the organization came into being before El Portal had either its own police station or city hall. In fact, with no other funding available, the group raised much of the funding necessary to build such structures.

These efforts were to be only the beginning of their community activism. Over the years, they raised moneys to build the Little River Youth Center and to erect closing gates along the railroad tracks which run through their village.

In the 1960's, they began fundraising to support the fight against cancer and heart disease. They gave to the Girl Scouts and created student loans for area schoolchildren. They assisted handicapped children. They even began their own crimewatch.

In 1976, as America celebrated its bicentennial, the women's club celebrated, too, with its now legendary patriots in petticoats program. Emphasizing the history of the flag of the United States, patriots in petticoats performed over 80 shows for local citizens and dignitaries.

To this day, the women's club continue its noteworthy work, especially on behalf of area children and needy.

Today I applaud the members and past presidents of the women's club who are today joined with many former mayors, councilmembers, and police chiefs. Your work for these many years will not be forgotten. You have shown your pride for El Portal. Today, it is El Portal which is proud of you.

ARNOLD ALDERMAN HONORED FOR WORK WITH BOY SCOUTS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. DELAURO. Mr. Speaker, on Thursday, September 19, 1996 the Quinnipiac Council Boy Scouts of America will hold their annual Good Scout Award Dinner in honor of Arnold J. Alderman. I am delighted to rise today to honor Arnold and the enormous contributions he has made to scouting and the New Haven community.

The Good Scout Award is given annually to an individual who embodies the spirit of scouting. In both his business and professional life, the recipient must display integrity and a commitment to serving and helping others. Further, the Good Scout Award recipient must always be an inspiration and example for our youth. Arnold Alderman is such a person.

For over 60 years, Arnold has been personally involved with scouting. He has served as scoutmaster of Troops 41, 62, 18, 52, 101 and has led Troop 41 of New Haven for more than 25 years. During this time, he has received the Scoutmaster's Key, Order of the Arrow, Shofar Award, Silver Beaver Award, Silver Antelope Award, Distinguished Eagle Award, and was selected as a Baden Powell Fellow. Arnold is frequently referred to as "Fearless Leader" by the more than 1,000 boys he has served as scoutmaster for. This nickname makes clear the respect and affection his troops feel for him.

Arnold carries his genuine concern for people into his personal life as well. He has generously given his time, talents, and so much of himself to the people of New Haven. He has been involved with the Jewish Home for the Aged, the Christ Episcopal Church Community Soup Kitchen, Inc., the Easter Seal Goodwill Industries, the New Haven Jewish Federation, the New Haven United Way, the New Haven Jewish Community Center, the New Haven Colony Historical Society, and the New Haven Citizens Action Committee. Arnold clearly embodies the ethic of service to individuals and the community that scouting seeks to instill in young people. Young people learn values by watching the adults around them. For this reason, the example Arnold provides to the scouts in his troops is invaluable.

I am pleased to join the Quinnipiac Council Boy Scouts of America in honoring Arnold Alderman. Congratulations on this well-deserved recognition.

TRIBUTE TO DR. FERNANDO CHIU HUNG CHEUNG, EXECUTIVE DIRECTOR, OCCC

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DELLUMS. Mr. Speaker, I rise to pay tribute to Dr. Fernando Chiu Hung Cheung, executive director of the Oakland Chinese Community Council [OCCC]. His commitment, hard work, and concern for the welfare of immigrants extends beyond the Chinese community. Though he appears rather quiet and mild mannered, Dr. Cheung is a fierce defender of those in need. He has personal knowledge of being an immigrant seeking a better life and willing to make great sacrifices.

Dr. Cheung was born in Macao and came to the United States in 1981. He finished his masters in social welfare at the California State University, Fresno in 1983. In 1988 he became the executive director of OCCC and pursued higher education, receiving his Ph.D. in social welfare in 1990.

Dr. Cheung's leadership was instrumental in the expansion of programs and services of OCCC. Indicative of his exceptional management ability and commitment to the goals and values of the social work profession, OCCC received the prestigious award of excellence in management from Chevron Corporation and the Management Center in 1989. Despite the adverse funding environment Dr. Cheung maintained a steady 12 percent growth rate in the agency budget. He initiated program evaluation and accountability systems to ensure improved service delivery and quality service.

Dr. Cheung's perspective on social work and social justice was not limited by the boundaries of the community his agency served. He provided leadership in advocacy for equal access to health and human services as the chair of the Multicultural Multilingual Oversight Committee for the County of Alameda. His belief in the politics of collaboration to influence and develop public policy resulted in a cross-cultural collaboration among Asian, Hispanic, African American, and Native American communities to work with local, State, and Federal governments and with private corporations to ensure an accurate census count of traditionally undercounted populations.

Dr. Cheung worked with the County of Alameda to develop and expand a major adult health care program for Asian seniors in the East Bay. Thus, the Hong Fook Adult Day Health Center was established and is now presently located at a state-of-the-art facility in a senior housing project in the heart of Chinatown.

Dr. Cheung has accepted a position to teach in a university in Hong Kong. Together with his wife, Natalie and their three children, Vincent, Vivian, and Valerie, they have taken a new challenge. Though Dr. Cheung and his family will be missed, his contribution toward improving the quality of life for the people of the East Bay will be a constant reminder of his dedication and commitment toward social equity and justice.

HONORING STEWART COCHRANE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Ms. KAPTUR. Mr. Speaker, I rise today to pay tribute to the life of Toledo area business and political leader Stewart Cochrane. Stu passed away in August, after a valiant struggle against illness.

A World War II veteran, Stu returned home to Toledo and established his own business. He gave his services to many civic and community groups, including Inverness and Belmont Country Clubs, Huntington Bank, the Toledo Club, the Reynolds Corners Rotary, and the Lincolnshire Association. He served as a village councilman for 20 years in Ottawa Hills, a suburb of Toledo, eventually serving as the village's police commissioner. He completed his public service as the village's mayor for 3 years. Throughout his long career of public service, he strove to put the needs of the community first, always doing so with an enthusiasm, gusto, and sense of humor that filled entire rooms with energy.

Committed to his community, Stu's presence will be missed by us all. We extend our sympathy to his wife, Sally; daughter, Paula; son, John; and sister, Bette; and his extended family and friends. Stu made a difference and made us better by believing in us. Godspeed.

TRIBUTE TO MORRIS ABBE BLOOM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. PALLONE. Mr. Speaker, I would like to take this opportunity to honor a constituent of the Sixth Congressional District of New Jersey. Morris Abbe Bloom, a man who has donated many years of service to charitable efforts, has unselfishly served the New Jersey shore community.

It is with great honor that I pay tribute on this day September 17, 1996, to Mr. Morris Bloom. Since the beginning of his career as the supervisor of education for the city of Long Branch in 1939 to his present position as chairman of the Board of the Drug Rehabilitation Institute, Mr. Bloom continues to touch the lives of all who know of and work with him.

His many community activities range from assisting children from broken homes to establishing funds and scholarships for students to establishing the Elder Citizens' Security Councils which offers senior citizens freedom from fear in their daily activities. Mr. Bloom has also received numerous civic and professional awards throughout his illustrious career which include the gold lifetime badge award from the Police Athletic League, the medal of honor award for distinguished performances in community activities, and man of the year in two different years for helping bring poor emigrants to the United States. Mr. Bloom is also a member of the Princeton University Club, Phi Delta Kappa, Who's Who in American Education, Who's Who in Finance and Industry, and the American Institute of Certified Public Accountants.

Mr. Speaker, it is truly heartwarming to see the fine work that Morris Bloom is responsible for and to know that there are people who still believe in helping others and giving back more to society than was given to them. Mr. Morris Abee Bloom should be applauded for his efforts and serve as a model for us all to emulate.

TRIBUTE TO THE U.S. MERCHANT MARINE IN WORLD WAR II

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DORNAN. Mr. Speaker, December 7, 1996, marks the 55th anniversary of the Japanese attack on Pearl Harbor. One group of Americans who sacrificed enormously in support of the war effort haven't enjoyed the same recognition accorded to members of the big five Services at the time, of course, there were fewer services than exist today. The merchant marine, those brave Americans who protected shipping during the war, earned the respect of their countrymen as a result of their participation in some of the most treacherous missions undertaken by U.S. forces.

During the War, some 6,795 merchant seamen, out of a total of 250,000, lost their lives at sea in defense of this Nation. In tribute to merchant marine seamen, I ask unanimous consent to enter into the RECORD the following remarks prepared by Sollie Hakam, a member of the U.S. merchant marine veterans World War II. The U.S. merchant marine has earned this Nation's gratitude:

The Japanese attack on Pearl Harbor, December 7, 1941, found the U.S. Merchant Marine totally unprepared for the task it was called on to undertake. In order to supply our troops and allies around the world, ship yards on both the East and West Coasts went on a crash building program. They turned out Liberty and Victory ships, Oil Tankers, Troop Carriers and many other types of vessels necessary to carry supplies and arms to our fighting forces around the world. A total of approximately 6,000 ships were built and manned by 250,000 merchant seamen.

At the height of World War II, 15,000,000 women and men were in the armed forces of the United States. They were located on all five continents, North America, South America, Europe, Asia and Australia.

As our troops were landing on the shores and beaches around the world, they did not find accommodations to house them or restaurants to feed them. Right behind them, however, was an armada and Army Engineers to set up housing and eating facilities. In short, care of and for our troops. Also on these merchant ships were supplies and arms to complete the job of winning the war.

It staggers the mind to think of 674 ships being sunk by enemy torpedoes and gun fire! 6,795 merchant seamen lost their lives, not to mention those lost by the Navy Armed Guard, who also sailed on those merchant ships. They all lie in watery graves.

Our organization, the U.S. Merchant Marine Veterans of WWII, was formed to honor these men and insure the world does not forget them or the lessons of WWII. The *Lane Victory* ship is a living memorial to them.

Many generals and admirals have given high praise to the Merchant Marine branch of the armed forces for a job well done.

We Merchant Marine survivors of WWII can stand tall and proud for the contributions we made to bring WWII to a close!

HONORING DR. RICHARD JANEWAY AND THE BOWMAN GRAY SCHOOL OF MEDICINE

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BURR. Mr. Speaker, I rise today in support of a true example of technological innovation and disease prevention. I've just returned from the introduction of an interactive World Wide Web site that calculates nutritional value of an individual's diet. This technological innovation created by the Bowman Gray School of Medicine makes it possible for anyone with access to a computer to live a longer, healthier life. Diet is often the first step in effective health care and Dr. Richard Janeway from Winston-Salem, North Carolina has been a leader in the effort to learn more about the relationship between what we eat and how we feel.

Dr. Janeway was the Dean of Wake Forest University's Bowman Gray School of Medicine for 25 years before deciding to hand over the reigns to his successor. However, being a man of hard work and strong moral character, Dr. Janeway plans to continue his service by taking on the duties of the first distinguished professor of health care management.

Under his leadership, Bowman Gray Medical School has emerged as one of the most respected and prominent medical schools in the Nation, leading the country in research, academics, and treatment. Bowman Gray has also become the Nation's top resource for information regarding the link between nutrition and disease. Due to his diligence and persistence, Bowman Gray has also recently become one of the top employers in Forsyth County by providing 10,400 jobs for hard-working Americans.

But I know Dr. Janeway best as a good neighbor and a strong leader in North Carolina. He was one of the founders of Leadership Winston-Salem and served on two subcommittees for the Winston-Salem Foundation. He was elected to the Winston-Salem/Forsyth County board of education and served there as chairman of the policy committee and he has also been recognized by the United Way for his community services as the recipient of the Alexis de Tocqueville Volunteer Leadership Award.

Dr. Janeway has been a good friend to North Carolina and I would like to thank him for his innovation and commendable leadership.

TRIBUTE TO THE GREATEST GAMES EVER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. LEWIS of Georgia. Mr. Speaker, I take this time to pay tribute to the 1996 Olympic and Paralympic games, and to thank all the people who made these games a tremendous success.

The 1996 Olympic games were the largest athletic event ever. For the first time in history, athletes from every country in the world came to Atlanta to participate in the games. Two weeks after the close of the Olympic games, Atlanta hosted the 1996 Paralympic games, the second largest athletic event in history. Each was a great success.

Over 3 billion people, from throughout the globe, watched the Centennial Olympics in Atlanta. I would like to thank three individuals, three Atlantans, for bringing these Games to Atlanta and helping making the 1996 Olympics the greatest Olympics ever: Billy Payne, Andy Young, and A.D. Frazier. Through their dedication and hard work, they gave Atlanta the opportunity to host the Olympics and show the world what the Atlanta, capital of the New South, could accomplish.

These three individuals could not put on the Olympics by themselves. I would like to thank the staff of ACOG, the Atlanta Committee for the Olympic Games, and the hundreds and thousand of volunteers who gave their time to make sure the games were a success.

In addition, the Federal, State, and local governments all contributed to these Olympic games. President Clinton, and especially Vice President GORE, ensured that the Federal Government did all it could to help the Olympic games. I would like to thank two people in the Clinton administration in particular for their contributions to the Atlanta Games: Mack McLarty, Chairman of the White House task force on the Olympics and Paralympics; and Carol Roscoe, Special Assistant to the President on Domestic Policy. Georgia Governor Zell Miller and Atlanta Mayor Bill Campbell both dedicated much time and effort to help ACOG prepare for and stage the Olympics.

Federal Transit Administrator Gordon Linton, working with cities throughout the United States, helped provide the buses that were essential for transporting the athletes, the press, and other Olympic guests. MARTA, the Metropolitan Atlanta Regional Transportation Authority, not only provided 24-hour transportation service to spectators, but coordinated most of the Olympic's transportation system.

I also would like to thank all the law enforcement personnel that provided for the safety of the athletes and the spectators. Atlanta Police Chief Beverly Harvard and the entire Atlanta Police Department, the Georgia National Guard, the Georgia Bureau of Investigation, the State Patrol, the Secret Service, the FBI, emergency management personnel, and the Department of Defense all contributed in this effort.

Members of the business community also came together to promote the Atlanta Olympic games. In particular, I would like to recognize several local businesses which played a particularly important role in helping finance these Olympic Games. Delta Airlines, Coca-Cola, BellSouth, Home Depot, UPS, and NationsBank all stepped up to help the home town stage this great event.

However, the Olympic games were not the only great event to come to Atlanta this summer. The opening ceremonies of the 10th Paralympic games followed less than 2 weeks after the closing ceremonies of the Centennial Olympic games. Under the guidance of Andy Fleming, the Paralympic games were as much a success as the Olympic games and an inspiration to us all.

I would like to thank all the staff and volunteers of APOC, the Atlanta Paralympic Organizing Committee, for their work. In fact, APOC and Atlanta did such an excellent job of promoting athletics among the disabled that the Paralympic Organizing Committee is considering moving to Atlanta.

Several local businesses generously contributed to the Paralympics. NationsBank sponsored the torch relay, and Shepherd Spinal Cord Center and Delta were major corporate sponsors.

With the help of these people and organizations—and many others—Atlanta staged the greatest Olympic games ever, and the greatest Paralympic games ever. Congratulations to Atlanta on hosting the greatest athletic events in history. Congratulations and thanks to all those who helped make these games a tremendous success.

REMEMBER AMERICA'S PRISONERS OF WAR

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BILIRAKIS. Mr. Speaker, I commend to my colleagues the following speech which I will give on Friday, September 20:

Good afternoon everyone. I am pleased and privileged to be here to commemorate national POW/MIA Recognition Day. I would like to thank Jack Kinny for inviting me to speak to you today.

As we commemorate national POW/MIA Recognition Day, it is appropriate that we pay homage to those Americans who were taken prisoner and have since returned, and those who are listed as missing in action and presumed dead.

It isn't easy to wear the uniform of one's country. No one knows that better than a former prisoner of war. All those who have been POW's know the true meaning of freedom and have paid a tremendous price for the liberty we all cherish. Their service and sacrifice, and that of their fellow veterans, make possible our way of life.

Throughout the history of the United States, in six major wars spanning 219 years, more than 500,000 Americans have been taken prisoner. Each of these courageous men and women has experienced horrors unimaginable in the annals of civilized existence. Most endured long-term deprivation of freedom, the loss of human dignity, and many today continue to experience prolonged battles with various disabilities.

How can we possibly acknowledge their sacrifices or their memories in the context of how they survived or how they perished?

National POW/MIA Recognition Day provides us with a limited comprehension of the terror that these great Americans endured in service of their country. While we can never fully comprehend the suffering they experienced, we must respect their unwavering dedication to life.

Despite the suffering inflicted upon them, American POW's have demonstrated an unfailing devotion to duty, honor and country. Their service helped preserve our freedom through two World Wars, regional conflicts of the cold war era and since. They have given more than most Americans will be called upon to give for their country.

An inscription of a World War II cemetery reads:

When You Go Home
Tell Them of Us and Say
For Your Tomorrow
We Gave Our Today.

In the Revolutionary War, more than 20,000 Americans were taken prisoner and 8,500 of them died in captivity.

During the Civil War, an estimated 194,000 Union soldiers and 214,000 Confederates became prisoners of war. Between the North and the South, 56,194 Americans died in captivity, mostly from disease.

In World War I, 4,120 Americans were taken prisoner—147 of them died in captivity forcing a third Geneva Convention covering the humane treatment for prisoners of war.

No one could ever perceive or comprehend the absolute barbaric treatment American prisoners experienced in World War II, especially at the hands of the Japanese. In the Pacific, 11,107 Americans, or 40 percent of those taken prisoners died in captivity. In contrast, of the 93,941 taken prisoner in Europe, all but 1,121, or 1 percent, were released.

Once again, outrage prompted the world community to pass four new Geneva Conventions. In August 1949, the new treaty strengthened the former ones by codifying the general principles of international law governing the treatment of civilians in wartime. Included in that treaty was a pledge "to treat prisoners humanely, feed them adequately, and deliver relief supplies to them." Additionally, prisoners of war would not be forced to disclose more than minimal information to their captors.

These new provisions were soon tested during the Korean war where 8,177 Americans were classified as missing in action, and another 7,140 were identified as prisoners of war. Between April and September 1953, a total of 4,418 POW's were released by the Communist Chinese, leaving 2,722 Americans unaccounted for. Five months later, in February 1954, the United States declared the remaining 8,177 Americans missing and presumed dead.

Perhaps more than any war, Vietnam continues to illustrate the complexity of the POW/MIA issue. In 1973, the Pentagon listed almost 3,100 Americans as POW/MIA's. In April 1973, 591 Americans were released by the North Vietnamese. Currently, 2,146 Americans are still missing and unaccounted for from the Vietnam war.

For more than 20 years, the families of those men classified as missing in action have suffered the anguish of now knowing whether their sons, their fathers or husbands are alive or dead.

Throughout my congressional career, I have cosponsored numerous pieces of legislation designed to resolve this issue once and for all. The 1996 National Defense Authorization Act codified and made more rigorous the policies and procedures for the accounting of military personnel who are missing.

As a cosponsor of the Missing Service Personnel Act, I was pleased that the provisions of this bill were finally enacted into law with passage of the Defense Authorization Act. Unfortunately, the gains that were made just a few months ago, have been mitigated in the 1997 Defense Authorization Act, H.R. 3230, which was recently approved by Congress. This bill includes provisions that make the statutes enacted earlier this year substantially less rigorous and restrictive.

As a long-time activist on the POW/MIA issue, I am extremely disappointed by this latest turn of events. Therefore, I became an original cosponsor of H.R. 4000, legislation which was introduced by Representative Dornan on August 2, 1996. This bill restores the provisions of the Missing Service Personnel Act which will be repealed upon the enactment of H.R. 3230.

H.R. 4000 is supported by all major veterans organizations and POW/MIA family organizations including, the American Legion, the Disabled American Veterans, the National Vietnam Veterans Coalition, the Marine Corps League, Vietnam Veterans of America, the Korean and Cold War Families Association and the National Alliance of POW/MIA Families.

The bill has 255 cosponsors and was recently approved by the National Security Committee by a vote of forty-five to zero. You can be certain that I will work with my colleagues to secure the passage of this important legislation.

Recently, the board of commissioners for Pasco County passed a proclamation recognizing and expressing its gratitude to those who have sacrificed their freedom in service of our country. The commission pledged to do all it could to ascertain information regarding the well-being of any Pasco County resident who has been declared missing in action or taken prisoner and to act to ensure their safe return. I understand there is an effort under way to have similar proclamations approved by other counties across Florida and the Nation.

We have a responsibility to determine to the fullest extent possible the fate of our missing personnel and to share that information with next of kin. A service member deserves to know that we will do everything in our power to account for their whereabouts if he or she is reported missing. Therefore, I want to commend the members of Florida VETPAC who initiated the proclamation and the Pasco County board of commissioners for their actions.

Recently, we lost a great American and a patriot, Jimmy Young, who was committed to resolving the fate of our missing service members. He played an important role in the passage of this POW/MIA proclamation. With his wife Maria, his family and fellow veterans, I mourn the passing of a fine military veteran, and I salute his memory.

I also want to commend those of you here who have also made the fate of our missing service members a matter of personal concern. Gaining the fullest possible accounting for our MIA's must be a high national priority, not just in word, but also in deed. Your efforts have brought America's missing to the forefront of the Nation's conscience—which is just where they should be.

National POW/MIA Recognition Day allows us to keep the memories of our missing service members alive and it serves as a poignant reminder of the sacrifice and commitment of all the American men and women whose patriotism has been tested by the chains of enemy captivity.

Their experiences underscore our debt to those who place their lives in harm's way and stand willing to trade their liberty for ours. As a nation, we must always remember the sacrifices made by Americans who were captured and returned home as well as those still listed as missing in action.

HONORING MARY JANE HAASE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. JACOBS. Mr. Speaker, from the Dubuque Telegraph Herald, I place in the RECORD the obituary of the distinguished Mary Jane Haase whose son, David Haase, in turn, is among the most distinguished of American Journalists:

MARY JANE HAASE

Services for Mrs. C.L. "Larry" (Mary Jane) Haase, 73, 1495 University Ave., formerly of 1275 Atlantic St., will be at 10 a.m. Wednesday at Nativity Catholic Church.

Burial will be in Mount Calvary Cemetery. Friends may call from 2 to 9 p.m. Tuesday at Behr Funeral Home, 1491 Main St., where the Catholic Daughters of the Americas, Court 1287, will recite the rosary at 4 p.m. and there will be a parish wake service at 8 p.m.

Mary Jane was born on May 1, 1923, in Louisburg, Wis., daughter of Phillip and Gertrude (Brandt) Larkin. She died of leukemia at 4:25 p.m. Saturday, July 13, 1996, at home.

She married C.L. "Larry Haase on Dec. 27, 1945, at St. Joseph's Catholic Church, Sininawa, Wis.

She was a graduate of St. Clara Academy, Sinsinawa. She was an active member of Nativity Parish and its rosary society. She was a daily attendee at Mass, a sacristan, money counter and funeral dinner provider as well as a worker at many parish functions. She was an active volunteer at Nativity School and was a Mercy Health Center volunteer. She was a member of the Catholic Daughters of the Americas, Court Dubuque 1287, the St. Francis of Rome Mothers' Club; American Legion Auxiliary; and the Linn County Cabane Unit of the 40 & 8 Society. Mary Jane knew the true meaning of hospitality—her heart and her home were open to everyone.

Surviving are her husband, C.L. "Larry" Haase; three daughters, Yvone H. "Bonnie" (Edward) Ciszczon, of Phoenix; Kathy A. Scremin, of Dubuque, and Michelle M. (Gary) Becker, of Asbury Iowa; two sons, David L. (Elizabeth) Haase, of Springfield, Va., and Mark P. (Barbara) Haase, of Ridgecrest, Calif. 12 grandchildren, Brian, Heather and Anne Ciszczon, Richard and Alexandra Haase, Gretchen, Marc and Sara Scremin, Adam and Jacob Haase and Abby and Andrew Becker; a sister, Shirley A. (Donald) Feldman, of Dubuque; and five brothers, Kenneth P. (Mary) Larkin, of Las Vegas, Norman P. (Eunice) Larkin of Cuba City, Wis., Eugene L. (Delma) Larkin, of Kankakee, Ill., Ronald V. (Jackie) Larkin, of East Durbuque, Ill., and Patrick H. (Treasure) Larkin, of Freeport, Ill.

She was preceded in death by three sisters, Kathleen and Bernice Larkin and Mrs. Vincent (Geraldine) Vosberg; and a brother, Leonard Larkin.

A Mary Jane Haase Memorial Fund has been established.

FEDERAL AVIATION AUTHORIZATION ACT OF 1996

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. DELAY. Madam Speaker, I rise today in support of the Airport Privatization Pilot Program, which was included as part of H.R. 3539, the FAA Authorization Act of 1996.

I would first like to thank our Chairman, Mr. SHUSTER, and the Aviation Subcommittee Chairman, JIMMY DUNCAN, for their foresight and strong leadership on the issue of airport privatization. Because of Chairman DUNCAN's hard work, the legislation which we are considering today includes an airport privatization pilot program which provides for a limited test of airport privatization.

I believe that local and State governments should have the discretion to consider airport privatization. I also understand, however, that some airport users are skeptical about the private ownership of airports. This airport privatization pilot program has been carefully crafted to address these concerns by permitting the privatization—by sale or long-term lease—of up to six airports, while explicitly protecting the interests of the airport users and the Federal Government at each privatized facility. The pilot program protects the airlines and general aviation from undue price increases at a privatized airport by capping rates and charges at the rate of inflation. It explicitly prohibits discriminatory access policies, safeguarding general aviation users. And, I must emphasize, it does not create any new opportunities for airport revenue diversion.

Cities and counties should have the discretion to consider airport privatization as a means to fund needed capital improvements and promote economic development. It is clear that federal airport development resources will be limited. And, many cities need to create new capacity at their existing airports to meet surging demand for air services, creating pressure on cities and counties to consider alternative sources of capital.

At the same time, there are well-capitalized, experienced American companies looking for opportunities to invest in domestic airport facilities. But, as is the case far too often, the Federal Government is standing in the way. Cities and counties do not have the discretion, because of outdated Federal policies, to even consider private sector solutions to fund otherwise unaffordable airport capital improvements

and bring market-driven management efficiencies to their facilities.

State and local governments should have the discretion to consider airport privatization as a means for promoting economic development. First, airport privatization can help attract new businesses to a community. The quality of an area's airport is a key factor for companies looking to relocate or build new facilities. Airport privatization can be a tool for State and local governments to make capital and operating improvements at an airport without further burdening the taxpayers.

Second, airport privatization can increase property, sales, and income tax revenues. The sale of an airport facility adds a valuable piece of realty to the local property tax base. And, the new jobs and retail sales created at a privately-operated airport will increase income and sales tax receipts.

Third, cities and counties may recover their capital and operating investments in an airport facility from the proceeds of an airport sale or long-term lease transaction.

For all of these reasons, I believe that the airport privatization pilot program will provide for a meaningful test of airport privatization, permitting a limited number of State and local governments the discretion to employ innovative management solutions to help meet their infrastructure needs. Again, I commend Chairmen SHUSTER and DUNCAN for their hard work on this measure.

CONGRATULATIONS ON 85TH ANNIVERSARY OF REPUBLIC OF CHINA NATIONAL DAY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 17, 1996

Mr. BURTON of Indiana. Mr. Speaker, on the occasion of the 85th National Day of the Republic of China, I would like to convey my greetings and congratulations to President Lee Teng-hui and the people in Taiwan.

The Republic of China on Taiwan is the 7th largest trading partner with the United States and the 17th largest trading country in the world. The Republic of China on Taiwan is an excellent example to the third world of how a free market system can achieve economic success in tandem with democracy. The Republic of China on Taiwan has achieved one of the highest standards of living in all of Asia, coupled with respect for human rights, freedom of speech, and full-fledged pluralism.

Such a country deserves to be a participant in the international community, namely, all international organizations. But the Republic of China has always been isolated by the People's Republic of China. I want to reiterate here an unfair situation of Republic of China's accession to the World Trade Organization.

The Republic of China applied to the GATT Secretariat for membership on January 1, 1990. Because the WTO was established in January 1995 to replace GATT after 1996, the Republic of China reapplied to the WTO Secretariat for membership on December 1, 1995. Under the pressure of the People's Republic of China, a political understanding among members—including the United States—of WTO was reached which promised that the People's Republic of China should be admitted to the WTO earlier than the Republic of China. But the People's Republic of China is still reluctant to remove obstacles to comply with WTO criteria, therefore the Republic of China has to wait even though they are ready to fulfill all obligations as a WTO member.

I believe that the Republic of China on Taiwan's accession to WTO should be considered separately with the People's Republic of China's. Whoever reaches the criterion first, should join the WTO first. It is unfair and unjust to ask Taiwan to wait for the People's Republic of China joining the WTO first.

I would like to enter into the CONGRESSIONAL RECORD that I praise the Republic of China's endeavors in its bid to join the WTO, and I maintain that political pressure from the People's Republic of China should not hinder the Republic of China's accession to the WTO.