SENATE—*Tuesday, January 28, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Dear Father, we need You more than anything You can give us. In Your presence we feel Your grace. We are assured that we are loved and forgiven. You replenish our diminished strength with a fresh flow of energy and resiliency. The tightly wound springs of tension within us are released and unwind until there is a profound peace inside. We relinquish our worries to You and our anxiety drains away. We take courage because You have taken hold of us. Now we know that courage is fear that has said its prayers. We spread out before You the challenges of the day ahead and see them in the proper perspective of Your power. We dedicate ourselves to do things Your way under Your sway. And now, Your joy that is so much more than happiness fills us. We press on to the work of the day with g3765enthusiasm. It's great to be alive. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. BURNS. Mr. President, today there will be a period for morning business until 12:30, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator LOTT or his designee 30 minutes; Senator DASCHLE or his designee, 60 minutes. I ask unanimous consent that the time previously allocated to Senator COLLINS be vitiated and that Senator BOND have 20 minutes under his control during the morning business period.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. At 12:30 the Senate will recess until 2:15 for the weekly policy conferences to meet. When the Senate reconvenes after the conferences, the majority leader would expect an additional period for morning business to accommodate a number of Senators who would like to speak this afternoon.

As for the schedule for the remainder of the week, the majority leader understands that the Banking Committee will be taking action today on the nomination of Andrew Cuomo to be Secretary of Housing and Urban Development. It is his hope that the full Senate will consider this nomination either today or tomorrow. The majority leader will notify all colleagues accordingly when that becomes scheduled.

It is also the majority leader's hope that this week the Senate will consider the nomination of William Daley to be Secretary of Commerce. It is believed the Commerce Committee will finish their work on that nomination tomorrow, Wednesday. Therefore the Senate may act on Mr. Daley on Wednesday or Thursday of this week.

Once again, Senators should expect rollcall votes on these important nominations this week. The majority leader thanks all Members in advance for their cooperation.

Mr. President, as we go into morning business, I yield to the Senator from Iowa, Senator GRASSLEY.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to exceed beyond the hour of 12:30 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. GRASSLEY addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. The Senator from Montana is on the floor and he had an interest in what I am going to speak about.

FARMERS AND THE ALTERNATIVE MINIMUM TAX

Mr. GRASSLEY. Mr. President, we have had a victory—at least a temporary victory, but a good victory—with the IRS. Fifty-seven of us introduced a bipartisan bill, Senator DORGAN leading for the Democrats, myself for Republicans. The bill was introduced to do for farmers what has been the law since 1981, that if deferred sales contracts were used, farmers were still taxed on the year that the money was received.

The IRS made a ruling that for alternative minimum tax purposes that income would be taxed the year that the sale was made, not the year that the money was received. Well, obviously this, if it were to go forward, would create a tremendous hardship in the agricultural community because farmers would be taxed on two crops in 1 year, rather than the planning that normally goes on in cash accounting farming.

Common sense and reasonableness have prevailed at the IRS. Last night at about 6:30 I received a telephone call from the IRS stating their decision to delay for 1 year the enactment of their latest rule so that farmers now will be able to do during the current tax filing system what they have been doing for the last 15 years, to just keep on accounting for their income for tax purposes the way that it has legally been done.

Then just within the last hour Commissioner Richardson had delivered to me her letter in response to my letter of December and also the latest recommendations as far as the regulations are concerned implementing her decision.

The fact of life is, Mr. President, that the Internal Revenue Service was aware of 57 Members of this Senate in a bipartisan spirit—and maybe her decision was because she is an appointment of the President and that it then reflects the new attitude at the White House of bipartisanship during this congressional session.

Regardless of what brought this about, I am thankful that common sense and reasonableness have prevailed. I thank each of my 57 colleagues who have been involved in this issue for their timeliness in helping us sponsor this legislation, getting it in. We will now move forward to change an erroneous IRS ruling that has been backed up by an erroneous district court case so that law reflects what Congress has intended since 1981 when deferred sales contracts were made legal and, second, when we passed the alternative minimum tax legislation in 1986.

I ask unanimous consent that the documents I have referred to be printed in the RECORD.

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

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, January 28, 1997.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington DC.

DEAR SENATOR GRASSLEY: In your December 31, 1996 letter, you asked me how farmers could comply with the Internal Revenue Service's position on the treatment of deferred contract commodity sales for alternative minimum tax (AMT) purposes on their 1996 federal income tax returns. You also asked that the Service provide guidance about complying with its position "before the traditional farmer tax filing deadline of March 1, 1997."

As you and I have discussed, the position of the Service is that for AMT purposes income from deferred contract commodity sales

●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

must be reported in the year of sale. However, some taxpayers have been reporting income from such sales for AMT purposes in the taxable year they received their payments—not the year of sale.

Earlier today, the IRS issued a Notice, a copy of which is enclosed, advising those who have not followed the Service's position how they should report deferred contract commodity sales for AMT purposes on their returns for 1996. Basically, for 1996 tax returns, taxpayers should make no changes in how they have been reporting sales—even if contrary to the Service's position.

The Notice also provides guidance about how to change the method of reporting deferred contract commodity sales for AMT purposes. Taxpayers who follow that guidance will receive audit protection with regard to the AMT issue for all open years unless they are currently under audit for this issue.

The way deferred contract commodity sales are reported for the AMT is a "method of accounting" for tax purposes. The law provides that the method of accounting a taxpayer uses for tax purposes, even if it is not the correct method, cannot be changed without the prior consent of the Commissioner.

The Service will issue automatic consent procedures for taxpayers to follow to change from the accounting method they currently use. This change must be made on a taxpayer's federal income tax return for the 1997 tax year. Thus, taxpayers do not need to change how they report deferred contract commodity sales until filing their 1997 returns.

I hope this information is helpful to you. Please let me know if you have any questions.

Sincerely,

MARGARET MILNER RICHARDSON.

PART III—ADMINISTRATIVE, PROCEDURAL, AND MISCELLANEOUS

Notice of intent to issue guidance allowing farmers to expeditiously change their method of accounting for deferred payment sales contracts in computing alternative minimum tax.

NOTICE 97–13

Summary: The Internal Revenue Service intends to provide approval for taxpayers engaged in the business of farming to change their method of accounting for the income from certain deferred payment sales contracts for purposes of computing their alternative minimum tax (AMT). Farmers will be allowed to change to a permissible method of accounting for this income, effective for taxable years beginning after December 31, 1996, by attaching Form 3115 to their 1997 federal income tax returns to be filed during 1998. Farmers who change their method of accounting in accordance with this procedure will then receive audit protection with respect to the use of an impermissible method of accounting for all taxable years prior to the change, in accordance with generally applicable rules.

Background: The Service has received numerous inquiries on the proper treatment, for AMT purposes, of income from the sale of products raised by farmers or other inventory property sold in the ordinary course of the farming business under deferred payment sales contracts. A deferred payment sales contract is one where at least one payment is to be received after the close of the taxable year in which the product is sold.

Section 56(a)(6) of the Code provides that, in computing alternative minimum taxable income (AMTI), income from the disposition of property such as farm products is determined without regard to the installment method under §453. Thus, a farmer using the cash method, who sells farm products under a deferred payment sales contract and does not elect out of the installment method of reporting, must include in AMTI in the year of the sale both the cash received and the fair market value (or the issue price) of the deferred payment obligation. Otherwise, the farmer is using an impermissible method of accounting. If the farmer elects not to apply the installment method to the sale, and reports the income in the year of the sale, there is no AMTI adjustment with respect to the sale.

Section 446(e) generally provides that a taxpayer that changes its method of accounting must secure the Commissioner's consent before computing income using the new method. In general, taxpayers who wish to change their method of accounting must file Form 3115, Application for Change in Accounting Method, with the Commissioner within the first 180 days of the taxable year in which the taxpayer desires to make the change, and must pay a user fee (ranging from $500 to $900). Treas. Reg. §1.446–1(e)(3)(i). In addition, §1.446–1(e)(3)(ii) authorizes the Commissioner to prescribe administrative procedures setting forth the limitations, terms and conditions necessary to obtain consent to change a method of accounting.

Automatic change in method of accounting: The Service will issue guidance that will allow farmers currently using an impermissible method of accounting for income from the sale of farm products under deferred payment sales contracts for AMT purposes to automatically change to a permissible method of accounting. Under the forthcoming guidance, farmers will be allowed to request the method change by attaching Form 3115 to their timely filed 1997 federal income tax return (due in 1998). No user fee will be required.

The method change will be effective for taxable years beginning after December 31, 1996. In addition, the method change will result in audit protection for all prior taxable years with respect to the impermissible method of accounting (*i.e.*, the examining agent will not propose that a farmer change the impermissible method of accounting for any prior taxable year) in accordance with generally applicable rules. See Rev. Proc. 92–20, Section 10.12, 1992–1 C.B. 685. Farmers currently using an impermissible method of accounting for such sales should continue to use that method in computing AMT for taxable years ending prior to January 1, 1997.

The automatic method change procedure will not be available to farmers who have received written notification from an examining agent (*e.g.*, by examination plan, information document request, notification of proposed adjustments or income tax examination changes) prior to January 28, 1997, specifically citing as an issue under consideration the farmer's method of accounting for income from sales of farm products under deferred payment sales contracts for AMT purposes. In addition, the guidance will not apply if the farmer's method of accounting for such income for AMT purposes is an issue under consideration by an appeals office or a federal court.

Drafting information: The principal author of this notice is William A. Jackson of the Office of Assistant Chief Counsel (Income Tax and Accounting). For further information regarding this notice, contact Jonathan Strum at (202) 622–4960 (not a toll-free call).

Mr. GRASSLEY. Mr. President, I ask unanimous consent for another 5 minutes on another issue.

The PRESIDING OFFICER (Mr. BURNS). The Senator has that right.

ACCOUNTABILITY AT THE DEPARTMENT OF DEFENSE

Mr. GRASSLEY. Mr. President, for my 85 colleagues who have served with me in past Congresses, what I am going to speak of is nothing new. It is about the lack of discipline and integrity in financial accounting at the Pentagon. This lack of integrity and discipline in accounting is the basis for the waste of the taxpayers' money that we have had at that institution for a long period of time.

But for the nine Republicans and six Democrats who are new Members of this body, I would ask them to be cognizant of the fact that what I am addressing is a crusade that I have been on for a long period of time to bring accountability to the expenditure of taxpayers' money at the Department of Defense. It is especially important for us Republicans to make sure that we are accountable for the taxpayers' money at the Defense Department where we tend to be somewhat lax, let me say, candidly. We should expect the same sort of accountability that we expect of liberals in this body when they spend money through the various domestic departments of Education, Labor, Health and Human Services and other departments of State government that maybe we Republicans ride herd on to a greater extent than we do the Defense Department.

So that subject is a breakdown of discipline and integrity in accounting at the Pentagon. When Mr. John Hamre became Comptroller of the Defense Department in 1993, I felt very hopeful. He made a personal commitment to clean up the books and to get control of the money. I really believed that he would get the job done. In fact, I have complimented him on this floor several times for making some changes—maybe not as fast as I would like to have had them made, but making changes. That is quite an accomplishment in that very bureaucratic organization.

So I have been working on him, specifically on the issue of unmatched disbursements. And, of course, as I have indicated, I thought we were making progress. Well, my confidence in Mr. Hamre has been shaken by a piece of paper that I am going to submit for the RECORD, which is floating around the Pentagon. I hope Mr. Hamre will reject this paper and thus restore my confidence. This piece of paper was brought to my attention by a concerned citizen. It is draft bill language. It is still under review, but it has lots of momentum. This language, if approved by Congress, would significantly loosen—in other words, going in

the opposite direction of where we ought to be going—control over progress payments. The Department of Defense pays out about $20 billion a year in progress payments. So we are not talking about peanuts; we are talking about big chunks of money.

The language of this draft legislation tells me that Mr. Hamre and his lieutenants in the Pentagon are ready to throw in the towel on this problem. They have decided the accounting problem is just too big and too complicated to fix. They seem to be saying, "Let's forget about accounting today; we will try to fix it tomorrow."

The experts at the General Accounting Office are evaluating the meaning of this language, and their verdict isn't in yet. But a preliminary reading tells me that this language is bad medicine for the taxpayers. It's going to cut down on accountability at the Defense Department. It would make a bad situation worse. It would fix nothing. The DOD Inspector General has been keeping a close eye on the problem for a long time.

IG audit reports consistently show that the Department of Defense regularly violates the laws that this language would undo. This is like legalizing the crime. Instead of fixing the problem, just legalize the crime. The bureaucrats will be able to relax. The guillotine hanging over their heads to be accountable is gone. They don't have to worry about breaking the law and getting into trouble. It's OK. Go ahead and do it.

In a nutshell, Mr. President, these are the shortcomings the language would sanction:

Problem No. 1: The Department of Defense is unable to quantify and measure work progress on the factory floor.

Problem No. 2: If you can't accurately measure work performance, how do you make progress payments? You don't know how much to pay or what money to use.

Do you use fiscal year 1996 R&D funds, or do you use fiscal year 1994 procurement money? Those are some examples. But they would have much more leeway in making this decision. Less accountability.

Problem No. 3: If you don't know how to measure progress, or how much to pay, or what you are getting, you can't do normal bookkeeping, and so you are not as accountable.

This is why the Department's books are in shambles. When a Department of Defense check goes out the door, chances are it's in the wrong amount. It could be an overpayment, an underpayment, an erroneous payment, or even a fraudulent payment. I have documented proof that a number of people have literally stolen millions of dollars through this lax process.

Without accurate bookkeeping, it is impossible to control the money. The Pentagon check writing machine is stuck on automatic pilot, and nobody seems to know how to stop it.

This language would lock the check-writing machine on autopilot.

Mr. President, the Pentagon bureaucrats want to create a pool of money down at the business end of the DOD pipeline—where money is disbursed. They would do this by breaking down the integrity of the appropriation accounts established in law. That would allow them to make payments without regard to statutory law and the Constitution, as they once did before we abolished the memorable "M" account slush funds. The "M" accounts were closed by Congress in 1990.

This language, then, in this proposed draft would subvert the appropriations process. Every member of the Appropriations Committee ought to be concerned about this. Each year, that committee takes the DOD budget and carefully segregates the money in many different accounts. The amounts provided for each account are specified by the law. Under the law, the money must be expended for the purpose for which it was appropriated in the times allowed.

DOD bureaucrats are thumbing their noses at the appropriations process and the law. The IG tells us they do it with regularity—but at some risk.

Well, this language would remove all of that risk. It would authorize them to tear down the account barriers so carefully put up by the Appropriations Committee. If we are going to protect the taxpayers' money, if we are going to make the Department of Defense accountable, that's not right.

The Department of Defense should not be authorized to merge appropriation accounts downstream at the contract level, unless they are first merged upstream by Congress in law.

If the money is to be pooled at the contract level, then Congress must make some kind of corresponding adjustment in the way those moneys are appropriated. Otherwise, the appropriations process might become irrelevant down the road.

Mr. President, as I close, I want to say that I have already brought this language to the attention of my friend from Alaska, Senator STEVENS, the distinguished chairman of the Appropriations Committee. I have found him so many other times so respectful of the judgments that have been presented to him and his cooperation on other committees where he can raise very important questions. So I don't have any doubt but what this concerns Senator STEVENS, and Senator STEVENS will look into it and find a solution, but not let the Defense Department get away with their irresponsible draft language that would give them an open door to doing just about whatever they want to do.

I have asked Senator STEVENS to urge Mr. Hamre to reconsider this proposal and find some other way to fix the problem. I also ask my friend, John Hamre, to carry out his responsibilities under the Chief Financial Officers' Act of 1990, the CFO Act. Under that act, he is supposed to be tightening internal controls and improving financial accounting.

This language would move accounting in the opposite direction—the wrong direction. It would loosen internal controls and set accounting aside until some unknown future date.

Mr. President, this draft language floating around the Defense Department at this point needs close scrutiny. It really worries me, and it should worry the taxpayers because there is going to be less accountability of bureaucrats, who are responsible for spending the money, to the taxpayers if we would change existing law.

I ask unanimous consent that the document I referred to earlier be printed in the RECORD.

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

EXCERPT FROM DRAFT BILL

SEC. . ACCOUNTING FOR CONTRACT FINANCING PAYMENTS.

Section 2307 of title 10, United States Code, is amended by adding at the end the following new subsection (i):

"(i) ACCOUNTING FOR PAYMENTS.—Payments under this section based upon a contract that is funded by multiple appropriations or multiple subdivisions within one appropriation may be paid from any one or more of the appropriations or subdivisions thereof funding the contract. However, proper accounting adjustments shall be made to conform to the requirements of subsection (a) of section 1301 of title 31 upon final payment for the items or services delivered and accepted in performance of the contract.".

SECTIONAL ANALYSIS

This proposal would authorize the Secretary of Defense, when making contract financing payments for a contract funded by multiple appropriations or multiple subdivisions within an appropriation, to charge any one or more of the appropriations or subdivisions thereof. The benefit of this section under 10 U.S.C. §2307, "Contract Financing" is to the temporary spreading of payments for work-in-process costs across appropriations funding the contract. This legislative relief will permit us the flexibility to exercise our stewardship over the public moneys more efficiently and effectively.

This section remedies a long standing and on-going problem in the current contract payment process that attempts to assign contract financing payments to a specific appropriation when the process is not capable of efficiently providing the need information. The Department of Defense (DOD) uses the contract financing authority at 10 U.S.C. §2307, as implemented by Federal Acquisition Regulation Part 32, for many of its contracts. These provisions authorize the disbursement of funds to a contractor prior to the acceptance of goods and services. Contract financing includes advance, partial payments under cost reimbursable contracts and progress payments. Pursuant to this authority, contractors receive progress payments from DOD to finance work performed under DOD contracts. These payments for

work-in-process may be for specific work or tasks, or for production line setup and equipment or tooling for the entire contract and in some cases are not tied to specific work or tasks. The contracts are often funded with multiple and different appropriations.

In order to comply with 31 U.S.C. §1301, which requires that appropriations be applied only for the purpose for which they were made, payments based upon the contractor's work-in process costs must be identified to specific work or tasks and the related appropriation funding the effort. However, given that the nature of the cost incurred during the work-in-process period may be funded by multiple appropriations and therefore, cannot be efficiently identified to a specific appropriation, compliance with 31 U.S.C. §1301 is difficult and time consuming Furthermore, it is not cost effective or realistic to require additional government or contractor information or effort to determine the specific chargeable appropriations while making payments for work-in-process costs and for costs which are essentially a means of temporary financing for the contractor. In fact, this additional administrative work to develop the information would not significantly improve the precision of the estimate but would further increase the contractor and taxpayer costs. Currently, unless the specific line item and appropriation are identified to the payment office, contract financing payments are spread prorata across the appropriations funding the contract. During the work-in-process period, adequate controls exist to ensure that no appropriation is charged more than is available in the appropriation and, furthermore no payment is made without receipt of a proper government approved authorization to make the payment against the proper contract. The problem, however, is that this method is not in compliance with 31 U.S.C. §1301.

The enactment of this bill permit this accounting flexibility when viewed in conjunction with 31 U.S.C. §1301. The effect would be to provide a specific statutory exception to the requirements of 31 U.S.C. §1301 until payment is made.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

FAMILY FARMERS AND THE ALTERNATIVE MINIMUM TAX

Mr. DORGAN. Mr. President, while the Senator from Iowa is here, I wanted to comment on some remarks he made at the start of his presentation.

As the Presiding Officer and other Members may know, Senator GRASSLEY and I have cosponsored and introduced last week a piece of legislation dealing with this current Internal Revenue Service problem on the alternative minimum tax that is going to affect a lot of farmers in our part of the country.

I agree with the Senator from Iowa that the news that came out of the Internal Revenue Service this morning is indeed good news. The Internal Revenue Service, this morning, has indicated that it will, in effect, not enforce in 1996 a provision that it was intending to enforce, which we believe is a misinterpretation of tax law. What IRS was intending to do, in effect, on the alternative minimum tax was to force a number of family farmers to pay taxes on income they have not yet received.

We do not believe Congress ever intended for that kind of enforcement to occur, or for that interpretation of tax law to exist. We think the IRS was wrong.

The Senator from Iowa and I have repeatedly contacted the administration. I have visited with the Secretary of the Treasury and others to make this case. But, in any event, on a bipartisan basis, as the Senator from Iowa and I introduced legislation with 54 cosponsors—the Republican leader the Democratic leader are on the bill—it is clear, or would have been clear, it seems to me, to the IRS and Treasury that this legislation will pass in this Congress and in effect say to the IRS that your interpretation of the law is wrong.

I think the IRS has, to its credit, understood now that to enforce in this year and put a fair number of farmers at risk—asking them to pay taxes on income they have not yet received—would be really a travesty of justice. The IRS today has taken the position that they will allow farmers to file tax returns in 1996 as they have in the past with respect to deferred contract commodity sales. And I commend them for taking that position.

I appreciate the cooperation of the IRS and the Treasury Secretary on this issue. It is the right thing to do. It is what the Senator from Iowa and I and others have been advocating they do.

So we have made some incremental progress today. That ought to be good news for farmers who have been worried about this issue of how the IRS will enforce and treat and audit the deferred contract commodity sales.

I just wanted to follow the remarks of the Senator from Iowa to say that I am pleased to work with him on it. It is an example of a bipartisan effort to fix a problem, and we have at least gone part of the way to fix this problem.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I would like to use 10 minutes of my time, and then I would like to yield 10 minutes of the time under my control to the Senator from South Carolina, Senator HOLLINGS.

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

(The remarks of Mr. DORGAN, Mr. HOLLINGS, and Mr. FORD pertaining to the introduction of Senate Joint Resolution 12 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID addressed the Chair.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the morning hour be extended until I am able to speak for 10 minutes as in morning business.

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

Mr. REID. I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S.J. Res. 12 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

(The remarks of Mr. REID pertaining to the introduction of S. 206 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

THE PRESIDING OFFICER (Mr. BENNETT). The Senator from Vermont is recognized.

Mr. LEAHY. I thank the Chair.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LEAHY. Mr. President, I see my good friend from Washington State is on the floor. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

Mr. GORTON. Mr. President, this is to express my deep concern over a decision President Clinton made last year concerning the Anti-Terrorism and Effective Death Penalty Act of 1996, but it has only recently come to light.

When President Clinton signed the antiterrorism bill into law on April 24 of last year he made a promise to the American people—a promise never to give in to terrorism or to terrorist forces. The President vowed to stand firm against nations that support terrorism and use violence and bloodshed for political ends. The President was right in his resolve.

As the world's only superpower, the United States must set an example for all nations. We must not allow the cowards responsibility for such atrocities as the downing of Pan Am Flight 103, the bombing of the World Trade Center, or the bombing of the Oklahoma City Federal building to gain from their actions.

That is why Congress included strict provisions in the Anti-Terrorism and

Effective Death Penalty Act of 1996 to isolate terrorist organizations and those who support them. Section 321 of the law prohibits U.S. businesses from engaging in any type of financial transactions with countries known to support international terrorism. This is an important weapon in our arsenal against terrorism that must be rigorously enforced.

Doing business with state sponsors of terrorism provides such rogue nations with links to the outside world and means for financing their ugly agenda. Any such financial transaction may well return in the form of violence against the American people, our allies or other innocent victims.

President Clinton purported to support this policy. In his address to the Nation on signing the antiterrorism bill, the President announced that America must resolve "to hold fast against the forces of violence and division * * * guard against them, speak against them and fight against them." Unfortunately, the President has not lived up to his own words.

As reported in the Washington Post last week, only 4 months after signing the antiterrorism bill, President Clinton made a special exemption in the law for Sudan, one of the seven nations classified by the Department of State as a state sponsor of terrorism. The exemption was made specifically to allow California-based Occidental Petroleum Corporation to negotiate with the Sudanese Government for a stake in a $930 million oil deal. The President made this decision despite the State Department's finding that Sudan is second only to Iran in its sponsorship of Islamic extremists engaged in terrorism against United States allies in the Middle East and against the United States itself.

Mr. President, I find these actions on the part of the President unconscionable, and I trust that most of my colleagues agree. This, unfortunately, is only the latest example of the flip-flopping on American foreign policy that marked the first term of President Clinton. Yet this particular change of heart may well be the most dangerous. The United States and our allies have known for decades that if we give terrorists an inch, they will take a mile. The more concessions we make, the more power we give to the forces of evil. It appears to me that our Commander in Chief engaged in the very practice he condemned in April.

The American people should not stand for such deception. President Clinton has an obligation to every American ever hurt by terrorism and every American who may be threatened by terrorism in the future to do what he said he would—stand firm. I truly hope the President will do just that and reverse his exemption of Sudan from the list of nations barred from doing business with American firms.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Missouri is recognized.

Mr. BOND. I thank the Chair.

(The remarks of Mr. BOND pertaining to the introduction of S. 208 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 210 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

JEFFREY ST. JOHN KNEW THE MEANING OF AMERICA

Mr. HELMS. Mr. President, a week or so ago—it was on January 13, 1997, to be exact—I was among those present at what proved to be a delightful memorial service for a gentleman whose life had demonstrated his understanding of, and his fidelity to, both the miracle and the meaning of America. His name was Jeffrey St. John who had died on January 3.

I attended the memorial service not because I was a close personal friend of Jeffrey St. John—I wish I could claim to have been, but because I admired so very much his remarkable talent and his unyielding courage in defending principles that deserve to survive. So just about everybody else present that afternoon had known Jeffrey St. John, and everybody else was equipped with personal anecdotes that more often than not demonstrated the good humor of their departed friend.

Mrs. St. John, Kathryn is her name, was there, of course—a charming lady who undoubtedly was a great source of strength to her husband during the years that he so unfailingly stood in defense of conservative principles.

Mr. President, following this occasion, which Mr. St. John would have enormously enjoyed—and, who knows, there's a better than even chance that he was indeed sitting on a cloud up there somewhere—I asked Paul Weyrich, one of America's most effective defenders of conservatism and freedom, to prepare for me a brief personal history of Jeffrey St. John.

Mr. Weyrich readily agreed to do so despite his own hectic schedule as president of the Free Congress Foundation and its myriad of activities.

Mr. President, I ask unanimous consent that Mr. Weyrich's review of Mr. St. John's life be printed in the RECORD.

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

JEFFREY ST. JOHN—JOURNALIST AND HISTORIAN

(By Paul Weyrich)

On January 3, 1997, a great American passed away at his home in Randolph, VA. Jeffrey St. John was a noted author, journalist, broadcaster, and historian. He was one of the first conservative news commentators aired on national radio and television; his career included work as business correspondent for the Today show, a longtime news commentator for CBS–TV, CBS Radio, and Mutual Broadcasting, and as a news director for ABC radio. He produced and moderated TV and radio shows for stations in Washington, San Francisco, and New York. He wrote and narrated Headlines and History, a daily radio feature translated into 26 languages and broadcast by the Voice of America. Over the years, he received two Emmy Awards for his work in television.

Mr. St. John was a prolific author and columnist. His commentaries were carried in the New York Times, the Wall Street Journal, Chicago Tribune, and Christian Science Monitor. He was a syndicated columnist for Copley News Service, and wrote regularly for Saturday Review, Barron's, and Nation's Business and other publications. He was the author of eight books.

One of Jeffrey St. John's greatest works was a trilogy on the formation and adoption of the Constitution, establishment of the first Congress, and drafting of the Bill of Rights. The trilogy was published during 1987–92 by Jameson Books. Former Chief Justice of the Supreme Court, Warren Burger, was so impressed with Mr. St. John's historical works that the Chief Justice wrote the foreword to each of the three volumes. Chief Justice Burger then, as chairman of the Bicentennial of the United States Constitution, distributed the set to every high school and college library in America. Jeffrey St. John used the unique approach of writing about these crucial historical events from the viewpoint of a reporter observing the developments.

His journalistic efforts earned for him numerous awards. He received the Benjamin Franklin National Press Foundation Award for his writings on the Constitution from the U.S. Press Foundation; and the George

Washington Medal of Freedom from the Freedoms Foundation in Valley Forge for a radio series on the Life and Legacy of George Washington.

Mr. St. John covered the Korean War as a combat writer and photographer for Pacific Stars and Stripes and in 1956 was an on-the-spot reporter for the Suez crisis. He subsequently served as a correspondent at the United Nations and at the White House during the Eisenhower administration. In 1966, he was the Conservative Party candidate for Congress for the seat vacated for New York Mayor John Lindsay.

Jeffrey St. John loved his country. He proudly served in the Marine Corps. He cherished our Constitution and other documents of our Founding Fathers. His life and journalistic efforts provide unique documentation of high quality for the preservation of democracy. America has lost a true patriot and a journalistic giant.

Mr. HELMS. I thank the Chair.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

FAMILY HERITAGE PRESERVATION ACT

Mr. KYL. Mr. President, last week, I introduced legislation to enhance the economic security of older Americans and small businesses around the country. The bill, known as the Family Heritage Preservation Act, would repeal the onerous Federal estate and gift tax, and the tax on generation-skipping transfers. Fifteen Senators have joined me as cosponsors of this very important initiative.

Mr. President, most Americans know the importance of planning ahead for retirement. Sometimes that means buying a less expensive car, wearing clothes a little longer, or foregoing a vacation or two. But by doing with a little less during one's working years, people know they can enjoy a better and more secure life during retirement, and maybe even leave their children and grandchildren a little better off when they are gone.

Savings not only create more personal security, they help create new opportunities for others, too. Savings are really investments that help others create new jobs in the community. They make our country more competitive. And ultimately they make a citizen's retirement more secure by providing a return on the money invested during his or her working years.

So how does the Government reward all of this thrift and careful planning? It imposes a hefty tax on the end result of such activity—up to 55 percent of a person's estate. The respected liberal professor of law at the University of Southern California, Edward J. McCaffrey, observed that "polls and practices show that we like sin taxes, such as on alcohol and cigarettes." "The estate tax," he went on to say, "is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long-term savings. There is no reason even a liberal populace need support it."

At one time, the estate tax was required of only the wealthiest Americans. Now inflation, a nice house, and a good insurance policy can push people of even modest means into its grip. The estate tax is applied to all of the assets owned by an individual at the time of death. The tax rate, which starts at 37 percent, can quickly rise to a whopping 55 percent—the highest estate tax rate in the world.

As detrimental as the tax is for couples, it is even more harmful to small businesses, including those owned by women and minorities. The tax is imposed on a family business when it is least able to afford the payment—upon the death of the person with the greatest practical and institutional knowledge of that business' operations. It should come as no surprise then that a 1993 study by Prince and Associates—a Stratford, CT, research and consulting firm—found that 9 out of 10 family businesses that failed within 3 years of the principal owner's death attributed their companies' demise to trouble paying estate taxes; 6 out of 10 family owned businesses fail to make it to the second generation; 9 out of 10 never make it to the third generation. The estate tax is a major reason why.

Think of what that means to women and minority-owned businesses. Instead of passing a hard-earned and successful business on to the next generation, many families have to sell the company in order to pay the estate tax. The upward mobility of such families is stopped in its tracks. The proponents of this tax always speak of the need to hinder "concentrations of wealth." What the tax really hinders is new American success stories.

With that in mind, the 1995 White House Conference on Small Business identified the estate tax as one of small business's top concerns. Delegates to the conference voted overwhelmingly to endorse its repeal.

Obviously, there is a great deal of peril to small businesses when they fail to plan ahead for estate taxes. So many small business owners try to find legal means of avoiding the tax or preparing for it, but that, too, comes at a significant cost. Some people simply slow the growth of their businesses to limit their estate tax burden. Of course, that means less investment in our communities and fewer jobs created. Others divert money they would have spent on new equipment or new hires to insurance policies designed to cover estate tax costs. Still others spend millions on lawyers, accountants, and other advisors for estate tax planning purposes. But that leaves fewer resources to invest in the company, start up new businesses, hire additional people, or pay better wages.

The inefficiencies surrounding the tax can best be illustrated by the findings of a 1994 study published in the Seton Hall Law Review. That study found that compliance costs totaled a whopping $7.5 billion in 1992, a year when the estate tax raised only $11 billion.

The estate tax raises only about 1 percent of the Federal Government's annual revenue, but it consumes 8 percent of each year's private savings. That is about $15 billion sidelined from the Nation's economy. Economists calculate that if the money paid in estate taxes since 1971 had been invested instead, total savings in 1991 would have been $399 billion higher, the economy would have been $46 billion larger, and we would have 262,000 more jobs. Obviously, the income and payroll taxes that would have been paid on these gains would have topped the amount collected by the Government in estate taxes.

There have been nine attempts to reform the estate tax during the last 50 years. Few would contend that it has been made any fairer or more efficient. The only thing that has really changed is that lobbyists and estate planners have gotten a little wealthier. Probably the best thing we could do is repeal the estate tax altogether. That is what I am proposing in the Family Heritage Preservation Act.

Mr. President, the National Commission on Economic Growth and Tax Reform, which studied ways to make the Tax Code simpler, looked at the estate tax during the course of its deliberations just over a year ago. The Commission concluded that "it makes little sense and is patently unfair to impose extra taxes on people who choose to pass their assets on to their children and grandchildren instead of spending them lavishly on themselves." It went on to endorse repeal of the estate tax.

I invite my colleagues to cosponsor the Family Heritage Preservation Act.

SENATOR PAUL TSONGAS

Mr. BINGAMAN. Mr. President, with many of my colleagues, I traveled to Lowell, MA, last Thursday for the funeral of our friend, Paul Tsongas. He died at age 55. His battles were many, and so were his victories. His grace and courage will stand for many of us as beacons in our own lives.

Paul befriended me when I was running for the Senate. His desire to spend more time with his family caused him to retire at the close of his first term here, and our Senate days overlapped by only a couple of years. Still, he was an influence on my life, and certainly on my career.

There is no disagreement that Paul was one of the outstanding sons of Massachusetts. The affection for him and grief over his death which we all felt at the services are the kinds of

emotions reserved for one of the family. The people of Massachusetts respected him, and valued what he stood for. We all did.

When he served in the Senate, one of the items in his office was a framed quotation from one of John Adams' many letters to his wife, Abigail. The Massachusetts College of Art had produced it in January 1980. I had admired it on visits to Paul's office and when Paul left the Senate, he sent it to me, with a handwritten note. I treasure them both, and the feeling behind John Adams' words:

> I must study politics and war that my sons may have liberty to study mathematics and philosophy * * * in order to give their children a right to study painting, poetry, and music * * * May 12, 1780.

I believe Paul Tsongas took this message to heart, and that it guided much of what he did. The country is fortunate to have had such service from such a man.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. DODD. Mr. President, it is with a great sense of sadness that I rise today to pay tribute to a man who epitomized personal and political courage and a fervent commitment to public service—Senator Paul Tsongas.

Paul and I both came to Congress in 1974, as part of the so-called Watergate class and we were together in the Senate from 1981 to 1984. In all that time, while we didn't always see eye to eye on every issue, our deep friendship and appreciation for each other never diminished.

Throughout his entire life, Paul Tsongas built on the strong belief in public service that he learned while a Peace Corps volunteer in Ethiopia and country director in the West Indies.

Whether it was in his hometown of Lowell, MA, where he served as a city councilor; or as a one-term Senator, who pushed through what President Carter called the most important conservation legislation of the century, the Alaska Lands Act of 1980; or even as a Presidential candidate and later cochairman of the Concord Coalition, preaching the gospel of a balanced budget, Paul Tsongas always had the best interests of his fellow citizens in mind.

In all the time I knew him, Paul Tsongas never wavered from the firmly held beliefs and principles that guided his public and private life. What is more, Paul was never afraid to speak his mind or voice an opinion, no matter how controversial or unpopular.

The courage was never more evident than in his hard fought battle to conquer the health problems that plagued him for more than a decade and eventually took his life. When Paul was diagnosed with cancer in 1983, he gave up what was then a promising political career in the U.S. Senate to undergo radical treatment and rehabilitation.

After his amazing recovery, Paul stayed close to his family arguing that no man ever died wishing he'd spent more time with his business.

But the pull of the arena was too strong for Paul Tsongas and after being cleared by doctors to resume his political career he began what most observers termed a futile campaign to unseat George Bush.

But, what he lacked in fiery oratory he made up for with a commonsense agenda that appealed to Democrats across the country. While Paul failed to gain the Democratic nomination he never lost his dignity or the trademark dry wit that always characterized him.

Teddy Roosevelt once said that of public service "It is not the critic that counts. * * * The credit belongs to the man who is actually in the arena; whose face is marked by dust and sweat and blood; who strives valiantly; who errs and comes short again and again; who knows the great enthusiasm and great devotions, and spends himself in a worthy cause, who at the best, knows in the end the triumph of high achievement; and who at the worst, if he fails, at least fails while daring greatly; so that his place shall never be with those cold and timid souls who know neither victory nor defeat."

Paul Tsongas knew well both the joys of victory and the anguish of defeat. No matter what adversity befell him, be it personal or political, he never paused from his tireless efforts to improve the world around him. For all those in the Senate and throughout the country who valued his wise counsel and commitment to public service he will be sorely missed.

My thoughts and prayers go out to his wife Niki and his three daughters Ashley, Katina, and Molly.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ENZI).

The PRESIDING OFFICER. The Senator from Virginia is recognized.

ORDER OF PROCEDURE

Mr. WARNER. The distinguished majority leader is approaching the Chamber at this moment, and I ask the indulgence of my colleagues to await his momentary arrival. He is going to make a brief statement, so I am informed, following which either the majority leader or the Senator from Virginia will ask unanimous consent that we proceed to a period of morning business wherein Senators can speak for not to exceed 10 minutes.

I see him right here. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I thank the Senator from Virginia for being here, Johnny-on-the-spot and ready to proceed with statements. I wish to say again how much we appreciate the great work he did as chairman of the Rules Committee in the inauguration. It was the best I have seen. I got very excited at one point; I thought the Senator from Virginia was going to take the oath of office. But I think he should be commended along with his friend and colleague, the ranking member, Senator FORD. It was an excellent effort and everybody was very blessed.

Mr. WARNER. Mr. President, I thank my distinguished leader. Coincidentally, I am going to give remarks thanking so many who made it possible and who contributed of their time and wisdom to make it a success and reflect credit upon the Congress of the United States, the Office of the Presidency and, indeed, the Federal judiciary. I thank the leader.

Mr. LOTT. I thank the Senator.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

ORDER FOR RECOGNITION OF SENATORS THOMPSON AND GLENN

Mr. LOTT. Mr. President, I ask unanimous consent that at 4 p.m. today, Senator THOMPSON be recognized to speak for up to 20 minutes, to be followed by Senator GLENN for up to 20 minutes.

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

Mr. LOTT. Mr. President, I note that this is the chairman, in the case of Senator THOMPSON, and the ranking Democrat, in the case of Senator GLENN, of the Governmental Affairs Committee. These members have been charged with leadership of the Governmental Affairs Committee, which will be looking into questions of possible violations of campaign finance laws. They will set out, I am sure, here this afternoon at this designated hour how they intend to proceed and give us some idea of what timeframe might be involved in that. So I know all Senators will want to watch and listen. I think this will be a very important and a very interesting presentation.

SENATE SCHEDULE

Mr. LOTT. Mr. President, I do want to announce at this point also for the information of all Senators, there will be no recorded votes for the remainder of the day. There will be opportunity for Members to attend committee hearings, confirmation hearings and begin to have hearings on legislation, but there will be no recorded votes this afternoon.

It is our hope that we will be able to have debate this afternoon on the nominee to be head of the Department of Housing and Urban Development, Mr. Cuomo. We have not been able to get a time worked out on that, an agreement where we would be able to have a vote in the morning, but we would like to be able to get the debate done this afternoon. So any Senators who would like to speak on that may want to do that, and then maybe we can complete it in the morning, hopefully get a vote sometime early in the morning between perhaps 9:30 and 10.

We have run into a couple little bumps in the road. We may not be able to get that agreement worked out, but we are still working on it. We also expect to be able to vote on Thursday morning then, probably again between 9:30 and 10 o'clock, on Mr. Daley to be the Secretary of Commerce.

So we will definitely have one vote on Thursday, and we may have a vote on Wednesday on the other nomination. We will let Senators know later in the day if that is worked out. With that, Mr. President, I would be glad to yield the floor to the Senator from Virginia.

Mr. WARNER. Mr. President, might I ask the leader to address one other scheduled vote this week. The majority leader, as a member of the Rules Committee, is aware the committee voted in the affirmative on the new Architect of the Capitol. At some point the Senate will turn its attention to a vote. It is historic.

Mr. LOTT. We did not factor that into our thinking, but we would like to do that tomorrow if we could, I believe.

Do we need a recorded vote on that?

Mr. WARNER. Certainly this Senator would not so desire.

Mr. LOTT. Let us check and see what the precedents are on whether or not a recorded vote is necessary. I know we have come up with a very strong nominee——

Mr. WARNER. Mr. Hantman.

Mr. LOTT. Which has been approved unanimously by the Rules Committee. We would like to formally complete his confirmation by the full Senate. We will check on when we might do that. We could do that tomorrow, but we might be affected by whether a recorded vote will be in order. We will check into it and get back to the Senator and notify all Senators later on today.

Mr. WARNER. I thank the majority leader. I, too, thank him for his participation in the selection of the Architect of the U.S. Capitol.

Mr. President, I would like to proceed as if in morning business for the stipulated period of not to exceed 10 minutes.

THE 1997 INAUGURAL CEREMONIES

Mr. WARNER. Mr. President, on Monday, January 20, the U.S. Congress, through the auspices of the Joint Congressional Committee on Inaugural Ceremonies, hosted the 53d Inauguration of the President and Vice President of the United States.

In addition to the senior Senator from Virginia, who served as Chairman, the members of the committee included: Senator WENDELL H. FORD, Senate Majority Leader TRENT LOTT, Speaker of the House of Representatives NEWT GINGRICH, House Minority Leader RICHARD GEPHARDT, and House Majority Leader RICHARD ARMEY.

With over one-quarter million people gathered on the west front of the U.S. Capitol and the Mall, and millions more watching on television and listening on radio—throughout the United States and around the world—William Jefferson Clinton reaffirmed the oath of office as the 42d President, and ALBERT GORE, Jr. reaffirmed the oath of office as the 45th Vice President of the United States.

This ceremony—at which the President and Vice President, standing before the people's elected representatives, are sworn to execute the will of the people as expressed by Congress—is central to America's governance, making the United States, the oldest, continuous, constitutional democratic republic in the World.

The ceremony has grown by tradition and precedent since George Washington first took the constitutionally prescribed oath of office as the Nation's first President.

It commemorates the peaceful transition of power and the continuity of leadership conceived by our Founding Fathers and reflected in both article II and the 20th amendment of the Constitution of the United States.

ARTICLE II, SECTION 1

* * * Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors Shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the Same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, * * *

Before he enters on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

AMENDMENT 20

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Mr. President, the objective of the Joint Congressional Committee on Inaugural Ceremonies was to ensure that the swearing-in ceremony was conducted in a manner reflecting dignity on the Office of the President, the Congress, and the U.S. Supreme Court—the three coequal branches of our Government.

To achieve this end, Congressional staff, military personnel, Executive Branch employees, and volunteers worked for more than 6 months to plan and execute this ceremony inaugurating the President and Vice President.

Viewing the ceremonies from the Capitol grounds or on television, it is difficult, if not impossible, to appreciate all the planning and effort that goes into an inaugural swearing-in ceremony and the luncheon that follows.

Every possible detail from the precise words used to introduce the President and his escorts to the platform to the location of television cameras had to be considered, reviewed and agreed to by representatives from the Congress, the Office of the President, the media, and numerous security organizations.

Particular commendation goes to the outstanding program participants whose lasting contributions of prayers, songs and poetry made this such a memorable, historic day in the continuing life of America.

To put the many thousands who came to the Capitol in a proper spirit, the morning began with a sing-along of patriotic music led by the U.S. Marine Band. So far as we can determine, this was a first.

The sing-along was followed by musical presentations by the choir from the College of William and Mary from Williamsburg, VA, and the choir from Hampton University from Hampton, VA.

The Rev. Billy Graham and the Rev. Gardner C. Taylor offered prayers. Jessye Norman, the Children of the Gospel Mass from the Washington Performing Arts Society, the Immanuel

Baptist Church Choir and Orchestra of Little Rock, Santita Jackson, and the Resurrection Choir lifted our spirits with song. The scholar Miller Williams presented an original poem written specifically for this occasion.

And for the first time, which I find astonishing, the Pledge of Allegiance was recited at the inaugural swearing-in ceremony.

Eagle Scout David Morales, a junior at James Madison High School in Vienna, VA, was selected to lead the Pledge. His performance was a tribute to the scouting movement and to the youth of our great Nation.

The Architect of the Capitol was tasked with the substantial logistical responsibilities of building the platform, arranging the seating, installing security fences, and maintaining the grounds.

The Capitol Police, the U.S. Secret Service, the Metropolitan Police Department, and the National Park Service had to consider every movement of the President and Vice President, how to afford security and, at the same time, provide the viewing public and other participants maximum opportunity to view their national leaders.

Everyone involved in carrying out this enormous task can take great pride in the high degree of professionalism with which they performed their duties.

The timing of all aspects of the ceremony, beginning with the departure of the traditional congressional escort committee going to the White House, meeting the President and bringing him to the Capitol, and ending with the President's departure from the Capitol following lunch required intense cooperation and coordination between the Office of the President and the Congress. Both were given in full measure on this challenge and all others.

A very special commendation goes to Terry McAuliffe and Ann Jordan, the co-chairmen of the President's Inaugural Committee. Their directions were well and carefully carried out by Tim Keating.

The traditional congressional luncheon honoring the President and Mrs. Clinton, and the Vice President and Mrs. GORE—from the brief speeches to the beggars pudding—was judged a success. Grayson Winterling, Ginny Sandahl, and Dot Svendsen deserve special recognition for their astute and sensitive planning and execution of every luncheon detail.

Beginning 100 years ago, with the inauguration of William McKinley in 1897, Congress has hosted a luncheon for the President and Vice President. This year our luncheon theme was the inauguration of John Adams and Thomas Jefferson in 1797.

The menu for the luncheon was based on foods Adams and Jefferson might have enjoyed in their time, and the memento provided each guest was a magnifier glass similar to ones used in that era.

As the chairman of the Joint Congressional Committee on Inaugural Ceremonies, and on behalf of the committee and the entire Congress, the senior Senator from Virginia extends a grateful thanks to all who helped make this historic swearing-in ceremony possible, including:

The staff of the Joint Committee on Inaugural Ceremonies: Susan Aheron Magill, executive director; John Chambers, deputy director; Jack Hoggard, Bobbie Kilberg, M.L. Faunce, Robert Paxton, Amelia Fields, Janel Ellison, Eric Ruff, Ned Monroe, John Campbell, Bill Sweeney, Eric Peterson, and Jennifer Joy Wilson.

The staff of the Senate Committee on Rules and Administration: Grayson Winterling, staff director; Kennie Gill, Chris Shunk, Bruce Kasold, Ginny Sandahl, and Sherry Little.

The representatives of Joint Congressional Committee Members: Eileen Mandell, Doriene Steeves—Senator WARNER; Allison Berger—Senator FORD; Susan Wells, Julie Morrison, Hardy Lott—Senator LOTT; Martha Morrison—Speaker GINGRICH; Sharon Daniels, Karen Brooke—Representative GEPHARDT; and Leah Levy, Representative ARMEY.

The Armed Forces Inaugural Committee: Chaired by Maj. Gen. Tom Foley, Commander, Military District of Washington, the Armed Forces Inaugural Committee was responsible for more than 10,000 military troops who provided invaluable manpower to carry out the day-long inaugural festivities.

General Foley was assisted by Tom Groppel, Military District of Washington, who has directed the Armed Forces Inaugural Committee in six previous inaugural ceremonies.

In addition, other key military personnel included Maj. Gen. Robert F. Foley, Lt. Col. Craig Benedict, Sgt. Maj. Boyd Sarratt, Maj. Don Holmes, USMC, and Maj. Dave Lapan, USMC.

U.S. Capitol Police: Chief Gary Abrecht, Deputy Chief Jim Rohan, Assistant Chief Bobby Howe, Capt. Michael Preloh, Capt. Greg Parman, Diane Marie Schmidt, Lt. Connors, John Caulfield, and Sgt. Dan Nichols.

Architect of the Capitol: William Ensign, Acting Architect of the Capitol; Alan Hantman, Architect of the Capitol Designee; Jim Ellison, Bruce Arthur, Roberto Miranda, Jim Wells, Dan Hanlon, Stuart Pregnall, Peggy Lambert, Ben Wimberly, and Matthew Evans.

Senate Sergeant at Arms: Greg Casey, Sergeant at Arms; Patty NcNally, and Loretta Symms.

House Sergeant at Arms: Bill Livingood, Sergeant at Arms; Jim Varey, and Tom Keating.

Secretary of the Senate: Gary Sisco, Secretary; and Jon Lynn Kerchner.

Senate Historian: Dick Baker, Historian; and Don Ritchie.

Senate Curator: Diane Skvarla.

Congressional Media Galleries: Larry Janezich, Senate Radio-TV Gallery; Bob Peterson, Senate Press Gallery; Maurice Johnson and Jeff Kent, Senate Press Photo Gallery; Jim Talbert, Senate Periodical Gallery; Tina Tate, House Radio-TV Gallery; Thayer Illsley, House Press Gallery; and David Holmes, House Periodical Gallery.

Senate Recording and Photographic Studio: Jim Granhe, Director; and Steve Benza, Senate Photographer.

Senate Telecommunications: Duane Ravenberg, Director.

Television Pool: Bill Headline, CNN; Margie Lehrman, NBC; and David Futrowsky.

Attending Physician: Adm. John F. Eisold, M.D.; and Robert J. Burg.

Supreme Court of the United States: Jim Duff, Administrative Assistant to the Chief Justice; Venessa Yarnall, Sharon DuBose, Jackie Johnson, Julia A. Radcliff, and Dale E. Bosley.

Government Printing Office: Charlie Cook, Jerry Hammond, and John Sapp.

Department of the Interior, U.S. Park Service: Stan Lock, Deputy Director; Maj. J.J. McLaughlin, Park Police; and Jim Novak, National Park Service, White House Liaison.

U.S. Secret Service: Eljay B. Bowron, Director; Bill Pickle, Katherine Crowly, Rachel Klay, Bob Campbell, and Patrick Sullivan.

White House Liaison: Tim Keating.

Presidential Inaugural Committee: Ann Jordan and Terry McAuliffe, Co-Chair Persons; Harold Ickes, Harry Thomason, Tom Baer, Page Reefes, Jason McIntosh, Debbie Wilhite, Andrew Ballard, and Bob Bean.

Finally, the hundreds of volunteers who handled the tough, sensitive problem of distributing many invitations, who served as ushers and escorts, and especially the Boy Scouts and Girl Scouts who greeted each guest as they arrived on the Capitol Grounds and distributed copies of the ceremony's program.

All joined in putting forward the very best of themselves, the Congress, the Nation's Capital, and our country. For this the Congress expresses its heartfelt thanks for a job well done.

I thank the Chair, and I yield the floor.

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

Mr. JEFFORDS. Mr. President, I rise today to introduce two bills. The first bill is the National Beverage Container Reuse and Recycling Act of 1997.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

(The remarks of Mr. JEFFORDS pertaining to the introduction of S. 215 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JEFFORDS. The second bill I will be introducing today with Senator

FRIST. This bill is IDEA. Then, after that, I will briefly talk on low-income fuel assistance and put in the RECORD a letter which myself and 49 Senators have participated in.

For now, I will go ahead and discuss and send to the desk the bill IDEA, for introduction.

(The remarks of Mr. JEFFORDS and Mr. FRIST pertaining to the introduction of S. 216 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR—S. 216

Mr. JEFFORDS. Mr. President, I ask unanimous consent Jim Downing, a legislative fellow in my office, be granted the privilege of the floor during consideration of the IDEA legislation, when it occurs.

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

RELEASE EMERGENCY LIHEAP FUNDS

Mr. JEFFORDS. Mr. President, last Thursday 48 Senators representing the Northeast-Midwest Senate Coalition, which I chair with Senator MOYNIHAN, my colleague from Vermont Senator LEAHY, and Senators from other States hard hit by skyrocketing heating prices and cold weather, sent a letter to President Clinton asking him to release $300 million in emergency low income home energy assistance funds [LIHEAP].

The 1997 Omnibus Appropriations Act allows the President to release up to $420 million in LIHEAP emergency funds. In the Northeast and Midwest, the price of home heating oil has jumped over 25 percent from last year, while natural gas and propane prices in all cold weather States are significantly higher. The Reverend Dr. Robert E. Martin of Newport, VT recently wrote me that the propane bill of the Lowell Congregational Church has risen 52 percent over last year. Any distribution of emergency LIHEAP funds must take into account this rise in fuel prices, which in Vermont, so far, has been worse than the weather.

Mr. President, the rising cost of energy weighs heavy on low-income working Americans who devote about 12 percent of their income to energy bills. The elderly and disabled low-income individuals relying on supplemental security income spend on average 19 percent of that income on energy bills, and families with children living on Aid to Families With Dependent Children devote almost 25 percent of their benefits to energy bills.

Although many State regulations prohibit utilities from terminating service for nonpayment during the winter, households that rely on home heating oil, propane, and wood do not have this same safety net. These households must pay for services up front or face fuel cutoffs. With the prolonged spike in fuel prices, additional Federal funds are needed to prevent many families from having to face life threatening cold this winter.

Mr. President, freezing temperatures and high fuel prices are a recipe for disaster for low-income Americans. Forty-eight Senators from both parties are urging President Clinton to act quickly so that low-income Americans do not have to choose between heating and eating this winter.

Mr. President, I yield the floor for others who desire to speak on this important issue.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I always appreciate working with the Senator from Vermont and the Senator from Massachusetts. We have been on the floor before talking about low-income energy assistance, and we really have to be on the floor today speaking about this.

Sometimes we talk about these issues, and we just talk. It may not be connected to people's lives. But what we say today on the floor of the U.S. Senate is connected to people's lives in many of our States.

It is between 8 and 15 degrees below zero in most of Minnesota today. It might get to zero this daytime.

Mr. President, we have had a brutal winter in our State and, in addition, as the Senator from Vermont mentioned, natural gas prices are up 60 percent from last year's prices, heating oil is up 40 percent over last year, and the cost of propane is 60 percent higher than last year.

Our State is colder than it was last year. It costs much more to heat a home. These oil prices have skyrocketed, and this means we have a crisis, all in capital letters.

Mr. President, the Governor, Governor Arne Carlson, has used $9 million of the State's fund for additional assistance, but we have in fiscal year 1997 additional money, several hundreds of millions of dollars, for emergency energy assistance. It is an emergency.

In Minnesota, we have about 300,000 citizens who are dependent upon this lifeline program. It is not a large grant. It averages about $350, but for many of these citizens—many of them elderly, many of them children—this is a lifeline program, without which either people go cold or people huddle in one room in their home. I wish that was an exaggeration, but it is not. I have visited with these families. Our people somehow figure out how to pay for their heat, but then they don't have enough money to buy food or they don't have enough money to buy prescription drugs that they need. This is a particular problem with the elderly.

Mr. President, we are going to run out of assistance. We are going to have a dire situation in Minnesota. This is no melodrama on my part. It is time this emergency money be released.

Almost every day I am on the phone talking to the White House, talking to Health and Human Services, the Office of Management and Budget, and I don't speak on the floor of the Senate today to point the finger, because I believe that in the next few days—the sooner the better—the White House will release this money.

Last year, I went to the President—other Senators joined: Senator KENNEDY, Senator JEFFORDS, and others—and just made the request face to face. I said, "Mr. President, I don't want people to go cold in my State."

This is not an exaggeration. I am sure that this money will be released, but today on the floor of the Senate, my appeal to the White House is: Please, make the decision. Please, make the decision today. Please release the funding. Time is not neutral. Time is not on our side. It doesn't do any good to get the funding in April. We need this assistance for vulnerable citizens in our cold-weather States, and we need it now.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I intend to speak to the Senate about this same subject that my friend, Senator WELLSTONE, spoke to. I think all of us have understood his strong leadership on this issue a year ago or 2 years ago and before he was elected. Now he is again battling away on the same issue with the same powerful voice, and I join in expressing strong appreciation for all of his leadership.

IDEA

Mr. KENNEDY. Mr. President, before speaking on the issue of LIHEAP, I want to thank the chairman of our Human Resources Committee, Chairman JEFFORDS, and also the Senator from Tennessee, Senator FRIST, for introducing the IDEA legislation today and to indicate this is one of the prime areas of priority for the Human Resources Committee.

This issue, in terms of helping and assisting the special needs of children in education, is of incredible importance to millions of families all across this country, and we cannot afford to let the authorizing legislation expire.

I join in commending the leadership that has been provided by Senator FRIST in our last Congress, along with Senator HARKIN, who has been our ranking member on the Subcommittee on Disability and who has made such a very important contribution on all of the issues relating to the disabled in this country over a very distinguished

career, Senator JEFFORDS, and others on our committee.

This has been a strong bipartisan effort. We welcome the opportunity to work very closely with them. This is not to minimize the issues that are outstanding, but it does represent a continuing commitment of those who support the legislation to try to continue the very important efforts that have marked this legislation and finding cooperation and finding ways to deal with some of the still outstanding issues.

So I am very, very grateful for their statements on the floor today.

LIHEAP

Mr. KENNEDY. Mr. President, on the issue others have spoken to, I want to add my strong voice in hope and anticipation of the President's release of these emergency LIHEAP funds to help the families in the Northeast and Midwest. I think all of us have understood the extraordinary hardships and loss of lives that are affecting people in the Midwest, and people are hurting in my part of the country, in the Northeast, as well, with the soaring heating bills this winter.

The reduced benefit levels and the skyrocketing prices of home heating oil have been a double whammy for the 5 million low-income families nationwide who receive LIHEAP assistance.

Federal funding for LIHEAP is already near an all-time low—listen to this, Mr. President—down from $2.1 billion in 1985 to $1 billion today. In Massachusetts, Federal fuel aid has declined from $87 million to $41 million over that same period, about half of the resources in dollars. When you measure it out in terms of inflation, it is even less than that. When we see what has happened to the cost of home heating oil, we will see that people are in dire straits.

Local fuel assistance directors have been successful in past years in stretching the limited LIHEAP funds to serve as many needy families as possible. This winter, however, low stocks have sent heating oil prices through the roof, causing excessive hardships to LIHEAP recipients across the Nation.

According to the Massachusetts Division of Energy Resources, the cost of home heating oil has risen 20 percent, and, in some communities, considerably higher, from some 95 cents a gallon in December 1995, to over $1.15 today. Despite the oil companies' efforts to bring their inventories to last year's levels, heating oil prices still remain high because of increased world demand.

This rise in heating oil prices has imposed a heavy burden on low-income families, many of whom must devote a significant portion of their limited resources to paying their energy bills.

Who are these families, Mr. President? Forty-three percent of the recipients for the LIHEAP program are elderly or disabled citizens. They spend an average of 19 percent of their income to keep their homes warm in the winter, whereas middle-income families devote 4 percent.

That is who we are talking about: elderly people, the neediest people who are living and affected by this colder climate, are spending way out of proportion of their income in order to just remain warm.

The AFDC recipients spend as much as 25 percent of their income for home heating. At the same time, these families are hard pressed and struggle to pay their bills for food, rent, and health care.

A decade ago, LIHEAP assistance could sustain a low-income family through an entire winter, purchasing as much as 750 gallons of heating oil. Today, the higher cost of heating oil and the lower benefit levels will only purchase a third of that amount. Some 10 years ago, there was the ability to address this issue for the neediest families for the winter and now a third of the winter, even with these resources that would be available.

Many local fuel assistance directors are already planning for the worst. According to Jim Murphy, whose TRI-CAP Community Action Program serves 1,500 clients in Malden, MA, over 40 percent will be without any heating assistance at the end of next week unless emergency funds are provided.

Other communities in Massachusetts are facing a similar crisis. In Boston, as many as 2,000 families, out of 13,000 served by LIHEAP, have run out of heating oil. An additional 4,500 households will be at risk in the next few weeks. We are talking the next 2 to 3 weeks.

In economically distressed towns like Gloucester, many working families involved in the fishing industry have already exhausted their annual benefits. According to Eliott Jacobson, chairman of the New England Energy Directors Association, charities are being tapped for additional assistance 2 months ahead of schedule, taxing their limited resources to serve the community.

Clearly, without an immediate release of emergency funds, little relief is in site for these families. If another cold spell strikes, even more families will be without protection.

As we mentioned, 49 Senators wrote to the President last week requesting the release of the emergency LIHEAP funds before more cold weather grips the country. This year, $420 million in emergency funds could be made available at the President's discretion. The letter sent to the President Thursday requested $300 million of that amount. I hope all of my colleagues will support this necessary action and will support action by the President to respond to these very important and critical needs.

THE PRESIDENT'S EDUCATION BUDGET

Mr. KENNEDY. Mr. President, on another item, I want to draw the attention of the Senate to President Clinton's announcement today for making education a top priority in his balanced budget plan. The President has announced the proposal and recognizes the importance of investing in education as the cornerstone of a stronger future for the Nation.

In the coming years, a college education will be more important than ever. We know that by the year 2005, 60 percent of all of the new jobs will require not only a high school education, but also skills in the utilization of computers. So the President's program is focused on a number of priority areas. I will introduce at the end of my statement a brief summary of those items, but I would like to just mention some of those which I think are most important.

First of all, to try and assure working families in this country that not only high school will be available, but really the 13th and 14th grades, the first 2 years of college, would be available as well. That is being done in a number of ways:

First, with a $10,000 deduction for the payments of tuition that will be available to working families and middle-income families, what they call the Hope Tax Credit, which will be a $1,500 credit for the sons and daughters who are going to college.

This would amount to the payment in full of tuition for 67 percent of all the community colleges in the country; and then an expansion of the Pell grants by some $300 to a maximum of $3,000 for those individuals who are eligible for Pell grants. That is a very important and significant commitment. That will mean about 130,000 more students across this country will be able to take advantage of the Pell grants.

Then there are the changes in the Pell grant provisions that will be primarily targeted upon older students, those who have been out in the work force and are coming back, those who are 24 or 25 years old or older. I do not know whether the distinguished Chair has had the kind of opportunity I have had to visit some of the community colleges in his own State as I have in Massachusetts. We find changes which are taking place where the makeup of the student body is considerably older.

Changes in the Pell language are going to make available 218,000 additional slots for those individuals who are returning to college to upgrade their skills, which is very important.

We also have a strong commitment in the areas of literacy. We will see an expansion of the Work-Study Program, which provides important opportunities for students to help work their way through college. It is an absolutely vital link to permit students to

match together what they are able to earn in the summertime by working, with what they earn working under the Work-Study Programs. There is a strong commitment to fulfill the President's commitment to try to make sure that every third grader is able to read by the year 2000. It is an important program that really builds upon the successful programs of the past. We will have more of a chance to review those in the Labor and Human Resources Committee later in the session.

We also see the willingness to try to help and assist those communities where a third of all of the high school students are going to school in dilapidated buildings. The Educational Facilities Improvement Act is a program that was developed by Senator CAROL MOSELEY-BRAUN and has been a very creative program which will be addressed in the President's program.

Finally, the President makes a strong commitment in the area of technology, about $2 billion over the next 5 years, to try to make sure that we are going to have technology—hardware and software—and, most importantly, trained teachers that will be able to use technology to help students learn more.

A number of States, including my own State of Massachusetts, are now involved in what we call the Net Day Program—there are 12 other States involved in it—where we have been able to bring the Software Council, the leaders of business in software, the Telecommunications Council, which represents the best in terms of telecommunications, the unions, working all together in order to provide wiring and also computers to the classrooms and schools of Massachusetts.

We were 48th out of 50 at the start of this whole effort; and we are now, I believe, leading all the States in the number of classrooms that we have already wired for the Internet with the help of this voluntary program which is very successful. More than 600 schools have now been adequately wired. We intend, within the next 15 months, to have the approximately 2,700 schools in Massachusetts achieve that.

We have benchmarks to be able to assess where we are. The next benchmark will be in April of this year. But nonetheless, this kind of commitment by the administration to technology and teacher training is enormously important.

It is our understanding that the new education programs and the strong commitment to education is paid for in the President's balanced budget. We will see the details of the President's budget in the next 10 days. But today we commend his strong commitment to education.

We are looking forward to working in our committee, the Labor and Human Resources Committee, under the chairmanship of Senator JEFFORDS, who has had a long and distinguished career of bipartisan leadership in education, to maintain the Nation's commitment to strengthen academic achievement and accomplishment. We should continue to support local school reform efforts and to help provide seed money to communities to help bring technology into their schools—and to help ensure that technology is available to schools in all parts of the country. In addition, we will continue to make college more accessible and affordable for all students.

We have every expectation that colleges and universities will join us in this partnership to increase accessibility and affordability and that they will not respond by raising tuition. We will work with them over the course of this Congress to ensure that this happens.

To reiterate, I commend President Clinton for making education a top priority in his balanced budget plan. The President's proposal recognizes the importance of investing in education as the cornerstone of a stronger future for the Nation.

In the coming years, a college education will be more important than ever. By 2005, 60 percent of all jobs created will require education beyond high school. A college graduate earns almost twice what a high school graduate earns, and almost three times what a high school dropout earns.

But too often, college is priced out of reach for many families. From 1980 to 1990, the cost of college rose by 126 percent, while family income increased by only 73 percent.

To meet the rising cost of college, students and their families are going deeper and deeper into debt. In the 1990's, students have borrowed more in student loans than in the three preceding decades combined. In 1996 alone, students borrowed $30 billion—a 65-percent increase since 1993. Since 1988, borrowing in the Federal student loan program has more than doubled.

The President's proposal recognizes that making college more accessible and affordable is a top priority for the Nation. His proposal increases funding for higher education, provides tax cuts for education, and cuts student loan fees.

Under the proposal, funding for higher education will increase by 20 percent by 2002, including a $1.6 billion increase in Pell grants. The Pell grant maximum will increase by $300 in the first year to $3,000, to give 130,000 low-income students greater access to college. With reforms in eligibility rules, the proposal will also help over 200,000 adults obtain the extra education and training they need to compete in the modern workplace.

The proposal targets tax cuts for education to help students and working families. Students with incomes below $70,000 would benefit from the $1,500 Hope Tax Credit, which makes 2 years of community college affordable.

All families with incomes below $100,000 may take advantage of a $10,000 tuition tax deduction. The President's budget also provides for penalty free withdrawals from IRA's to pay for education expenses. Student loan fees will be cut in half, saving students $2.6 billion over the budget period. The College Work-Study Program will be expanded to help up to 1 million students gain work experience while they earn money for college.

In the area of elementary and secondary education, the President's proposal provides significant support for school reform.

The Information Age has arrived, yet millions of children attend school in conditions inadequate to modern needs. By the year 2000, 60 percent of new jobs will require skills possessed by only 22 percent of the young people entering the labor market. Already, more than half of high-wage jobs require the use of network computers. Jobs that require computers pay 15 percent more, on average, than those that do not.

Schools across the country are struggling to repair decrepit facilities, let alone develop modern classrooms. Fourteen million children in a third of the Nation's schools are learning in substandard classrooms. Yet enrollments are at an all-time high of 52 million students and are continuing to rise.

We must also do more to help children learn to read—40 percent of all children now read below their grade level. Higher standards are clearly needed to encourage reading and other basic academic skills.

The President's proposal responds to these needs by investing almost $2 billion in improved education technology over the budget period—a $252 million increase in fiscal year 1998 alone.

The President's plan will also invest $2.45 billion over the budget period in the America Reads Challenge, to help children read well by the third grade. It invests $5 billion to improve school facilities. Funding for Goals 2000 will increase to help children meet higher academic standards. Funding for charter schools will increase. The title I program and the Eisenhower Teacher Training Program will receive increases to give students the extra help they need to improve their skills.

President Clinton's plan is effective and comprehensive. It sets the right priority for education, and the right priority for the Nation's future. President Clinton has proved once again, that he truly is the education President, and I look forward to working with all Members of Congress to achieve these essential goals.

CONTROLLING ILLEGAL IMMIGRATION AND PROTECTING JOBS

Mr. KENNEDY. Mr. President, last week I introduced a bill to control illegal immigration and protect U.S. jobs. I would like to take a few minutes to expand on that bill.

Last year, Congress passed landmark immigration reform legislation intended to curb illegal immigration.

But that Republican legislation addressed only half of the illegal immigration problem. Republicans did not get the job done. So today, with the support of our Democratic leader, Senator DASCHLE, I introduce legislation to address the unfinished business of controlling illegal immigration.

Immigration experts, policy think tanks, and blue-ribbon commissions over the past two decades all agree that effective enforcement against illegal immigration requires two steps.

We must stop people from crossing our borders illegally. But, we must also combine our border enforcement efforts with effective workplace enforcement to deter employers who hire illegal workers.

The Clinton administration should be commended for their aggressive enforcement strategy at the border. By the end of this year, the Clinton administration plans to have increased the Border Patrol from under 4,000 agents in 1993 to 6,859 agents—a 73-percent increase. And last year's immigration bill reenforced this increase by authorizing an additional 1,000 Border Patrol agents for each of the next 3 years.

In addition, last year's immigration bill contained new, stiff penalties against the crime syndicates that smuggle illegal immigrant workers into the United States.

But Republicans neglected the second key element of a successful immigration enforcement strategy, which is workplace enforcement to deny jobs to illegal immigrant workers. There is one reason, and one reason only, that illegal immigrants come to America: to find jobs. Last year's Republican immigration bill did almost nothing to address this problem. We will never reduce illegal immigration significantly until we shut off the job magnet that draws illegal immigrants to this country.

That was the conclusion of the Select Commission on Immigration and Refugee Policy in 1981, the so-called Hesburgh Commission. And it was the conclusion of the Jordan Commission in 1994. The Jordan Commission stated, "Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration."

Consider the following fact. The Immigration and Naturalization Service says that at least 40 percent, and possibly half, of the illegal immigrant population in the United States actually entered the country legally, but stayed on and worked illegally after their visas expired. They came here originally as tourists or students, but overstayed their visas and are now illegally taking American jobs.

No amount of border enforcement will stop this major source of illegal immigrant workers. They arrive at our airports and at our borders with genuine passports and visas. There is no way to know that their real plans are to stay and work illegally.

The only way to deter this kind of illegal immigration is to deny jobs at the workplace. Rather than just beefing up our Border Patrol, we must also increase the capacity of the Immigration Service and the Department of Labor to protect American jobs by finding illegal immigrants in the workplace and prosecuting unscrupulous employers who hire and abuse them.

In 1986, Congress made it illegal for employers to hire illegal immigrant workers. But today it is far too easy for these workers to pose as legal immigrant workers or even U.S. citizens by using false documents.

We must also find new and better ways of assisting employers to determine who can and who cannot work in the United States. Under the current failed system, employers often cannot distinguish a real green card and makes someone eligible to work from a good fake.

Last year, the Senate adopted a proposal that Senator Simpson and I developed that contained aggressive pilot programs to test new and better ways of addressing this problem. Upon the completion of these programs, the President was required to submit to Congress a comprehensive plan that would enable employers to know with greater certainty whom they can and cannot hire. Without such a plan, illegal immigrants will continue to take American jobs from working families by the hundreds of thousands each year.

But Republicans in Congress, under pressure from lobbyists representing the employers, met in secret last summer and dropped this vital provision from the bill. They put in its place a weak requirement for only a single pilot program. And they stripped the bill of the requirement that the President present to Congress for its approval a comprehensive plan for denying jobs to illegal immigrant workers. Instead of standing up for working families and protecting their jobs, they chose to coddle unscrupulous employers who hire and abuse illegal immigrants to make a buck.

Our Democratic message to working families today is that we will not tolerate the loss of hundreds of thousands of your jobs each year. Last year's Republican immigration bill simply sets adrift the urgently needed workplace enforcement under our immigration laws to protect these jobs. Democrats say that working families need to be assured that their jobs will be protected under our immigration laws.

The bill I introduce today:

Provides the workplace enforcement we need to protect U.S. jobs. It increases the number of Department of Labor Wage and Hour investigators. These investigators will target employers who hire illegal immigrants to evade labor standards. And it provides funding for additional INS personnel to enforce our immigration laws in the workplace.

It increases penalties for employers who hire illegal workers. And it allows judges to double an employers penalties if they have violated both immigration and labor laws.

It mandates the President to fix the broken employment verification system. Currently employers have an obligation to verify whether those they hire are authorized to work in the United States. But, the verification system in place now does not work. My bill requires the President to propose a plan to Congress within 3 years for an improved employment verification system.

It prevents employers from discriminating against American and legal immigrant workers by making some workers go through more hoops to get a job than others, just because they may look or sound foreign.

Finally, my bill provides needed protections for battered immigrants. Many battered immigrants are afraid to seek protection from their abusers because they fear they will be deported or cannot find work to support their children. This bill removes the hurdles for battered immigrants, and protects their ability to qualify for green cards and jobs.

Last year's illegal immigration bill addressed only half the problem. The bill I introduce today will complete the picture and protect jobs for working families. And I look forward to working with our new Immigration Subcommittee chairman, Senator ABRAHAM, and the Republican leadership to see early enactment of this important measure.

Mr. President, I ask unanimous consent that the text of the legislation be included at this point in the RECORD.

There being no objection, the text of the bill ordered to be printed in the RECORD, as follows:

S. 103

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

SECTION 1. SHORT TITLE; AMENDMENTS TO INA; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "United States Worker Protection and Illegal Immigrant Deterrence Act of 1997".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided whenever in this Act an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered

to be made to that section or provision in the Immigration and Nationality Act.

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

Sec. 1. Short title; amendments to INA; table of contents.

TITLE I—ENFORCEMENT

Sec. 101. Increased personnel levels for immigration-related workplace enforcement.
Sec. 102. Earmark of appropriations for INS workplace inspectors.

TITLE II—EMPLOYER SANCTIONS PENALTIES AND AUTHORITIES

Sec. 201. Enhanced civil penalties if labor standards violations are present.
Sec. 202. Increased penalties for violations of immigration-related employment laws.
Sec. 203. Retention of employer sanctions fines for law enforcement purposes.
Sec. 204. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 205. Subpoena authority for cases of unlawful employment of aliens or document fraud.

TITLE III—PRESIDENTIAL PLAN FOR EMPLOYMENT VERIFICATION

Sec. 301. Definitions.
Sec. 302. Establishment of plan.
Sec. 303. Objectives.
Sec. 304. System requirements.
Sec. 305. Remedies and penalties for unlawful disclosure.
Sec. 306. Employer safeguards.
Sec. 307. Restriction on use of documents.
Sec. 308. Protection from liability for actions taken on the basis of information provided by the verification system.
Sec. 309. Application of the Federal Tort Claims Act.
Sec. 310. Statutory construction.

TITLE IV—UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Sec. 401. Requiring certain remedies in unfair immigration-related discrimination orders.
Sec. 402. Treatment of certain documentary practices as lawful employment practices.
Sec. 403. Effective date.

TITLE V—PROTECTIONS FOR BATTERED IMMIGRANTS

Sec. 501. Waiver of section 245(i).
Sec. 502. Exemption from summary exclusion.
Sec. 503. Attorney General waiver of continuous presence requirement.
Sec. 504. Continued eligibility for immigrant status where abuser is removed.
Sec. 505. Fraudulent document waiver for battered aliens.

TITLE I—ENFORCEMENT

SEC. 101. INCREASED PERSONNEL LEVELS FOR IMMIGRATION-RELATED WORKPLACE ENFORCEMENT.

(a) INVESTIGATORS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Labor is authorized to hire in the Wage and Hour Division of the Department of Labor during the period beginning October 1, 1997, and ending September 30, 1998, not more than 150 full-time active-duty investigators and staff to enforce laws applying sanctions against employers who violate Federal wage and hour laws.

(2) ADDITIONAL AUTHORITY AVAILABLE.—The authority of paragraph (1) to hire the personnel described in that paragraph is in addition to the authority made available during fiscal year 1997 to hire such personnel.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed under subsection (a) shall be assigned to investigate violations of both wage and hour laws and those immigration-related laws that are administered by the Secretary of Labor in areas of the United States where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and hour inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 102. EARMARK OF APPROPRIATIONS FOR INS WORKPLACE INSPECTORS.

Of the funds made available to the Immigration and Naturalization Service for fiscal years 1998 and 1999, not less than $36,076,000 shall be available only for each such fiscal year sufficient to pay the salaries and expenses of 300 full-time equivalent active-duty investigators, as authorized by section 131 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (as contained in Public Law 104-208).

TITLE II—EMPLOYER SANCTIONS PENALTIES AND AUTHORITIES

SEC. 201. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e)(4) (8 U.S.C. 1324a(e)(4)) is amended—

(1) by redesignating clauses (i), (ii), and (iii) of subparagraph (A) as subclauses (I), (II), and (III), respectively;

(2) by redesignating clauses (i), (ii), and (iii) of subparagraph (B) as subclauses (I), (II), and (III), respectively;

(3) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(4) by striking "With" and inserting "(A) Except as provided in subparagraph (B), with"; and

(5) by adding at the end the following:

"(B) ENFORCEMENT OF CERTAIN LABOR LAWS.—

"(i) CIVIL PENALTIES.—The administrative law judge may require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the Secretary of Labor or a court of competent jurisdiction determines that the employer has committed a willful violation or repeated violations of any of the following statutes:

"(I) The Fair Labor Standards Act (29 U.S.C. 201 et seq.).

"(II) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(III) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.).

"(ii) ADMINISTRATION.—The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 202. INCREASED PENALTIES FOR VIOLATIONS OF IMMIGRATION-RELATED EMPLOYMENT LAWS.

(a) INCREASED CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4)(A) (8 U.S.C. 1324a(e)(4)(A)) is amended—

(1) in clause (i), by striking "$250" and "$2,000" and inserting "$1,000" and "$3,000", respectively;

(2) in clause (ii) by striking "$2,000" and $5,000" and inserting "$3,000" and "$8,000", respectively; and

(3) in clause (iii), by striking "$3,000" and "$10,000" and inserting "$8,000" and "$25,000", respectively.

(b) INCREASED CIVIL MONEY PENALTIES FOR PAPERWORK VIOLATIONS.—Section 274A(e)(5) (8 U.S.C. 1324a(e)(5)) is amended by striking "$100" and "$1,000" and inserting "$200" and "$5,000", respectively.

(c) INCREASED CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) (8 U.S.C. 1324a(f)(1)) is amended by striking "$3,000" and "six months" and inserting "$7,000" and "two years", respectively.

(d) INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—Section 274B(g)(2)(B) (8 U.S.C. 1324b(g)(2)(B)) is amended—

(1) in clause (iv)(I), by striking "$250" and "$2,000" and inserting "$1,000" and "$3,000", respectively;

(2) in clause (iv)(II), by striking "$2,000" and "$5,000" and inserting "$3,000" and "$8,000", respectively;

(3) in clause (iv)(III), by striking "$3,000" and "$10,000" and inserting "$8,000" and "$25,000", respectively; and

(4) in clause (iv)(IV), by striking "$100" and "$1,000" and inserting "$200" and "$5,000", respectively.

SEC. 203. RETENTION OF EMPLOYER SANCTIONS FINES FOR LAW ENFORCEMENT PURPOSES.

Section 286(a) (8 U.S.C. 1356(a)) is amended—

(1) by striking "(a)" and inserting "(a)(1)"; and

(2) by adding at the end the following:

"(2) All moneys received during each fiscal year in payment of penalties under section 274A of this Act in excess of $5,000,000 shall be credited to the Immigration and Naturalization Service Salaries and Expenses appropriations account that funds activities and related expenses associated with enforcement of that section and shall remain available until expended.".

SEC. 204. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 205. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SECRETARY OF LABOR SUBPOENA AUTHORITY

"SEC. 296. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under this Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.".

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 295 the following new item:

"Sec. 296. Secretary of Labor subpoena authority.".

TITLE III—PRESIDENTIAL PLAN FOR EMPLOYMENT VERIFICATION

SEC. 301. DEFINITIONS.

As used in this title:

(1) FEDERAL PUBLIC BENEFIT.—The term "Federal public benefit" has the meaning given the term in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(2) STATE OR LOCAL PUBLIC BENEFIT.—The term "State or local public benefit" has the meaning given the term in section 411(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(3) SYSTEM.—The term "system" means the system for confirmation of eligibility for employment and benefits that is described in this title.

SEC. 302. ESTABLISHMENT OF PLAN.

(a) DEVELOPMENT OF PLAN; REPORT TO CONGRESS.—Not later than 90 days after the end of the third year in which the pilot programs required by subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (as contained in Public Law 104-208) are in effect, the President shall—

(1) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the "system"), subject to sections 302 and 303, to confirm eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for any Federal public benefit;

(2) submit to the Congress a report setting forth—

(A) a description of such recommended plan;

(B) data on and analyses of the alternatives considered in developing the plan described in paragraph (1), including analyses of data from any demonstration project conducted, including the pilot programs conducted under subtitle A of title IV of the IIRIRA of 1996; and

(C) data on and analysis of the system described in paragraph (1), including estimates of—

(i) the proposed use of the system, on an industry-sector by industry-sector basis;

(ii) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(iii) the cost of the system;

(iv) the financial and administrative cost to employers;

(v) the reduction of undocumented workers in the United States labor force resulting from the system;

(vi) any unlawful discrimination caused by or facilitated by use of the system;

(vii) any privacy intrusions caused by misuse or abuse of system;

(viii) the accuracy rate of the system;

(ix) the overall costs and benefits that would result from implementation of the system; and

(x) evidence, including the results of pilot programs or demonstration projects, that the plan meets the requirements of section 303.

(b) EFFECTIVE DATE.—The plan described in subsection (a) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

SEC. 303. OBJECTIVES.

The plan described in section 301(a) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

SEC. 304. SYSTEM REQUIREMENTS.

(a) IN GENERAL.—A confirmation system may not be implemented under this title unless the system meets the following requirements:

(1) RELIABLE DETERMINATIONS.—The system must be capable of reliably determining with respect to an individual whether—

(A) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(B) the individual is claiming the identity of another person.

(2) RESTRICTIONS ON USE OF INFORMATION.—Any information obtained in connection with use of the system must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(A) to confirm, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(B) to enforce the Immigration and Nationality Act or section 371, 911, 982, 1001, 1015, 1028, 1542, 1546, or 1621 of, or chapter 96 of, title 18, United States Code; or

(C) to confirm the individual's immigration status for purposes of determining eligibility for Federal public benefits.

(3) FORM AND EXAMINATION OF DOCUMENTS.—Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(A) must be in a form that is resistant to counterfeiting and to tampering; and

(B) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(i) to carry out the purposes of paragraph (2); or

(ii) if the document was designed for another purpose (such as a certificate of alien registration, an alien registration receipt card, a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Social Security Administration), as required under law for such other purpose.

(4) COMPLETE, ACCURATE, CONFIRMABLE, AND TIMELY.—The system must ensure that information is complete, accurate, confirmable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Social Security Administration, or the Immigration and Naturalization Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(5) SPEED OF CONFIRMATION.—The system must be capable of accurately confirming electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(6) ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS.—In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(A) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(B) audit trails to monitor system use; or

(C) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(7) SAFEGUARDS AGAINST DISCRIMINATION.—There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(A) the selective or unauthorized use of the system to confirm eligibility;

(B) the use of the system prior to an offer of employment;

(C) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional confirmation will be required, beyond what is required for most job applicants; or

(D) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional confirmation will be required.

(b) DEFINITION.—As used in this section, the term "business day" means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

SEC. 305. REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.

(a) CIVIL REMEDIES.—

(1) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(2) CIVIL ACTIONS.—An employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this title or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. Jurisdiction and venue over actions brought under this paragraph shall be as provided by title 28 of the United States Code.

(b) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this title or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be fined not more than $5,000, notwithstanding the provisions of any Federal law relating to fine levels, imprisoned for not more than 6 months, or both.

(c) PRIVACY ACT.—

(1) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to confirmation of work authorization or lawful presence in the United States for purposes of benefits eligibility under this title, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this title.

(2) DEFINITION.—For purposes of this subsection, the term "record" means an item, collection, or grouping of information about an individual which—

(A) is created, maintained, or used by a Federal agency for the purpose of determining—

(i) the individual's authorization to work; or

(ii) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(B) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

SEC. 306. BENEFIT OF REBUTTABLE PRESUMPTION.

A person or other entity has established a rebuttable presumption that the person or entity has not violated section 274A(a)(1)(A) of the Immigration and Nationality Act with respect to the hiring (or recruitment or referral) of an individual for employment in the United States if the person or entity—

(1) obtains confirmation of identity and employment eligibility in compliance with the applicable terms and conditions of the system with respect to the hiring (or recruitment or referral) of the individual; and

(2) has complied with all procedures required by the system.

SEC. 307. RESTRICTION ON USE OF DOCUMENTS.

If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

SEC. 308. PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE CONFIRMATION SYSTEM.

No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system.

SEC. 309. APPLICATION OF THE FEDERAL TORT CLAIMS ACT.

Any individual claiming dismissal from employment or denial of employment by reason of an error in the operation of the confirmation system may seek settlement of the claim by the appropriate Federal agency or may institute a legal action against the Federal Government under chapter 271 of title 28, United States Code, for money damages in accordance with the procedures set forth under that chapter.

SEC. 310. STATUTORY CONSTRUCTION.

The provisions of this title supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

TITLE IV—UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

SEC. 401. REQUIRING CERTAIN REMEDIES IN UNFAIR IMMIGRATION-RELATED DISCRIMINATION ORDERS.

Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)—

(A) by striking "CONTENTS OF ORDER" and inserting "DISCRETIONARY CONTENTS OF ORDER";

(B) by striking clauses (ii) and (vi); and

(C) by redesignating clauses (iii), (iv), (v), (vii), and (viii) as clauses (ii), (iii), (iv), (v), and (vi), respectively;

(2) in subparagraph (C), by striking "subparagraph (B)(iii)" and inserting "subparagraph (C)(ii)";

(3) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(4) by inserting after subparagraph (A) the following new subparagraph:

"(B) MANDATORY CONTENTS OF ORDER.—Such an order shall require the person or entity—

"(i) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(5), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States; and

"(ii) to educate all personnel involved in hiring and complying with this section or section 274A about the requirements of this section or such section and to certify the fact of such education.".

SEC. 402. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS LAWFUL EMPLOYMENT PRACTICES.

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "PRACTICES.—For purposes of paragraph (1), a" and inserting "PRACTICES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a";

(2) by striking "if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)" and inserting "relating to the hiring of individuals"; and

(3) by adding at the end the following new subparagraph:

"(B) EXCEPTION.—A person or other entity—

"(i) may request a document proving a renewal of employment authorization when an individual has previously submitted a time-limited document to satisfy the requirements of section 274A(b)(1); or

"(ii) having reason to believe that an individual presenting a document that reasonably appears on its face to be genuine is nonetheless an unauthorized alien (I) may inform the individual of the question about the document's validity and of such person or other entity's intention to verify the validity of such document, and (II) may, upon receiving confirmation that the individual is unauthorized to work, dismiss the individual.

"(C) STATUTORY CONSTRUCTION.—Nothing in subparagraph (B) prohibits an individual from offering alternative documents that satisfy the requirements of section 274A(b)(1).".

SEC. 403. EFFECTIVE DATE.

The amendments made by section 401 shall apply to orders issued on or after the first day of the first month beginning at least 90 days after the date of the enactment of this Act.

TITLE V—PROTECTIONS FOR BATTERED IMMIGRANTS

SEC. 501. WAIVER OF SECTION 245(i).

Section 245(i) (8 U.S.C. 1255(i)) is amended—

(1) in the second sentence of paragraph (1), by striking "The" and inserting "Except as provided in paragraphs (4) and (5), the"; and

(2) by adding at the end the following new paragraph:

"(4)(A) The Attorney General may waive the fee specified in this subsection with respect to an alien—

"(i) if the alien or the alien's child—

"(I) has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent's family residing in the same household as the alien; and

"(II) the spouse or parent consented to or acquiesced to such battery or cruelty; and

"(ii) if the Attorney General determines that such waiver would enhance the safety of the alien or the alien's child.

"(B) An alien for whom the Attorney General waived the fee specified in this subsection shall not be considered a public charge under section 212(a)(4) or 237(a)(5) solely because of such waiver.

"(5)(A) In lieu of a waiver under paragraph (4), the Attorney General may permit an alien described in paragraph (4)(A)(i) to pay

the fee specified in this subsection at the time of the alien's interview or in installments—

"(i) if the Attorney General determines that the alien's finances are sufficient; and

"(ii) if the Attorney General determines that such delayed payment would enhance the safety of the alien or the alien's child.

"(B) An alien for whom the Attorney General delayed payment of the fee specified in this subsection shall not be considered a public charge under section 212(a)(4) solely because of such waiver.".

SEC. 502. EXEMPTION FROM SUMMARY EXCLUSION.

Section 235(b)(1) (8 U.S.C. 1225(b)(1)) is amended by adding at the end the following new subparagraph:

"(G) EXCEPTION FOR BATTERED ALIENS.—Subparagraph (A) shall not apply to any alien who has been battered or subjected to extreme cruelty, or whose child has been battered or subjected to extreme cruelty, and who is eligible to file a petition under subparagraph (A) (iii) and (iv) or (B) (ii) and (iii) of section 204(a)(1) or under paragraph (2) of section 240A(b) based on the requirements of paragraph (2) of that section.".

SEC. 503. ATTORNEY GENERAL WAIVER OF CONTINUOUS PRESENCE REQUIREMENT.

Section 240A(d)(2) is amended by inserting before the period at the end the following: ", except that the Attorney General may extend the time periods described in this paragraph in the case of aliens who are otherwise eligible for relief under subsection (b)(2).".

SEC. 504. CONTINUED ELIGIBILITY FOR IMMIGRANT STATUS WHERE ABUSER IS REMOVED.

Section 204(a)(1)(B) (8 U.S.C. 1154(a)(1)(B)) is amended by adding at the end the following new clause:

"(iv) An alien who has resided in the United States with the alien's permanent resident spouse or parent who has committed a crime described in section 237(a)(2)(E) or violated a protection order described in that section may file a petition with the Attorney General under this subparagraph for classification of the alien under such section notwithstanding that the alien who committed the crime or violated the protection order has been removed, or is subject to removal, from the United States under section 237(a), if the alien filing the petition is—

"(I) the victim of the crime committed or is the individual protected by the protection order;

"(II) a person of good moral character; and

"(III) eligible for classification under section 203(a)(2)(A).".

SEC. 505. FRAUDULENT DOCUMENT WAIVER FOR BATTERED ALIENS.

Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting before the period at the end the following: ", or if the alien is eligible to file a petition under subparagraph (A) (iii) and (iv) or (B) (ii) and (iii) of section 204(a)(1) or under paragraph (2) of section 240A(b) based on the requirements of paragraph (2) of that section".

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, January 27, the federal debt stood at $5,222,049,625,819.53.

Five years ago, January 27, 1992, the Federal debt stood at $3,793,601,000,000.

Ten years ago, January 27, 1987, the Federal debt stood at $2,223,227,000,000.

Fifteen years ago, January 27, 1982, the Federal debt stood at $1,034,824,000,000.

Twenty-five years ago, January 27, 1972, the federal debt stood at $426,004,000,000 which reflects a debt increase of nearly $5 trillion—$4,796,045,625,819.53—during the past 25 years.

HONORING SKEETER WEEKS

Mr. LOTT. Mr. President, there are those moments as we navigate through life's journey in which our path crosses with people of genuine character and compassion. When we come about one of these persons, it is as if a window is raised allowing the spring breeze to enter our very soul. On these rare occasions, our spirit is lifted causing us to believe anew in the goodness of God and the magic of his gift to mankind. Mr. Albert Colmer Weeks of Pascagoula, MS, is one of these rare people.

Known as "Skeeter" to his friends—who are many—his life is a testament of service, love, and dedication to his family and community. While Skeeter counts Pascagoula as his home, he was born in Ponchatula, LA, and moved at the age of 3 to Perkinston, MS, where his father served as a coach, athletic director, and later vice president and dean of men at Perkinston Junior College. After completing high school in Perkinston in 1944, Skeeter was appointed a page in the U.S. House of Representatives by his uncle and former Congressman, Hon. Bill Colmer.

As many of my colleagues know, I also worked for Representative Colmer as his administrative assistant for 4 years. The fateful year in which I crossed paths with Skeeter in a large and substantive way was 1968. By that time, Skeeter had been working for Ingalls Shipbuilding for 9 years as director of public relations.

As director of public relations at Ingalls Shipbuilding, Skeeter was the one individual most responsible for planning, directing, and coordinating the launching, christening, and commissioning of hundreds of ships for the United States Navy. Skeeter is a big part of the reason Ingalls is today known as America's Shipyard. His professionalism, attention to detail, and customer oriented service ethic has endeared him to many of our nation's political leaders—from President's to Cabinet Secretaries to Secretaries of the Navy—over the span of almost 40 years.

On January 31, 1997, Skeeter will be retiring from Ingalls Shipbuilding. Behind he will leave a legacy of 38 years in service to Ingalls, the city of Pascagoula, Jackson County, the State of Mississippi, and indeed, the country as a whole. Skeeter is a veteran of the United States Navy, a 1951 graduate of Mississippi State University, and a man of honor.

To his wife, Janet, and his children Leah and Alice, I say thank you. We have all borrowed Skeeter's time and talent for years, a gift he has freely given us. Beginning Saturday, February 1, 1997, you have him all to yourself. It is your gain, and with this gain we give you our gratitude and envy.

As Skeeter turns the page and begins this new chapter in his life, I am reminded of a verse penned by Robert Louis Stevenson:

So long as we love we serve; so long as we are loved by others, I would almost say we are indispensable; and no man is useless while he has a friend.

In celebration of this special event, I am proud to declare to the U.S. Senate, Albert Colmer Weeks is my friend. Enjoy your retirement, Skeeter. You have richly earned it.

TRIBUTES TO SENATOR PAUL E. TSONGAS

Mr. KENNEDY. Mr. President, last Thursday, January 23, many of us in the Senate and House of Representatives attended the funeral service in Lowell, MA, for our outstanding former colleague in the Senate, Paul E. Tsongas, who died on January 18. The service was extremely moving, and the eloquent eulogies by his friends and his three daughters were powerful tributes to Paul's extraordinary life and career. I believe that these tributes will be of interest to all of us in Congress, and I ask unanimous consent that they may be printed in the RECORD.

There being no objection, the tributes were ordered to be printed in the RECORD, as follows:

FUNERAL SERVICE FOR PAUL E. TSONGAS, TRANSFIGURATION GREEK ORTHODOX CHURCH, LOWELL, MA, JANUARY 23, 1997

EULOGY BY FORMER SENATOR WARREN B. RUDMAN

Niki, Ashley, Katina, and Molly, family of Paul Tsongas, former colleagues from the Congress, distinguished guests, Gov. Wald, friends: I appreciate this opportunity to be with you today, to tell you all how proud I am to have called Paul Tsongas my friend. How fortunate I am to have called him a friend, a colleague, and a man who became a very large part of my life. To celebrate his life and to recognize the tremendous purpose and courage with which he lived is why we gather here today. Paul as we all know was a soft-spoken man, of tremendous charm, and wonderful wit. He was one of the most decent, compassionate human beings you would ever want to meet. So when people talk about him, the words "tenacious" or "determined" have not often been the first that I used to describe him. But I am here to attest that I have never—not in the foxholes of Korea, not in the halls of Congress—never met a more determined, or more courageous man than Paul Tsongas. Another son of this Commonwealth, President John F. Kennedy, concluded his Pulitzer Prize-winning book, "Profiles in Courage," with this marvelous statement, which applies to our friend, Paul, and I want to share it with you this morning: "Without belittling the courage with which men have died, we should not forget those

acts of courage, with which men have lived. The courage of life is often a less dramatic spectacle than the courage of the final moment, but it is no less a magnificent mixture of triumph and tragedy. A man does what he must, in spite of personal consequences; in spite of obstacles, and dangers, and pressures." And that is the basis of Paul—human morality. In whatever arena of life one may mast the challenges of courage, whatever may be the sacrifices he faces, each man must decide for himself the course he will follow. The stories of past courage can define that ingredient, they can teach, they can offer hope, they can provide inspiration, but they cannot supply courage itself. For this, each man—and I would add parenthetically—each woman, must look into his own soul. Paul Tsongas met the challenges of courage, solidly, and squarely. And he asked us to do the same. He asked that we each look into our soul, and find the best within ourselves. To find our courage, and to help us do so, he led us by example. Time and time again fate threw enormous obstacles and road blocks in his path, but each time, Paul looked within his soul and responded with courage, determination, and driving purpose. I often marveled at Paul's resolution and strength as we traveled this country for the last four years. I wondered what made him persevere. After all, having faced the condition that would've caused most men to lead a more guarded existence, Paul ran for president. But after I came to know him better, I have realized what motivated him. In short, Paul has an intense, profound, and enduring love for his family. Ashley, Katina, and Molly, I'm here today not only to mourn your loss and to celebrate your dad's life, but to affirm that which you already know, you were his inspiration and his motivation. It was out of love for you that your father found the courage to persevere, and to succeed. He wanted the best for you; for your generation. And he was willing to fight and to overcome great hurdles so you too might have the chance to achieve your dreams. Paul looked for the best in people. He asked us to put aside petty differences, and shun the path of least resistance. He asked that we, as a generation, pay our own bills. He implored our government's fiscal irresponsibility, because Paul Tsongas—like Thomas Jefferson—felt it was immoral, and I heard him use that word so often, immoral, for one generation to bind another, because it refused to live within its means. We will leave here today, saddened by his passing, inspired by his life, enriched by his friendship. We truly give thanks to the Almighty for this marvelous life.

EULOGY BY BRIAN J. MARTIN

My family. My city.

Those were the two things that Paul Tsongas cared about most in the world.

That's probably not news to anyone here, but it is important to remind ourselves of that fact, because it is the essence of the man we are remembering here this morning.

It is not a complicated concept. In fact, it is beautiful in its simplicity. Many of us share this philosophy, but few of us live it as well as he did.

His family. His city.

His family grieves today, but they also know they have been blessed to have had a husband, a father, a brother, an uncle and son-in-law like Paul.

I would like to say to Nikki: You are one of the strongest women I've ever known. You have my utmost admiration and respect.

You and Paul lived the greatest love story I could imagine. No book, no movie could tell a better one.

I would like to say to Ashley, Katina and Molly: You probably think the pain you feel today will never go away, but trust me, it will. In its place you will have wonderful memories of all the happy times you spent with your father. They will bring you great comfort, and inspire you every day of your life.

His family, his city.

Lowell is my city, too, and I have to admit I was worried for it when I heard Paul had died.

What are we going to do without Paul?

Then it hit me.

Paul's greatest gift to Lowell was not the National Park, the Lowell Plan, the Boott Mills, the arena or the Spinners.

It wasn't bricks or mortar, an organization or even a baseball or a hockey team.

It wasn't his influence or his ability to bring people together to make things happen.

Nor was it the great credit and recognition he brought to the city of Lowell through his public service in Washington.

Although I must say, he did make us proud to be from Lowell.

At one time, when people asked me where I was from, I'd say, "Boston," or "Massachusetts."

Now I proudly say, without hesitation, "I'm from Lowell." And when they ask me, "Where's that?", I tell them, "Next to Dracut."

Paul's greatest gift to his family, to his city, and to all of us was himself.

He inspired us.

He gave us a shinning example of how to live our lives to the fullest, and to make a difference.

He taught us what was truly important in life . . . what our priorities should be. Nobody knew how to stop and smell the roses better than Paul Tsongas.

He also showed us how to be brave.

His ability to deal with adversity was truly amazing. He taught us never, ever to give up.

Paul has motivated me, he has inspired me, and most importantly, prepared me to carry on his vision for Lowell. I can't wait to get started.

And I'm not the only one who feels this way. Because of Paul Tsongas, there are many others in this city who want to continue his work, to make Lowell one of the best cities in the country.

Some people say we'll never see his like again. But people probably said the same thing when Franklin Roosevelt or John Kennedy died.

It is true that there will never be another Paul Tsongas, but there's always someone to pick up the torch and carry on.

"We all will die someday," Paul wrote. "And on the next day, the sun will still be shinning somewhere, the rain will still be falling somewhere, and the moon and stars will still be in their place. The earth is timeless, not those who inhabit it. . . .

"And eventually, the next generation will have its term at the helm."

Perhaps someone right here in this church will someday become a city councilor, a congressman, a senator, or even president, because he or she was inspired by Paul Tsongas.

Today, when I look around the city, I don't despair or worry. I think of Paul fondly when I see things he has done to make Lowell better . . . and then I look to see what I can do to make it better still.

So Paul, don't worry about a thing. We'll pick up the ball . . . we'll finish the game.

We'll fight hard, and we'll win. Just like you.

And you know, I've got a funny feeling that you knew all along that we would.

I'll miss you, old friend.

I love you . . . and I thank you.

EULOGY BY DR. TAK TAKVORIAN

There are moments . . . there are moments when the future is open. There are moments when all the preparations in life: the education, the retirement plans, the hopes and the dreams are laid aside, and something happens that is fundamentally unplanned; something happens that we cannot control, and we are left with no notion of what comes next.

A frightening moment. And yet this moment represents something that is a fundamental gift, an amazing thing, a positive moment, a creative moment, a moment when we have no choice, but a moment when the future is open to us.

It is a moment when not our plans, but maybe some far deeper sense of who we are can take control, sustain us and make the future happen.

At such a moment, success is measured not by health, but by the depth of our very own soul and conviction, by how deeply we laugh and how deeply we hurt and by confronting the crux of who we are.

That moment has come and gone for Paul Tsongas, and in it we have witnessed his success and we see our own vulnerability. It seems as though he would always be here, and yet how more precious is the fleeting gift. None of us wants it to happen this way—not cancer and not in our youth. Maybe a heart attack, if it has to be, but not the big C. It is unnerving how much we presume it cannot happen to us.

And yet Paul met that moment—his moment—his defining moment—with courage, with determination, with good humor and a smile—always that self-effacing, Mona Lisa grin, infectious in its breadth and optimism, contagious in its enthusiasm and conviction.

I remember the first time we met; my job was to describe radical new treatment for a failing situation. I found him hiding in the waiting area under a pile of newspapers—which was to become his familiar insignia.

In my nervousness in the presence of such a great man, I was wordy in my speech. He listened intently, but it was Nicki who asked the questions. With an intensity rooted in conviction he simply said, "Let's do it." No debate. No challenge. No discussion. Just a commitment and resolve to battle on.

He did set down the rules, though. In exchange for being the model patient, he wanted an equal partnership, an honest relationship, the best that medicine could offer, and nothing less than a total commitment from me, including a promise to laugh at his witty jokes!

I knew then and there that I was in the presence of a one-of-a-kind, special guy, and I dug in my heels and braced myself for the ride of a lifetime, only now ended. We bonded then and there, and I joined the community of friends who benefited from his aura.

I want to tell you a story about one of my heroes of all times. He happens to be Jeremiah, but he could have been Paul Tsongas. One day he carried a clay pottery flask into a courtyard, explaining to all who had gathered that they were doing wrong in the sight of God. He then smashed the pottery to the ground to demonstrate what God was going to do to them. The priests had him arrested, beaten and put into the stocks overnight.

And in the morning they took him out of the pillory, and he should have gone home, and he should have licked his wounds, and he

should have been quiet. But not my Jeremiah. He turned on them, hurling further insults, and when questioned why he was inviting more punishment, Jeremiah cried out: There is a fire shut up in my bones, that is so powerful that I am weary from trying to hold it in. There is a fire shut up in my bones, that is so powerful that I am weary from trying to hold it in.

A fire shut up in his bones. Something to live for that was more important than anything else in the world. An authentic center. A core. A fire in the bones that will make you fully alive in a way that you have never been and you will never be any other way.

Paul Tsongas was my Jeremiah. Paul Tsongas had an authentic core and knew that fire in his bones. He had a passion and courage for life that was more powerful, more important than anything else in the world and we were all witness to that. Although I knew him personally but 14 brief years, I am the richer for it because I came to know the essence of the man. I came to know the courage of the man combating his cancer and confronting his own mortality.

I came to know the courage of the man who signed onto experimental and dangerous therapy when the bounds of conventional medicine had failed. The courage of the man whose initial hopes for cure were dashed, repeatedly, only to fight the battle again and again and again. The courage of the man who often said he would re-choose a life with cancer rather than forego the lessons of these last fourteen years.

In the last years of his life, rather than dying day by day, predictably he chose to live day by day. In his proximity to death for many a year, he never lost sight of his own priorities, and they encompassed a far more expansive view of life than most of us could ever have, in which even the trivial took on importance. In his proximity to death, he remained selfless and he never stopped giving.

And rather than retreat behind the mask of self-pity and involution he reached out with that extended warm handshake, always volunteered, which was empowering, creating a mutual healing bond, charged and energized in its commonality.

His illness gave him an entitlement to speak out freely on all issues, without political encumbrance. It was the obligation of his survival, and he defended it with a moral imperative. His was a "return to a journey of purpose". But to cancer patients everywhere it had an even more universal message.

In fact, in a life rich with accomplishments, his most unique contribution, which humbly even he did not fully realize, may have been his role as consummate messenger to countless others living with cancer. He was their model for cancer survivorship.

He was a model of courage, empowering them to fight their own malignancies and to find that strength to do so within themselves; a model even to me, his doctor, when I broke my neck in the surf and needed guidance and encouragement to move on. He showed them how far one could go and that they too, even in the shadow of cancer, could go for their dreams and never abandon their beliefs. Win or lose, no dream is too large not to be pursued at any risk, compared to the risk of life itself.

He did not compose his life or construct his life or carefully plan or reason it out or discipline it or calculate how to advance within it—he just tried to live it. He just tried to find that authentic center, that core of who he was and to live it for all it was worth, no matter what the consequences.

The man seemed bigger than life due to the enormity of his ideas and accomplishments, but what remains are the memories of the essence of the man. Cancer did not kill his spirit, his humor, his shy warmth, and these are the gifts that we will have forever. It was his quiet, unforced, completely natural, sincere love and joy of humankind that attracted us all to him, and he never let us down. He loved people. He loved children. He loved his family and friends. He loved this town. He loved this country and what it might become. We all felt safe in his intellect, loved in his heart and ample in his company.

An authentic core. A fire in the bones that could not be extinguished by cancer.

He never came to age and walk on safer ground and treasure the memory of what he had accomplished, but therefore time will never dim for him what others lose or never find or never even seek. He possessed life with so much more, when ill-health, and not the vision, deceived him.

In closing, let me quote from the poem Ulysses by Alfred Lord Tennyson:

. . . Come, my friends,
'Tis not too late to seek a newer world,
Push off, and sitting well in order smite
The sounding furrows; for my purpose holds
To sail beyond the sunset, and the baths
Of all the western stars, until I die.
It may be that the gulfs will wash us down;
It may be we shall touch the Happy Isles,
And see the great Achilles, whom we knew.
Though much is taken, much abides; and though
We are not now that strength which in old days
Moved earth and heaven; that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

My belief is that our only hope is to have a lot more heroes. A lot more heroes of mythic proportion, a whole lot more men like Jeremiah, Ulysses and Paul Tsongas, who are willing to live life fully and authentically. His life challenges us to live life from the very depths of who we are, with a love that grips at our guts, tugs at our hearts and with a . . . was my patient, my friend, and my hero, Paul Tsongas.

May God in His wisdom give us the strength in our similar journeys and keep ever illuminated the inspiration that he was for us.

EULOGY BY F. MICHAEL KAIL

The very things that made Paul Tsongas different—unique—as a politician made him special as a person. And that is what I would like to share with you today. This is not meant to be sad, Niki asked that it not be sad. And I don't think Paul would mind if this made you secretly smile a little.

To begin with, there is what the press is fond of calling the "self-deprecating," or as one paper put it "self-depreciating" humor. I remember a birthday party for Niki in the mid-1980s. Paul looked great, but his hair was definitely not all the way back from the chemotherapy. Niki was beautiful, but had misplaced her contacts and was forced to wear some old, very non-designer glasses. Towards the end of the evening Paul rose, to propose a toast to Niki, whom he asked to rise as well. He looked at her and then turned to the guests, all of whom were waiting expectantly for some memorable words. Paul did not disappoint. Gazing into Niki's glasses and then rolling his eyes up to his bald head he said, "I am sure, seeing us standing before you tonight, you can understand the true meaning of "Love at first sight."

Of course, there's the legendary directness and the competitiveness. It showed up not only in the uphill campaigns and the senior swimming meets, but everywhere. One night we were at a particularly boring show and Paul buttonholed me to talk in private. At the time we each had two children. Without any preliminaries he asked, "Are you and Wendy going for three." I said, "We've got the Jeep and the Chevy and our oldest child is only nine, why do we need . . ." He cut me off, with a really withering look and said, "No, are you going for another kid." Without thinking, or asking what business it was of his, I said "Yeah, are you?" He shot back, without a moment's reflection, "Sure." But for that conversation there might never have been a Molly Tsongas or a Katie Kail.

And then there is the extraordinary sense of timing, the daring and the luck. I don't only mean in deciding to run as a Democrat for a House seat in a district that had been Republican for nearly a century or risking that same seat, after it had become safe, to challenge the only African American in the Senate, or seeing an opening when a sitting President's poll numbers were in the stratosphere. I mean even in board games. There was this Trivial Pursuit grudge match between the families on New Year's Eve, 1984. Both teams were on the verge of the winner's circle, but we were up first, and victory was clearly in our grasp. Our question: "How many colored squares make up a Rubik's cube?" Our son, Tommy, who was 6 whispered 54; I ignored him, did some quick calculations, and said 128. Tommy was right. Paul pulled the card with the Tsongas question. I was hoping for "Name Alex Haley's third novel" or "Where was Sky King's ranch" or "What emblem is in the center of the Pakistani flag?" But, no. I could not—and still cannot—believe the question he had drawn: "What is the address of the White House?"

When I think of these stories and others I have heard they do make me think of Paul Tsongas and the lessons of his life: Follow your instincts; Ask the tough questions; Listen to your children; Take what you do seriously, but not yourself; and And never give up.

Paul Tsongas was a one of a kind. And we will miss him more than words can say.

EULOGY BY DENNIS KANIN

I first met Paul a quarter of a century ago at the Middlesex County Reform Caucus. I was a delegate from Cambridge and he was one of three candidates vying for two slots on the reform ticket for County Commissioner. That was the first time that I had the chance to vote for the man whose campaigns I would manage, whose House and Senate offices I would run, who would become my law partner and dearest friend. I voted for the other guys. They were friends of mine and I didn't know Paul. But I redeemed myself when the race went to a second ballot. That was after I asked the three of them who they were supporting for President that year. My two friends hemmed and hawed and told me—correctly—that one's personal choice for President had no relationship to running a county. When I asked the stranger from Lowell, he didn't bat an eye and answered matter-of-factly "John Lindsay". Although I was no Lindsay fan (and I suspect Paul was his only supporter in Massachusetts that year), with those two words, Paul won my vote—and more.

It was a defining incident—a window into the personality of Paul Tsongas. I was soon to discover that this was the most centered and secure person I have even known—at

peace with who he was. Perhaps that's why he was so honest, sometimes so painfully honest as we on his young staff used to grumble. We failed to grasp that it was that politically reckless candor—that refusal to evade when faced with tough questions—that was Paul's hallmark and his greatest political strength. Voters felt instinctively that even if they didn't totally agree with him they could trust him—and they were right.

Two years later, I had signed on to run Paul's longshot—and I mean longshot—candidacy for Congress. I came up to Lowell for a first strategy meeting the week Ashley was born and she was all Paul wanted to talk about. A democratic state committeeman from Lawrence was meeting with us and when Paul said he had been in the birthing room with Niki as Ashley was born, the committeeman said "That must have been disgusting". I still remember Paul's reply "Actually Jake, it was the most beautiful experience of my life." Even then, his family was his focus.

Although I had worked in many campaigns up till then—I was in my late 20's—I had never met a politician quite like Paul. When he made a decision, he did it quickly—some would say impulsively—and was willing to take big risks. When he ran for the Senate in 1978 he first considered the idea on April 30th of that year and announced his candidacy 18 days later. He was simply undaunted by the most formidable of odds. So when he sat down on the couch in my office at Foley, Hoag at the end of 1990 and said "I have a crazy idea . . ." I knew I was in trouble. Those five words were the starting signal for one of the most underfinanced and improbable presidential campaigns in history. It seemed like a crazy idea then. It doesn't now.

We all have our fears but Paul seemed to have so few. I will never forget that terrifying night in 1983 when we crossed the Allenby Bridge between Jordan and Israel, on foot, alone, in pitch blackness—something no civilian had ever done and lived to tell—because Paul didn't want to miss a critical meeting with Prime Minister Begin in Jerusalem the next morning. I still remember King Hussein waving us good luck as we left his palace for the bridge and Rich Arenberg and I trembling as we walked across in single file behind Paul using him as a shield to protect us—his aides—against sniper fire while he just chuckled at our timidity.

Paul was tough but he was also remarkably gentle and caring. In our 25 year history together, I can't remember when he truly lost his temper. I'm not counting when he played softball or charades. And even in the hours of his greatest adversity, he wanted to know how you were doing. A few months ago I was suffering from a couple of ruptured disks—not one of your major ailments—and Paul kept asking how I was doing when he couldn't even get off the bed. But that's how he was.

Paul saw the value in every situation, no matter how bad it might seem on the surface. Two weeks ago yesterday when we talked to him about the lack of success with the first shunt procedure, he smiled and said "What do you mean it wasn't successful? I'm here aren't I?" When an interviewer asked him about his cancer back in 1984 Paul said that if he hadn't had it, he would never have come to fully appreciate so much of what was staring him in the face—the beauty all around us that we take for granted. In reading his book Heading Home the other night, I found this passage describing the most poignant lesson he drew from his adversity. He wrote: "After the children were in bed, Niki and I would talk about the pleasure of being together like this. We had experienced the power and the glory, the excitement and glamour of national politics . . . But in the next room asleep were what gave us true joy. And we had each other . . . the cancer had caused me to understand what truly made me happy and what counted."

I think it is important to remember that Paul had always tried, even before he learned he had cancer, to balance family and career. As it was, he rarely went on the usual circuit of Washington cocktail parties and trade association receptions because he wanted to be home with Niki, Ashley, Katina, and Molly. We on his staff who had no kids or failed to share his priorities found this maddening—and Paul knew it and didn't care. But the cancer did crystallize his feelings further and he found, as he put it, that "the family was where I fulfilled my human aspirations. The Senate had become an obstacle to that."

Paul found his happiness—real happiness—planting flowers in Kittredge Park or being out on the boat at the Cape with Niki and the kids or sitting around a Thanksgiving dinner with his family and close friends or watching Ashley play rugby or Katina at hockey or Molly dancing.

His values seemed old-fashioned to some but I don't think Paul Tsongas ever felt emptiness from the day he married Niki. A few weeks ago, someone at the hospital asked Paul how he was doing and he replied "fine . . . as long as Niki's only three feet away". While he was strong for others she was his strength, whether it was campaigning for him around the country or caring for him through their long and courageous struggle together.

Paul told Carol Beattie, his nurse at Dana Faber that he had accomplished what he wanted most his remarkable 13½ years since he learned he had cancer—to see his daughters grow up. I would add that they didn't just grow up; they grew up to be people with the same kind of values and decency and caring as Niki and Paul. That is quite a testament.

Senator Kennedy called Paul a profile in courage and he surely was—a profile in both personal and political courage. His presidential campaign epitomized both those qualities. Paul had won 10 primaries and caucuses to Bill Clinton's 13 when he decided to drop out. He knew that if stayed in, he could deny Clinton the nomination and assure himself the role of a kingmaker at the convention. But that was not the purpose of his candidacy. Paul had run because he believed in something. While he lost the Presidency, he had won something that was for him far more profound. He had changed the debate about the future of his country and about its ability to confront the federal deficit. That, too, grew out of his experience with cancer and his determination not just to know his children but to secure their future and that of their generation—what he called "the obligation of my survival". It took courage to run in the first place, risking ridicule—and it was there in the early days. It took courage and integrity to insist that a candidacy of principle could not compromise on principles. Now the issues he raised in 1992 are at the center of America's public discourse. He lit the way.

I have often thought that I didn't have living heroes but I realize now that I was wrong. Paul was my hero. I wish I could have told him that before he died. What I did tell him was that I loved him and what a good friend he was but I know that in that I am not alone. For so many others across this city that he helped to rebuild, across this state that he loved and served so well, across this land that he awakened to a new reality, and across the generations to come whose freedom from unsustainable debt will be his legacy; they have lost a good friend as well.

EULOGY BY ASHLEY TSONGAS

Our father's love for us was fundamental to our lives. You don't question the existence of the ground you walk on or the air you breathe, and we never doubted the existence of our father's love. Even in the middle of a four-hour car ride, when the incessant sound of snapping gum and the muffled screams of smaller, weaker children emanating from the back seat had begun to wear on his nerves, and it became abundantly clear that he didn't like us too much at that moment, it would never occur to us that we had been ejected from our position at the center of his universe.

And then further down the road, when we'd exhausted ourselves and drifted into sleepy silence as a Red Sox game crackled on the radio, he'd reach back and touch each one of us and we'd be reminded how much we loved him too.

I'm having trouble realizing he's gone. During the events of the last couple of days I keep wondering at the absence of a keynote speaker, expecting my dad to walk in at any moment. It's hard to believe the man who offered to fax me a copy of his less-than-impressive college transcript when I was stressing about my grades is no longer going to offer me academic solace. And at rugby, it won't be the same without my dad in the sidelines armed with apple cider and blind admiration.

And with the absence of my father, who treated me as a person with legitimate ideas from as far back as I can remember, I know that I will now have to push myself to come up with real answers instead of easy ones. But these things and countless more were merely expressions of his love for me. And though my dad's no longer here, his acts of love over the last 22 years have created a kind of momentum that will carry me through the rest of my life.

EULOGY BY KATINA TSONGAS

When confronted with the possibility that he might not live to see us grow up, my father became concerned about our future and valued the time which he was able to spend with us. His realization of his own mortality shaped the way in which he lived his life with us, but he did not allow it to dictate how he lived. He was able to live in the present while always providing for our future.

Each time he defeated his illness he made the best of the time he earned. We lived the last 13 years in a way which was normal, and that normality is what made them so great and what gave me so many great memories. But these memories were not forced; they were not created by my father as a way to ensure that he would not be forgotten. The memories I have of the last 13 years are memories of a father who loved me and made the best of the time he had. He never let anything get in the way.

In thinking about my father in the last few days, I have realized what an extraordinary man he was. I have never been able to understand what it was exactly that inspired those New Hampshire campaigners to work day and night for a cause which was less than promising. I know now what it is they saw, and it remains with how many lives he touched and how many people grew to love

him. I only wish that I could have realized how great he was when I was still able to tell him.

My dad's ability to live a normal life at home is what now makes it possible for me to see him as the amazing man that he was, but remember him as my father. Dad, we just wanted to tell you that we are going to be okay. You've made our city, state, country, world and home better and more importantly you married an incredible woman who is the best mother we could hope for. We miss you so much, and we're going to miss you every day for the rest of our lives. We love you, Dad.

EULOGY BY MOLLY TSONGAS

One day in fifth grade, my principal announced over the intercom that all the fifth-graders should report to the playground. We followed orders and made our way outside, where I was stopped dead is my tracks by the most humiliating sight my 11-year-old eyes had ever beheld. There was my dad handing out trash bags to my skeptical classmates and encouraging them to participate in picking up all the trash scattered around the playground.

If I wasn't mortified enough, he had packages of Oreos and Fig Newtons as our reward—two per person. As if any respectful fifth-grader ever ate Fig Newtons. I scurried to pick up every piece of trash and shove every Fig Newton down my throat to end this fiasco as soon as possible and send my dad on his way.

Looking back, I realize that I was not surprised to see him do this. I did not even question him. But I know that he was just trying to get me involved in keeping my school and city clean, that I had a place to be proud of and I would not allow others to do the job for me. Through bringing me around to the developments on the arena, the ball park or even the making of a new Market Basket, he made me realize someone as normal as my dad could make a difference if they just get up and do it. This spirit of his is something I will always remember and hopefully lead my life by.

However, in the long run, the politician or the man of Lowell is not who I am going to miss. I'm going to miss my dad and the way he always ate his English muffins with butter and jam, or how he'd wake up at 8 o'clock and swim across Schoolhouse Pond, or water Kittredge Park, or seeing him excitedly jump out of his chair during charades, or how he'd take us to some random field to play baseball, or how he'd tell me that I was a good kid. I'm even going to miss him helping me make my bed or trying to pick up my clothes from the bathroom floor.

No matter how many times I reassure myself that he had a wonderful life, he did a lot of amazing things, some of which I've just realized, nothing can make me stop wishing that my dad was here right now.

TRIBUTE TO SENATOR PAUL TSONGAS

Mr. FEINGOLD. Mr. President, when then-Representative Paul Tsongas of Lowell, MA, was running for the U.S. Senate in 1978, a newspaper columnist referred to him rather dismissively as "an obscure first-term Congressman." Candidate Tsongas responded quickly to correct the error, saying, "I'm an obscure second-term Congressman."

That was Paul Tsongas, meticulous with the facts, parrying an attack with laughter, and always keeping on course to his goal.

Mr. President, Paul Tsongas embodied the best qualities of a public servant. Uppermost in his mind was the responsibility to make his community, his district, his State, his Nation, his world a better place than he found it. Part of that responsibility was to speak plainly the truth as he saw it, even when speaking the truth might undermine his own ambitions.

During the 1992 Presidential campaign, for example, Senator Tsongas insisted on warning the American people, over and over, about the looming threat posed by our national deficit. He refused to embrace tax cuts, instead insisting that fiscal responsibility and prudent policy were the keys to bringing the Federal budget back into balance.

Because we shared a commitment to deficit reduction, Senator Tsongas came to Wisconsin in 1992 to campaign for me in my Senate race. Deficit reduction was the centerpiece of my campaign effort, and, like Senator Tsongas, I took the position that massive new tax cuts would undermine our efforts to reach a balanced budget. It was heartening to me to have Senator Tsongas' support and encouragement.

His principles of fiscal responsibility and prudent policymaking led Senator Tsongas, after ending his quest for the Presidency, to join with another former Senator, Republican Warren Rudman, to form the Concord Coalition, an organization that has become one of the leading voices for deficit reduction.

While I did not have the opportunity to serve with Senator Tsongas, our philosophies often crossed paths. I have been proud to have had the support of the Concord Coalition on various deficit-reduction efforts, and I have been inspired by Senator Tsongas' vision, energy, courage, and dedication, both on this issue and in the practice of public policymaking generally.

Mr. President, I had only recently begun my own career in public service when Paul Tsongas announced he would not run for re-election in 1984, because he had been diagnosed with non-Hodgkin's lymphoma. He wanted, he said, to spend more time with his family.

He endured bone-marrow transplants, a treatment that was experimental at the time, and he eventually came back, first to chair the Massachusetts Board of Higher Education, then to run for President and then to cofound the Concord Coalition.

Even as he was working in the highest circles of American politics, he always kept close contact with his beloved hometown of Lowell, where he served on the city council in the late 1960's and where he is recognized as one of the community leaders who help revive that former mill town.

Mr. President, in April 1963, Paul Tsongas was serving in the Peace Corps in Ethiopia, and he wrote then-Atty. Gen. Robert Kennedy, asking for help in securing a party worker's job in the upcoming national elections. In that letter, the 22-year-old Tsongas told Kennedy, "I feel confident that I have the raw material to become a successful public servant."

A typical understatement from Paul Tsongas, Mr. President. He will be missed.

Mr. President, 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. GREGG. 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. GREGG. Parliamentary inquiry, are we in morning business?

The PRESIDING OFFICER. The Senator is correct. The Senator is permitted to speak up to 10 minutes.

THE BALANCED BUDGET AMENDMENT

Mr. GREGG. Mr. President, I rise today to speak a little bit about the balanced budget amendment which is being brought forward on this floor in the near future. It is obviously one of the most significant items that this Congress will deal with. As we all know, in the last Congress it passed the House and unfortunately failed here in the Senate by one vote.

So it is a matter of substantive policy which we must attend to, and which we as a Congress should pass. There are a lot of reasons for passing the balanced budget amendment. The most important, in my opinion, is that we put in place procedures in this Nation which will not allow one generation to take from another generation its opportunity for hope and for economic prosperity. Unfortunately, every time we go to the well and borrow money here, as a Congress, we are requiring our children to pay that debt. It truly is unfair for one generation, which has benefited so much from the greatness and energy and prosperity of our Nation, to be taking from another generation its ability to also benefit from that greatness, energy, and prosperity. But that is what we do, we run up the debt of the United States and pass it on to the next generation.

In dealing with the balanced budget, there has been a lot of discussion as to how it should be structured, how this constitutional amendment for a balanced budget should be structured. One of the primary arguments that has been made, on the other side of the aisle especially, is that any balanced budget amendment must not include in

its calculation the receipts that flow into the Social Security trust fund for the purposes of determining whether or not the Government is in balance. This is what is known as the Social Security argument.

I think it is put forward for a variety of reasons, some of them substantive and, regrettably, some of them political. We all know whenever you raise the issue of Social Security you not only gather the attention of a number of Americans but, in many instances, if you raise it in certain ways you scare a lot of Americans because many Americans' lifestyles, their ability to exist financially and their capacity to make it from day to day, depend on their capacity to receive Social Security and the support of Social Security. It has been an extraordinarily successful program.

But, in the context of the balanced budget amendment, the way it is being presented is, I think, a bit of an obfuscation of what is actually the situation. Because what is being represented, if you want to get down to the simplest statement of it, what is being represented is that today the Social Security funds are essentially being raided to operate the Federal Government. That is the basic argument that is being made on the other side. And the argument therefore follows that we should not do that, we should only use revenues that are available for the purposes of operating the Government in order to operate the Government.

In other words, if we raise $1 of taxes to pay for defense or to pay for education or to pay for any variety of things that we do at the Federal level, that is where that dollar should go. But if we raise $1 for purposes of the Social Security trust fund through the withholding tax, if we raise that dollar, it should only be spent on Social Security. And to set up a balanced budget amendment which may in some way use those dollars to operate the general Government is unfair and inappropriate to seniors who deserve that money to support them.

This argument makes sense just stated in that way. But it does not make any sense if you look at the substance of the way Social Security works. Today, in fact, it raises some very serious concerns about what the promoters of this argument really want to do with the Social Security trust fund. Because today the way the Social Security trust fund works is this. You pay $1 into the Social Security trust fund. That $1, as a working American—whether working on an assembly line in Detroit or whether you are working as a computer programmer in New Hampshire —you pay $1 into the Social Security trust fund and that dollar is immediately paid out to support somebody who is on Social Security today. Social Security is a pay-as-you-go system. Today, under the system as it is structured, more people are paying into the fund than are taking out of the fund in total dollars. If you discount interest payments as a technical thing, basically you are paying $29 billion more into the Social Security fund than is taken out of the Social Security fund, for the purposes of paying seniors their support under Social Security.

So the senior citizen might say, or some from the other side of the aisle seem to be saying, "Well, that $29 billion should be available to Social Security and only Social Security. Because, after all, it was raised with Social Security taxes." I am willing to accept that as an argument; as an argument. But how does it actually work? How does it actually work?

Under the law, what do the Social Security trustees do with this extra $29 billion they will receive this year that they are not going to pay out in benefits? Do they invest it in the private sector or put it in a savings account designated to a senior's name? Do they in some other way hold that asset for the benefit of that senior citizen, for the benefit of a senior citizen or for the benefit of the wage earner who paid into the trust fund? No, they do not. They do not. Why don't they? Because, under the law, the Social Security trustees can only do one thing with that surplus, with that extra $29 billion they are taking in this year they are not spending for benefits. They can only lend that money to the Federal Government. They cannot lend it to anybody else. They can only lend it to the Federal Government under a special loan document that yields a special interest payment.

So the money goes back to the Federal Government and is spent by the Federal Government as a loan. That means the $29 billion is not in some special savings account for a senior citizen or for the wage earner who paid it in. It is not in some special stock agreement, stock certificate. It is not invested in IBM or General Motors, or not invested in a mutual fund like the Fidelity fund. It can only be invested in the Federal Government.

Of course, what is the Federal Government going to do with that $29 billion? Is it going to sit on it? Hold it under a mattress? Of course not. What the Federal Government does with that $29 billion is it operates the Government of the United States. If the $29 billion that is being lent to the Federal Government by the Social Security system were not available to the Federal Government, the Federal Government would have to go out, theoretically, and borrow it from somebody else, borrow it in the marketplace by issuing Treasury notes. So, what you have here, essentially, is a pay-as-you-go system. Everything that is paid in is paid out. But to the extent it is not paid out, to the extent there is a surplus, the money has to go to the Federal Government.

What the other side is saying is the Federal Government should not be allowed to use that money for the purposes of accounting for its budget, as to whether or not it is balanced. As a practical effect, what does that mean? What does it really mean, what they are saying? It means one of two things. It means either: First, they want all that surplus invested in something other than Federal-issued debt, they must want it invested in the stock market or maybe they want to invest it in real estate, or maybe they want to invest it in futures funds or maybe they want to buy into the Albanian Ponzi scheme. But they do not want it invested in the Federal Government. That is the first thing it means. That is the first alternative.

I have to say that is a very dangerous idea. Many people have considered that idea and it has been of significant concern. But to just arbitrarily say the Federal Government will not be able to borrow money from the Social Security fund and therefore somebody else is going to have to borrow the money, they are going to have to lend it to somebody else, is to say you are going to privatize—that is what they are suggesting—they are going to suggest privatizing the surplus of the Social Security fund. Not designated to any individual contributor or taxpayer, which I happen to think makes sense, but, rather, just simply you cannot invest Social Security funds in the Federal Government any longer, you have to invest in some other vehicle. That is, in practice, what they are proposing. They are not saying that because they are using the political cover of this hocus pocus about Social Security.

But in practice, that's exactly what they are presenting as their concept. OK.

If that isn't the alternative, if the alternative is you should have to invest in something other than the Government with the Social Security surplus, then the other alternative is—what they are saying—we're looking at a bookkeeping event, because if the Federal Government is allowed to borrow the money from the Social Security trust fund, if the Federal Government is allowed to borrow the surplus from the Social Security trust fund, then what is the difference from today? There isn't any difference.

Today, the Federal Government, for the purposes of operation, borrows the money from the Social Security trust fund, gives the Social Security trust fund a debt instrument and pays interest on it. What they are suggesting is either, one, that shouldn't occur under their proposal, which means they are calling for the privatization of the surplus, or, two, if it should occur, then

there's no difference from today, they're just talking about a bookkeeping event. Instead of the Federal Government accounting for it one way, the Federal Government will account for its borrowing another way. But the fact of the matter is, the Federal Government is still borrowing the money, and there will be absolutely no difference.

So this argument from the other side is highly specious. It cannot be defended on the basis of substance. It can be defended on the basis of politics, I admit to that. This is great politics: Let's trot out the old Social Security again. Let's scare the seniors. But on the basis of substance, it has no legs. All you have to do is look at the fact of the matter and recognize it has no legs, because I don't think these folks over there on the other side of the aisle who are suggesting this are suggesting we privatize the surplus, that we allow the surplus to be willy-nilly invested in the market.

I happen to think there are some strong arguments—this is another whole issue—if we are taking that surplus and rather than taxing it, rather than raising it through taxes, allowing the wage earner to retain that surplus, give them a tax cut, basically, on their payroll tax and let them put that surplus, that percentage of their payroll tax that represents that surplus, which is about 1 percent, in their own savings account so they can save for themselves for retirement. But that is not the issue here.

The issue here is whether the other side really believes they want to privatize the surplus, and if it is not their position they want to privatize the surplus, essentially what they are saying is they want a bookkeeping event to occur, because they are still going to let the Federal Government borrow the money under one scenario, under a balanced budget, and they borrow it under one set of books. Without the balanced budget, they would balance it under another set of books. But as a practical matter, the effect would be the same. The budget would be balanced.

Is my time expired? I ask unanimous consent for 5 more minutes.

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

Mr. GREGG. Mr. President, what we have here is a great political game. There are a lot of people who don't want a constitutional amendment to balance the budget because they don't want the Federal Government to be put under the restraint of fiscal responsibility, and they ought to step forward and say that. They should not be hiding behind the Social Security argument, because it is fallacious, as I have just mentioned.

Or—here is another point—if they are going to make this point with the Social Security trust fund, that it should be outside the unified budget, that it should not be part of the budgeting process and the surplus should not be accounted for under the process, but that we create a new accounting method, which has the same effect as a practical matter, then why aren't they making the same point with the Medicare trust fund?

Why? Well, I will tell you why. Because if they were to make that point with the Medicare trust fund, you would see that their argument would require them to fill a huge Medicare hole. Medicare is going broke. The trust fund is going broke. It does not have a surplus.

Here is a chart that has just been put up. This chart reflects how much the Medicare trust fund is going broke. This is a bar chart, and we can see the Medicare trust fund began last year, I guess, actually, in the deficit. Then next year, it is a $48 billion deficit; in 2005, it is a $91 billion deficit, and it is a geometric progression from there, reflecting the tremendous imbalance in the Medicare trust fund, which we all know exists which, unfortunately, was denied during the election and any proposals to address it. I happen to have a couple that are fairly substantive which have been met with a bit of demagoguery.

The fact is, this exists, and the question becomes, why wouldn't the practical arguments that are being made on Social Security for taking it off budget be made on the trust fund for Medicare to take it off budget?

The obvious reasons are that the folks on the other side who are making this argument are not making this argument for substantive purposes, they are making it for political purposes. The politics of the situation require that they not talk about the Medicare trust fund problem, but rather that they talk about a nonexistent Social Security issue, as of today—a major Social Security issue down the road, but as of today, a nonexistent Social Security problem.

But if they were to raise the Medicare issue, then they would have to ask about how they are going to address the fund question, because if you use their logic for the Medicare trust fund, they would have to come up with a proposal this year, if the balanced budget amendment were passed with the Social Security language that has been proposed, but if that Social Security language was also applied to Medicare—Medicare being a trust fund as important to seniors as Social Security, I would argue, and, in many instances, even more important because it is a health care insurance—well, then this year they would have to come up with a proposal to bring into balance the Medicare trust fund to the tune of $48 billion—$48 billion. And that would create some significant policy questions.

That is exactly what we should do, of course, and exactly what I hope we will do. But the fact is, the reason it is not being discussed in this debate is because it means you have to face up to the hard policy decisions that are involved in balancing the Medicare trust fund.

So if you are going to separate the Social Security trust fund, why not separate the Medicare trust fund? The fact that they are not separated, I think, shows the political nature of this Social Security argument.

So that is just a quick recitation or response, if you will, to those folks who got on the floor today giving us the Social Security sales pitch.

The fact is that the initial proposal to take Social Security out of the balanced budget amendment proposal means one of two things: One, they either want to privatize the surplus and have it invested in places other than the Federal Government or, two, they are just going through a bookkeeping game, because the Federal Government will continue to borrow the money.

The fact that they haven't included the Medicare trust fund only reinforces the superficiality of their position and the fact that their position is political and not substantive.

There is going to be a lot more discussion about the balanced budget amendment before we get to the end of this road, before we get to a vote. We are going to hear a lot about Social Security. But I do hope that people will look beyond the language of the debate and actually look at the substance, because on the substance, the Social Security argument, as presented—the Social Security position, as presented—does not have any legs. You could present it so it did have legs, but, in this instance, that is not the case.

Mr. President, I yield back the remainder of my time. 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. 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.

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I would like to remind all committee chairmen that as required by rule XXVI of the Standing Rules of the Senate, "The rules of each committee shall be published in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. * * *"

The Committee on Rules and Administration adopted the following rules of procedure for the Committee on Rules and Administration at the committee's organizational meeting today. I ask

unanimous consent that they be printed in the RECORD.

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

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR-301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

Mr. WARNER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Parliamentary inquiry. Are we in morning business?

The PRESIDING OFFICER. The Senate is conducting morning business. We do have a previous order to recognize the Senator from Tennessee at 4 o'clock.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak until 4 o'clock.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 222 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized for 20 minutes.

Mr. THOMPSON. Thank you, Mr. President.

THE GOVERNMENTAL AFFAIRS COMMITTEE AND THE 1996 PRESIDENTIAL CAMPAIGN

Mr. THOMPSON. Mr. President, as everyone knows, the Governmental Affairs Committee has begun an investigation into foreign campaign contributions and fundraising activities of the 1996 Presidential campaign. I believe that it is appropriate at the outset to set forth exactly what we were about, to discuss the committee's jurisdiction, the scope of its investigation, its purpose, and what principles we will apply in resolving the issues that will face us. The reasons to discuss this now at this time are several.

First, we who are on the committee and in the Congress need to remind ourselves of these basics so we may keep our focus in the days ahead.

Second, the American people need to understand the nature and purpose of our work in order that they will respect the process and the results of our efforts.

Third, it is necessary to respond to some of the questions in the media and elsewhere as to the committee's role and purpose.

Mr. President, my own analysis of these issues is just that; it's my own analysis. It is certainly subject to other views by other people. However, I do believe that there are certain principles that apply to our endeavor that can be gleaned from the Constitution, from the rules of the U.S. Senate, from court interpretations and, hopefully, from common sense in applying the lessons learned from the successes and failures of other committee investigations.

Mr. President, the granting of the legislative power to Congress in article I of the Constitution includes the power to investigate. As the Supreme Court held 70 years ago, "A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it." So long as an investigation addresses issues that can be the subject of legislation, the investigation is constitutionally permissible. Some of the most important inquiries the Congress has conducted in the past two centuries have involved the role of money in politics and its effect on policy: the Credit Mobilier scandal of the 1870's; an investigation of corporate campaign contributions in the 1912 campaign, at which Theodore Roosevelt testified concerning his own campaign; and, of course, the investigation of the 1972 Presidential campaign.

Congress' powers to investigate broadly encompasses all areas of the operation of the Federal Government, as well as flaws in the electoral system that makes the Government accountable to the American people. As Chief Justice Warren stated, the investigatory power "encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic, or political system for the purpose of enabling the Congress to remedy them. It comprehends probes into departments of the Federal Government to expose corruption, inefficiency, or waste."

Indeed, President Woodrow Wilson wrote that, "Unless Congress have and use every means of acquainting itself with the facts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served. * * *" Then he went on to say, "The informing function of Congress should be preferred even to its legislative function. * * * The only really self-governing people is that people which discusses and interrogates its administration."

Although every committee in this body exercises oversight jurisdiction, the full range of the Senate's informing functions is granted to the Senate Committee on Governmental Affairs. Its jurisdiction includes the effectiveness of the operations of all branches of Government, including misfeasance, corruption, and conflicts of interest. It is broad enough to include Presidential campaigns and even congressional campaigns if they are relevant to and reflect upon the way our Government currently operates. No other committee has within its investigatory authority the entire range of the Governmental Affairs Committee's jurisdiction, which is as broad as the Constitution permits.

The investigation we are now undertaking is neither a criminal investigation nor a seminar on campaign finance reform, although, it involves elements of both. Based on the information before us at this time, it is an inquiry into illegal or improper campaign finance activities in the 1996 Presidential campaign and related activities. This means, however, that any facts that may have occurred before the 1996 campaign that are relevant to or shed light upon that campaign or the operation of our Government may also be subject to our inquiry. Such a scope will necessarily involve examining our current campaign spending laws and how they operate.

Now, certainly, our work will include any improper activities by Republicans, Democrats, or other political partisans. It is of extreme importance that our investigation and our hearings be perceived by the American people as being fair and evenhanded. This does not mean that we must strain to create some false balance or that we have some sort of party quota system. It simply means letting the chips fall where they may. We are investigating activities here, not political parties.

While no one should be shut off for partisan advantage, we must have a sense of priorities based upon the seriousness of the activities or allegations that come to our attention. Otherwise, we will be at this much longer than anyone will want us to be. Neither I nor anyone else can determine at the outset all of the activities or areas that we will investigate. As matters arise, the committee will simply have to make those determinations.

It should be pointed out that these questions are not under the exclusive province of the majority. I have the greatest respect for Senator JOHN GLENN, the ranking Democrat on the Governmental Affairs Committee. His many years of service in this body have demonstrated beyond question his integrity and his love of his country. We are working together with our staffs to ensure that all information is equally available to appropriate staff members and committee members. We hope that in all cases the work of the committee can be done by the staff in a cooperative fashion. Consensus should emerge on which issues are the most serious and those matters which will receive the greatest consideration. But if legitimate disagreement arises as to priorities, the majority will in no way limit the minority's rights to investigate any and all parties within the jurisdiction of the committee. Moreover, the minority will be given the opportunity to call witnesses in for public hearings if we cannot agree upon a joint witness list.

Although I believe these comments are sufficient to describe what the committee plans to examine, I expect to receive further inquiries. So I will outline the following as some specific areas we will consider, although this is obviously not an exclusive list:

A. Whether the Presidential campaigns, national political parties, or others engaged in any illegal or improper campaign activities, or whether illegal campaign contributions were made to such entities, in connection with or relevant to the 1996 Presidential campaign.

B. Whether, during the course of the 1996 Presidential campaign, executive branch employees maintained and observed legal barriers between fundraising and the official business of governing.

C. Whether Presidential campaigns remained appropriately independent from the political activities pursued for their benefit by outside individuals or groups.

D. Whether any U.S. policies or national security decisions were affected by, No. 1, contributions made to or for the benefit of the President or, No. 2, improper actions of any executive branch employee or former employee.

E. Whether our existing campaign finance laws, including laws governing the disclosure of contributions to entities established for the benefit of public officials, should be substantially revised and, if so, in what manner.

F. Whether, based on the results of this investigation, laws other than campaign finance laws, such as the laws regulating the conduct of Federal officials and employees, should be revised, and, if so, in what manner.

The committee does not intend to examine specific allegations of wrongdoing that Congress has already previously considered.

Now, a significant portion of our inquiry will necessarily focus on the executive branch. This is consistent with Congress' historical function and obligation to conduct oversight of the executive branch. It is a part of our system of checks and balances. It is, by its very nature, somewhat of an adversarial process. As Justice Jackson wrote, the Constitution "enjoins upon its branches separateness but interdependence; autonomy but reciprocity. Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress."

Each branch of government has its rightful prerogatives, Mr. President. And just as Congress must understand its prerogatives and responsibilities in this process, so must the executive branch. And clearly, part of the executive branch's proper role is to protect the rightful prerogatives of the President and the Presidency, but also to provide prompt, truthful information when Congress requires it when it is needed to fulfill Congress' responsibilities. It is important that the executive branch refrain from claiming privileges that are inappropriate or simply do not exist.

For example, executive privilege, though not specifically granted to the President in the Constitution, is an implied power that has been recognized by the courts over the years. Presidents are entitled to candid advice from their aides concerning important policy matters that would not be forthcoming if it were subject to exposure by Congress or anyone else. On the other hand, the privilege does not extend to wrongdoing and it does not extend to any and all information that may prove embarrassing to the President or others. Although it has not been court tested, Senator Sam Ervin, chairman of the Watergate Committee, always took the position that matters that were purely political were not covered by executive privilege when confronted with a legitimate congressional need. What the courts have held is that when it is based only on the broad claim of the public interest in confidentiality, executive privilege may be outweighed by other considerations. In other instances, claims of executive privilege are strongest when invoked in the areas of military, diplomatic, or sensitive national security secrets.

Presidents have handled the executive privilege issue with regard to congressional investigations in different ways. President Nixon fought his executive privilege claim all the way to the Supreme Court and lost. President Reagan during the Iran contra investigation waived all executive privilege and attorney client privilege claims that he may have had. Also, President Carter waived all privileges when the activities of his brother were investigated. As instructive examples of the cooperation of these two Presidents, they both allowed congressional examination of all documents, and President Reagan even provided his personal notes and diary entries.

The President and others have correctly pointed out that the American people are tired of petty partisan bickering and the meanness that sometimes seem to pollute the atmosphere in Washington, DC. While this is undoubtedly accurate, I believe the American people also want us to stand for something, including the truth. That makes it our obligation to find it and lay it out. So the question becomes: Can we carry out our responsibilities and assist the American people in learning the truth about the strengths and weaknesses of the operation of their Government without engaging in mean spiritedness or partisan warfare? From time to time in our history, when the occasion required it, Members of this body have put partisanship aside, vocally criticized and even filed suit against an administration of their own party. Former Senator Howard Baker of Tennessee and former Senator Warren Rudman of New Hampshire come to mind. I have no doubt that my Democratic colleagues on the committee and in this body will do the same if the evidence calls for it. And I pledge my every effort to insure that their actions are not met with attempts to obtain partisan advantage.

But let us be frank at the outset. The extent to which we can have a thorough, bipartisan investigation without many of the recriminations we have seen in the past is going to depend in large part upon the attitude of those in the White House and the executive branch. The same can be said of the length of our inquiry. If one looks solely to the past, there is little reason to be optimistic. We have seen what appears to be a grudging release of information in drips and drabs and, seemingly, only when forced to. We have seen the broadest claims of executive and attorney client privilege in our history. We have seen all manner of delaying tactics which congressional oversight committees claimed were intended to avoid scrutiny by Congress, where noncooperation has been stretched past the cutoff dates of committee investigations or even sessions of Congress. Accusations have abounded that disclosure has been withheld until after the Presidential election to avoid scrutiny by the people. We understand the nature of that game and we will not play it. We will do whatever is necessary and proper to make sure that such actions are not rewarded, including the continuation of investigations and the institution of court proceedings when appropriate.

It doesn't have to be that way. I am still optimistic that it won't be that way. I think it possible that the President may have been overlawyered in the past; that while strategies may have been employed that were clever legal defense strategies, they were perhaps detrimental to the good of the country and even to the President himself. I am hoping for a new day. I am hoping the committee can establish its willingness to proceed in good faith. There is a new team in the White House, individuals with excellent reputations who commend respect. I am hoping that the new White House counsel will understand that his position is one of counsel to the office of the President. He is not the President's personal attorney.

And I cannot believe that the President does not want to get to the bottom of the serious allegations that have been made. In the first place, he took an oath of office to preserve, protect, and defend the Constitution, including his article II responsibility to take care that the laws are faithfully executed. The President has publicly acknowledged that some of the DNC's contributions were illegal. Since under the best of interpretations, these are matters that reflect upon him and his Presidency, he above all should want to seen them cleared up, and I believe that he does. I would like to think that the President would be outraged at this turn of events and feel an obligation and responsibility to get to the bottom of the matter, including clearing the names of anyone who may have been unjustly accused.

Nor is it enough to simply call for campaign finance reform. I trust that my position on this issue is well known. I cosponsored along with Senator MCCAIN and FEINGOLD, campaign finance reform legislation in 1995, my first year in the Senate. I was for campaign finance reform when campaign finance reform wasn't cool. I have long thought we simply spend too much time soliciting too much money from too many people who are interested in legislation that we consider. I'm not sure that the solution is and I am hopeful that part of what this investigation will do is examine our campaign finance system and seek out ways in which we can improve it. But those of us with responsibilities in this area, whether it be the President or Members of Congress, cannot let the call for reform serve to gloss over serious violations of existing laws. If we do that the reform debate will be cast in a totally partisan context and insure that, once again, campaign finance reform will be killed.

The question constantly arises as to when public hearings will begin. Interestingly, Democrats, Republicans, the White House, and the news media all are seemingly interested in having hearings as soon as possible—I would guess all for different reasons. I share that desire. However, the committee's obligation is not to do it early but to do it right. Certain things should be kept in mind by those who, on a daily basis, ask when hearings will begin. In the first place, establishing a hearing date, or even a target date when dealing with such a broad array of matters as listed above, would be nothing more than guesswork. The hearings should begin as soon as the matters have been properly investigated and not before. Time spent in proper investigation and preparation prevents disjointed hearings and saves time in the long run. This is not a matter of hauling a bunch of people whose names have been in the paper before the camera and hurling charge at them.

This committee as presently constituted and my chairmanship came about less than 3 weeks ago. We must rely extensively upon new staff that is just being hired and we do not have a full complement yet. Clearances must be obtained. Facilities must be set up. Documents must be gathered and carefully reviewed. A check of the history of other major committee investigations reveals that 3 or 4 months of investigation and preparation before the beginning of the hearing phase is the norm. That is not to say that it will take our committee that long. I am hopeful that it will not. But it will take whatever it takes. And as I have stated, the level of cooperation we receive from the White House and the rest of the executive branch is directly relevant. Most importantly, of course, one cannot tell in the beginning of an investigation what leads may be developed.

One final thought: Most of us did not come to Washington to tear down, but to build up. But, the Founding Fathers did not believe that the errors of government were self-correcting. They knew that only constant examination of our shortcomings, and learning from them, would enable representative government to survive for hundreds of years past their own time. They believed correctly that this process makes America stronger, not weaker. We are heirs to that legacy, and we will strive to be deserving of it, by taking this step toward restoring the public's confidence in the Government for which our forebears were willing to sacrifice everything.

Thank you, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I have listened very carefully to my friend, the senior Senator from Tennessee and the chairman of our committee, and heard him describe an investigation that he plans to conduct as chairman of the Governmental Affairs Committee. I welcome his comments.

As the ranking member of the committee and as someone who was chairman for some 8 years, this can be a most important hearing for our committee. Today I want to publicly pledge to him my best efforts to cooperate in establishing the bipartisan atmosphere that he called for and that I believe Senator THOMPSON genuinely wants to have as we go forward.

I am pleased that Chairman THOMPSON in his opening remarks mentioned the importance of defining the scope of the investigation and its purpose. He also talked about principles that should be applied if the investigation is to be successful. I will refer back to these principles a little later in my remarks. But I think it was helpful that Chairman THOMPSON included a partial list of areas to be considered. There is no question that the issues raised in his list are among those that ought to be examined, and I support them. I agree with him fully when we talk about the informing function of Congress, but I agree with it more as a starting point than as an end to our investigation.

I think it becomes far more meaningful that instead of just limiting this to the 1996 Presidential campaign, we also use this informing function to recommend what can be done about the situation we are investigating. I think that is what the American people want.

So I think that a more meaningful, fair list must include additional questions about improper practices in national campaigns. In addition to looking at the problem of foreign contributions, which certainly should be looked at, the Governmental Affairs Committee must look, for example, at the problem of soft money used by unregistered organizations without disclosure and without limitation to influence elections, and the misuse of Government offices and staff for political purposes, and abuses of power in coercing campaign contributions, the misuse of charitable and other organizations and promises of special access to Government-elected officials. The Governmental Affairs Committee should look into these types of practices whether examples are found in connection with the executive or the legislative branch.

My point, Mr. President, is this: There is no end to the questions that might be asked about improper or illegal fundraising and spending in political campaigns. So we need to establish objectives for the investigation without making the inquiry too narrow and thereby risk at least a perceived partisan approach. Defining the committee's objectives will help determine the scope of the investigation, but, most of all, the committee's scope should be determined by the committee's purpose in these investigations. Any major Senate investigation —and this will be one—ought to have a clear purpose.

To make an analogy, I recall many of my colleagues asking on this Senate floor not too long ago when we were considering United States entry into Bosnia, what is the exit strategy? Demands were made for an exit strategy before there would be a vote.

That was a reasonable question then, and I think it is a reasonable question in regard to this inquiry. In each context, the exit strategy is inseparably linked to purpose. What is the purpose of this investigation? Or perhaps the better question to ask now is, what should be the purpose of this investigation?

The chairman has stated he intends this exercise to inform the public. That is one of our purposes as an oversight and investigatory committee, so I support that fully and completely. I do not think it is enough that we view our purpose as informational only. We need to take the next step. We need to correct the problems with our campaign system. That is what the American public wants. I think that is what we want on both sides of the aisle. That is what both political parties have said they want. It means that to correct the problems, we are going to have to investigate then wherever those problems may be, not just on a narrowly defined limit of the last election.

All the questions posed by my distinguished colleague in his remarks point to campaign finance practices that may be illegal or, if not, in my view ought to be illegal. I happen to think that the reform of campaign finance laws should be our daily objective in this Congress. However, I am convinced that the fight over passing real campaign finance reform will not be won until the pressure from the American people becomes overwhelming, and I think these hearings and this investigation can make that interest overwhelming. That is the reason I think we should go the next step.

This investigation, if done right—and I am convinced it will be—could be the vehicle to create that pressure. But it will not happen if this investigation somehow turns into partisan pointing and bickering back and forth, and I do not think it will happen if the inquiry drags on into next year, an election year, when changing the campaign finance laws will be virtually impossible.

If we do not use this unique opportunity to reach real reform, the American people will have a tendency to say a pox on both our houses, and I think they will probably be right.

So I say to Chairman THOMPSON and my Republican colleagues, let us not only inform but let us take that next step of enactment of campaign finance reform this year as our goal and as a major purpose of this investigation. Inform, certainly, but take the next step as well.

Let us examine the most important and egregious set of political fundraising and spending practices—not just pointing at one spot but let us look at the practice. Let us write a report this year that tells the American people really how badly this system has been operating and how it should be fixed. And Heaven knows, we are experts on it because we deal with this system every day and every time we have to run for reelection. And then let us go out and fix it before the year is over.

Is there misuse, for instance, of nonprofits and tax exempts? There is misuse of foreign funds; we know that. What are the major misuses of soft money? What are the misuses of Government itself? And wherever we need to go to get information that helps us correct those problems and others is where we should go.

These, Mr. President, are my thoughts about purposes and scope and

duration of this investigation. So I think we need to devote the next few weeks to an effort hopefully integrating Chairman THOMPSON's vision of this investigation with what I have suggested here today, that we go beyond just the informational role and try and make some suggestions to fix the system.

Then we need to come back to the Senate—together perhaps—and present our plan for approval by the full body because the Senate will be very much involved with this whole effort. This inquiry presents us with an opportunity to accomplish something together. We have had people on both sides of the aisle this year in positions of leadership and regular membership talk about how we must work together this year. We have come off a couple of bruising years here in the Congress of the United States, so I view this inquiry as an opportunity, truly an opportunity as Democrats and Republicans that will be worthwhile and lasting for the American people.

As I indicated earlier in my remarks, I wish to address the issue of principles in the conduct of this investigation. The Senator from Tennessee made some very constructive remarks in his presentation regarding the role of the minority and the relationship of majority to minority in the conduct of this investigation, and I thank him for that and I wish to elaborate on them just a little bit.

First, to assure that the committee's investigation is fair, bipartisan, and legislatively productive, I think it is vital the Senate define the scope and procedures and duration of the investigation in the omnibus committee funding resolution.

Now, a definition of scope and duration will enable the Senate in providing funds for the investigation to establish what it is authorizing, the subjects about which it wishes to learn from the committee, and when it wishes the committee to report. There should also be a specification of even-handed procedural ground rules for the investigation.

For example, the majority and minority should have contemporaneous access to all documentary evidence received by the committee. The majority and minority should have the right to be present at and participate equally in all depositions and investigatory interviews. And the majority and minority should have equal opportunity to obtain and present relevant testimonial and documentary evidence on the subjects of the committee's inquiry.

These are just safeguards for a fair and bipartisan inquiry which is in keeping with contemporary Senate practice. This is the way the last several Senate investigations have been done, and Senate practice from investigations of this kind dictate that it should be expressly spelled out before the actual investigating begins so we do not get into an unpleasant disagreement in the middle of the hearings.

Also, the minority should have sufficient personnel and resources to enable it to take part fully in acquiring and analyzing evidence. That may be a problem because ordinarily the committee split on resources here in the Senate is one-third/two-thirds. I do not anticipate that is going to change in this investigation. But it means on the minority side, that to have an even prospect of having an even ability to look at areas we might want to explore, we are at a disadvantage going in.

So it is obvious that many issues will have to be negotiated in order to reduce the risk that the Governmental Affairs investigation degenerates into a partisan finger pointing exercise. I certainly do not want to see that happen.

All of us in the Senate, and in particular all of us on the committee, have a grave responsibility. That responsibility is to ensure that this investigation moves forward in a constructive and bipartisan manner. I look forward to mutual respect among all participants. Most of all, we need to enter into this with the interests of the American people uppermost in our minds, rather than any partisan political advantage. And that means looking in all directions, wherever we find any information that may direct us to what I see as the secondary objective of our hearings, and that is not only to inform but to recommend ways to correct these problems so we do not go on into the next election with some of the same abuses taking place all over the country that occurred in this last election.

My distinguished chairman has said this is his aim. I certainly take him at his word. He is a man of his word. I know that. We want to work together on this. So I hope we can come quickly to an agreement on scope, on time, on process, on cost of the investigation, and place that agreement in the funding resolution for the Governmental Affairs Committee.

This can be a most important activity we are about to embark on here. From all appearances it is going to be fairly long and arduous, and I think it is important we set these kinds of rules before we get going; not important just for us on a personal basis here, but it is important that somebody work this out for the American people. That is what this committee has the opportunity to do.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. BROWNBACK]. Without objection, it is so ordered.

THE SITUATION IN BOSNIA

Mr. LEVIN. Mr. President, I recently returned from a trip to NATO headquarters, to the headquarters of the United States European command, in Stuttgart, and Senator JACK REED of Rhode Island joined me for a trip to the former Yugoslavia. While in Bosnia we visited Sarajevo, Tuzla, Simin Han, Hajvazi, and Mostar. We also visited Zagreb in Croatia and Belgrade in Serbia. I want to share the impressions and conclusions that I gained during the course of this trip.

The situation within Bosnia is relatively stable. The forces of the NATO-led Implementation Force that ended its deployment in December 1996, accomplished its mission of separating the forces of the former warring factions, overseeing the placing of heavy military equipment in cantonment areas, and generally creating an environment in which civilian aspects of the Dayton Peace Agreement could be carried out. The NATO-led stabilization force, which is scheduled to remain in Bosnia for 18 months from December 1996, is essentially continuing the mission of keeping the peace and creating a secure environment.

I was heartened that some institutions of the Government of Bosnia and Herzegovina have been formed. In our separate meetings with the three Presidents and two Prime Minister of Bosnia and Herzegovina, I was struck by their avowed intention of working together to implement the Dayton agreement. There will, of course, be problems and frustrations as they seek to work together, but I believe that these day-to-day problems can be overcome if the immediate and middle term challenges I am about to discuss can be satisfactorily addressed.

IMMEDIATE CHALLENGES

The next year is going to see many significant challenges to peace in Bosnia, and here are two:

First of all, a ruling of the international arbitration tribunal provided for in the Dayton agreement is due to be handed down on February 14, this year, concerning the disputed portion of the Inter-Entity Boundary Line in the Brcko area. Brcko was the scene of ethnic cleansing by the Bosnia Serbs of Bosnian Moslems, who were the majority there prior to the war. Brcko is located in the narrowest area of the Posavina corridor that separates the Serb Republic from the territory of the Bosniac-Croat Federation and which essentially also divides the eastern and western portions of the Serb Republic. In view of Brcko's strategic location, Bosnian Serb Premier Gojko Klickovic recently told reporters that Serbian

forces were prepared to launch a Bosnia-wide war if the Serbs lost control of the city in the arbitration process.

Brcko is located in the United States sector of Bosnia and Herzegovina. Having visited with Maj. Gen. Montgomery Meigs and his troops, I know that they are prepared to handle any military contingency that might arise. It would be suicidal for the Bosnian Serbs to resort to force in view of the overwhelming advantage that the SFOR forces have, but emotions run very high over this issue. Even if the Bosnian Serbs did not resort to force, the lack of cooperation that would surely result from an adverse arbitration ruling would complicate further the implementation of the civilian aspects of the Dayton agreement.

A second immediate challenge relates to Eastern Slavonia, a strip of land in easternmost Croatia that borders on Serbia and northern Bosnia and Herzegovina.

A United Nations peacekeeping force has been administering Eastern Slavonia as it transitions back to the full control of the Government of Croatia. The mandate of the United Nations Transitional Administration in Eastern Slavonia ends on July 15, 1997. There are presently about 120,000 Croatian Serbs in Eastern Slavonia, half of whom were driven out of their homes in other parts of Croatia, particularly the Krajina. If the Croatian Serbs determine that they are unable to live in peace in Eastern Slavonia, their only alternatives are to go to Bosnia or Serbia. Neither place has the resources to absorb the Croatian Serbs and their departure, forced or voluntary, to either place would be highly unsettling.

It is important for the international community to clearly notify the Croatians that they must reassure the Croatian Serbs that their rights will be respected so they will remain in Croatia. It must be made clear to the Croatian Government that its relationship to the West and its access to western institutions will depend upon its treatment of the Serb minority within its borders.

MIDDLE TERM CHALLENGES

Mr. President, our visit to Bosnia and the region have convinced me that there will be a need for an outside armed force in Bosnia beyond the 18 months mission of the stabilization force.

That is the most important, significant conclusion that I reached, which is that at the end of this 18-month period there still will be a need for an outside armed force in Bosnia. I base that conclusion on the following factors:

RESETTLEMENT OF REFUGEES

The Dayton agreement provides for the early return of all refugees and displaced persons to their homes. There are an estimated 1.2 million refugees and displaced persons in Bosnia and another 900,000 elsewhere, primarily Western Europe. There are an estimated 330,000 refugees, mostly Bosnian Moslems, in Germany alone.

The homes that these approximately 2.1 million people have the right to return to are either destroyed or are presently occupied by other refugees or displaced persons. As reconstruction lags, the problem remains acute.

Additionally, the animosities that gave rise to the war and the horrible atrocities committed against civilians have not disappeared and serve to discourage people from returning to their homes of origin.

These obstacles to resettlement were dramatically brought home to me during a visit to U.S. Observation Post Rock located in the vicinity of the former Bosnian Muslim town of Hajvazi that is now just within the Serb area of Bosnia. Across the ravine from the observation post one can see a house occupied by the Bosnian Serb police. The police are determined first to prevent Bosnian Muslims from returning and second to bring Bosnian Serbs in to occupy the houses in the town. The Muslim mosque lies in rubble.

Most dramatic of all, however, is the interior of the observation post itself. A pillar in the middle of the observation post contains the bloody handprint of a young child and the cement floor of the structure had to be covered with wood flooring because the blood stains were so ingrained they could not be cleaned. The United States commander described the building as a slaughter house where Muslims were put to death. It is difficult to imagine Muslims and Serbs living peacefully side-by-side in the shadow of such recent atrocities, even putting aside their previous history.

We also visited Mostar, a city in which both Bosnian Muslims and Bosnian Croats have lived since pre-war days. Mostar was the site of heavy fighting between Muslims and Croats prior to the so-called Washington Agreement which brought an end to Muslim-Croat fighting and enabled them to join forces against the Bosnian Serbs. Subsequent to the Washington Agreement, Mostar sustained heavy damage from punitive shelling by the Bosnian Serbs who controlled the high ground surrounding the city. Despite extensive construction efforts funded by the European Union which sought to make a model of Mostar for Muslim-Croat cooperation, the terrible scars of the fighting are still visible in Mostar, particularly in the Muslim section of the city which sustained most of the damage, bearing witness to the cruel shelling and small arms fire that indiscriminately targeted civilians there.

Another complicating factor as to why it is going to be impossible to leave without some kind of a follow-on force after 18 months from last December, has to do with war criminals.

WAR CRIMINALS

Article IX of the General Framework Agreement, which with its several annexes make up the Dayton Agreement, specifically recites "the obligation of all Parties to cooperate in the investigation and prosecution of war crimes and other violations of international humanitarian law." The authorities of the Serb Republic have refused to hand over former President Radovan Karadzic and former military chief General Ratko Mladic, both of whom have been indicted by the International Tribunal for the Former Yugoslavia at the Hague. In a January 2, 1997, letter to new U.N. Secretary General Kofi Anan, Serbian Republic President Biljana Plavsic challenged the legal foundation of the international tribunal and stated that "It is our firm belief that if we were to hand over Dr. Karadzic and Gen. Mladic for trial, this would, in fact, threaten the existing peace."

NATO policy established first for the implementation force and continued for the stabilization force is not to search for indicted war criminals and to apprehend them only if they are encountered by the NATO-led force as it carries out its duties and only if apprehending them would not put the SFOR troops at significant risk. This policy decision is influenced no doubt by the lesson the international community learned during the U.N. operation in Somalia when United States and allied troops conducted a manhunt for General Aideed with disastrous results.

The United Nations has distributed posters with the photos of the indicted war criminals so that the stabilization force troops will be in a position to apprehend them if they are foolish enough to attempt to pass through a checkpoint or otherwise come in contact with those forces. In early January, one such indicted war criminal, a Bosnian Croat who was the former police chief in Vitez and has been indicted for overseeing the inhumane treatment of Bosnian Muslim civilians, did encounter an SFOR patrol. He was not apprehended because the patrol members were not carrying a U.N. poster and were unsure that he was a suspect, although they thought he might well be. They should have detained him until they were able to make sure whether he was or was not a suspect but they did not.

It should be noted that General Mladic, an indicted war criminal, while at large still is not really a free man. His location, where he is surrounded by heavily armed loyal troops, is known and his movement is restricted because of his fear of making contact with our troops. He is in a sense already in prison. Nevertheless, Mladic and former President Karadzic have not been turned over to the international tribunal and there are no signs that they will be turned over during the 18-

month timeframe in which SFOR is operating.

In an attempt to address the problem of apprehending war criminals, former Secretary of Defense Perry and Chairman of the Joint Chiefs of Staff General Shalikashvili proposed the creation of a special paramilitary police force to our NATO allies in December. The proposal reportedly did not resonate well with our allies.

The next complicating factor for why the 18-month period is not going to prove sufficient for the Dayton accords to be fully implemented is the lack of reconciliation.

RECONCILIATION

With dim prospects for the return of refugees and displaced persons to their homes, with the refusal of the Serb Republic authorities to hand over Karadzic and Mladic, the most prominent of the indicted war criminals, with the ever visible physical scars and undoubtedly even more long lasting internal scars of this terrible conflict, and with the absence of a free and independent media, as I will discuss a little later, I am convinced that reconciliation of Muslims, Croats, and Serbs will not occur sufficiently during the 18-month mandate of the stabilization force and that the Dayton accords will not be fully implemented during that period. A final complicating factor was to do with police forces.

POLICE FORCES

The NATO-led forces have been extraordinarily successful in implementing the military aspects of the Dayton agreement. The subregional arms control agreements, although poorly respected by the Bosnian Serbs, coupled with the American organized equip and train program for the Bosniac-Croat Federation, will result in rough military parity between the Federation and Bosnian Serb armies. Many of the former military troops have been demobilized and returned to civilian life and those who remain in uniform are tired of war. The police forces of the three entities are, however, not subject to the military aspects of the Dayton agreement and thus not expressly controlled by the stabilization force.

In Annex 11 to the Dayton agreement, the parties expressly requested the U.N. Security Council to establish a U.N. International Police Task Force [IPTF]. The IPTF, a force of approximately 1,600 unarmed officers, unlike the NATO-led force, was not granted enforcement authority and was and is limited to functions such as monitoring, observing, inspecting, advising, and the like. These functions were based upon the reasonable expectation that the police forces of the parties would possess limited capabilities. Unfortunately, many Bosnian police elements are relatively heavily armed and are trained and equipped to operate as small military units. Based upon their suspicions of their counterparts, they are reported to have secretly stockpiled huge amounts of weapons and ammunition. In November, joint surprise inspections of police stations by implementation force troops and the IPTF resulted in the confiscation and destruction of a large number of unauthorized weapons, mainly small arms and ammunition although numerous mines and light mortars were also discovered. Since that time, the New York Times reports that local police units have hidden their military equipment.

For the many reasons cited, and others, I am convinced that there will be a need for an armed outside force in Bosnia as a follow-on force after SFOR's 18-month mandate expires. Before I discuss such a follow-on force further, I want to address other pressures that bear on Bosnia.

OTHER PRESSURES

Mr. President, the parties to the General Framework Agreement for Peace in Bosnia and Herzegovina, the long title of the Dayton agreement, include the Republic of Bosnia and Herzegovina, the Republic of Croatia, and the Federal Republic of Yugoslavia—hereafter referred to as Serbia. The Governments of Croatia and Serbia were wisely included because of the influence they have over the three factions in Bosnia and because events within their territories could have a spillover effect in Bosnia.

SERBIA

While in Belgrade, we were able to witness first hand the daily demonstrations being mounted by the students and the opposition coalition named "Together." The specific catalyst for the demonstrations in Belgrade and the democratic demonstrations in other cities throughout Serbia was Serbian President Slobodan Milosevic's attempt to deny the opposition the victories they achieved in municipal elections in Belgrade and 13 other Serbian cities last November. But the demonstrations are fueled also by dissatisfaction over an economy wrecked by mismanagement, corruption, and international sanctions, by distortions and lack of reporting of events by the government controlled television stations, and by the recognition that Milosevic's supernationalism was the major cause of the war that helped unravel Yugoslavia. Milosevic is doing all that he can to buy time but he is likely to be devoured by the nationalistic tiger he unleashed. Accordingly, for better or worse, Milosevic specifically and events in Serbia generally do not have the influence or impact that they previously had on Bosnia.

CROATIA

President Franjo Tudjman's poor health and the accompanying succession puzzle are distracting Croatia over virtually all other concerns. Additionally, Croatian authorities realize that they must have Western approval if Croatia is to have any chance of economic assistance and trade. These factors hopefully will prevent Croatia from using a heavy hand in its dealings with the Croatian Serbs in Eastern Slavonia. I remain cautiously optimistic that common sense will prevail and Croatian policies will not cause a mass exodus of Croatian Serbs when the U.N. mandate expires there on July 15.

THE MEDIA

As in Serbia, the government controlled media, particularly television, in Bosnia continuously presents a drumbeat of propaganda that fuel ethnic stereotyping and hatred. While this is most vitriolic in the Bosnian Serb stronghold in Pale, it is unfortunately echoed in Sarajevo and Mostar.

A free and independent media, especially television modeled after CNN and the British Sky News, along with good entertaining programs and objective, fair news presentations, would be very helpful. Only a small minority of people who have satellite dishes receive objective news. It is only through a free and independent media that Muslims, Croats and Serbs can understand the atrocities that were committed. Such an understanding would be the first step towards reconciliation and ultimate survival of a multi-ethnic Bosnia and Herzegovina.

ACCOMPLISHMENTS OF NATO-LED FORCE

Mr. President, as I have already noted, the NATO-led implementation force and its successor, the stabilization force, have been extraordinarily successful in implementing the military tasks of the Dayton agreement. This first ever NATO peace enforcement mission is an unqualified success so far. It is a particularly important achievement because it also involves the forces of non-NATO nations.

During our stay at Multinational Division North, the United States sector headquarters in Tuzla, we were able to travel to Simin Han where the Russian airborne battalion is located. It was wonderful to observe the excellent relationship between the U.S. commander, Maj. Gen. Monty Meigs, and his Russian counterpart. The Russian commander, his subordinate officers and troops were extremely proud of their role in the U.S. sector. I spoke to a number of U.S. soldiers who have been conducting joint patrols with the Russian troops and they were unanimously upbeat about the Russians whom they described as excellent soldiers.

In our visit to the French sector headquarters of the Multinational Division Southeast in Mostar, we were briefed by the French Commander, his German Chief of Staff, and his Spanish, French, Italian, and German staff officers. It was encouraging to see how easily these NATO allies work together. It was one of the best military

briefings I have ever received and the graphics they used were among the best I have seen. The ability of our European NATO allies to work together so professionally, in this case under a French commander, gives me hope for the success of NATO's European Security and Defense Identity initiative, particularly once France returns to NATO's integrated military structure.

The participation of the forces of members of NATO's Partnership for Peace and their smooth integration into the NATO-led IFOR and SFOR mission are testament to the success of Partnership for Peace. Despite early criticisms of that program as a stalling tactic to gain time while NATO enlargement could be worked out, Partnership for Peace, with its emphasis on peacekeeping, has been a major success in leading the way to the participation of a host of nations in international peace operations.

The success of the NATO-led multinational peace enforcement mission, both during IFOR and now SFOR, is extraordinarily important for the future. The United States cannot be the world's policeman but the world needs a trained, equipped, and ready force to respond at the early stages of a crisis that threatens international peace and security. Events might have been very different in former Yugoslavia if such a force could have been deployed to Croatia in the summer of 1991 when the fighting between the Croatian Army and the Croatian Serbs backed by the Yugoslav People's Army first began. Such a deployment could have served to nip the crisis in the bud, saved tens of thousands of lives, and set the stage for a negotiated settlement before nationalist fervors were fanned beyond control.

FOLLOW-ON FORCE FOR BOSNIA

Mr. President, I am convinced that the SFOR mission duration of 18 months will not be sufficient for peace to gain a firm enough foothold in Bosnia and I fear that, in the absence of an outside armed force, the conflict will reignite.

I believe that the participation of United States combat troops on the ground in Bosnia should terminate with the end of SFOR's 18 month mandate. The United States is the only nation in the world with global commitments and the capability to meet those commitments. Only the United States can defeat aggression in the Persian Gulf or on the Korean peninsula or wherever it might threaten our vital interests. But the United States cannot afford to have its forces tied down indefinitely in Bosnia where our interests are real but not as vital as for the Europeans. The United States had to take the lead in negotiating and implementing the Dayton peace agreement because our European allies and friends were not ready to do so. Our participation in IFOR and now SFOR will have given our European allies 2½ years to become ready. It is time for them to start preparations now to fulfill that role to ensure that peace does not unravel in their neighborhood after SFOR's mandate ends 18 months after December 1996. The United States can and should still remain involved with logistic, intelligence, and other support activities.

Fortuitously, NATO is now developing a European Security and Defense Identity [ESDI] within the Alliance to permit the European NATO nations, with NATO consent, to carry out operations under the political control and strategic direction of the Western European Union [WEU] using NATO assets and capabilities. This initiative is tailor-made for a follow-on force to SFOR. And there is no reason why the Partnership for Peace nations should not be included as they have been in IFOR and SFOR. It will not happen, however, without firm pressure from the U.S. Congress and the administration and notice of our intent now to give our European friends plenty of time to prepare to take over leadership of the follow-on force to SFOR after 18 months, should such a force be needed as I predict it will be.

CONCLUSION

Mr. President, the end of the cold war has unleashed the forces of nationalism, ethnic hatred, and religious fanaticism. In Bosnia, this has led to the death of approximately 210,000 people, including about 150,000 civilians. More than 2.5 million Bosnians out of a prewar population of 4.4 million were forced to flee their homes, 2.1 million Bosnians are still refugees or displaced persons.

The NATO-led IFOR and SFOR have done and are doing an extraordinary job in implementing the military tasks of the Dayton peace agreement. Civilian implementation and reconstruction lag behind, however. While there are encouraging signs with the formation of central government institutions, they are still fragile and reconciliation among the Bosnian Muslims, Croats, and Serbs has barely begun.

There will be a need for a follow-on outside armed force in Bosnia once SFOR's 18-month mandate is finished. United States combat forces should not remain on the ground in Bosnia beyond that time. The European Security and Defense Identity initiative within NATO provides a mechanism for a follow-on force to sustain the peace there. Our European NATO allies and European friends, particularly those participating in NATO's Partnership for Peace Program, need to begin planning now to provide the follow-on force.

IFOR and SFOR have been extremely successful multinational peace enforcement missions. The international community needs to be able to field trained, equipped, and ready forces to nip crises in the bud. Hopefully, IFOR and SFOR and a Western European Union follow-on force for Bosnia can provide the model for the international community in other regions of the world.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—NOMINATION OF ANDREW CUOMO

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that at 9:30 a.m., on Wednesday, January 29, the Senate proceed to executive session to consider the nomination of Andrew Cuomo to be Secretary of the Department of Housing and Urban Development; further, that there be 30 minutes of debate on the nomination, equally divided between the chairman and ranking member, with a vote to occur on the nomination at the expiration or yielding back of that time; further, immediately following the vote the President be notified of the Senate's action and the Senate then return to legislative session.

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

ORDER FOR STAR PRINT—S. 3 AND S. 10

Mr. LOTT. I ask unanimous consent, Mr. President, that S. 3 and S. 10 be star printed with the changes that I understand are at the desk.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105–2

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on January 28, 1997, by the President of the United States: Taxation Treaty with Thailand, Treaty Document No. 105–2; I further ask unanimous consent the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the Convention Between the Government of the United States of America and the Government of the Kingdom of Thailand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed at Bangkok, November 26, 1996. An enclosed exchange of notes, transmitted for the information of the Senate, provides clarification with respect to the application of the Convention in specified cases. Also transmitted is the report of the Department of State concerning the Convention.

This Convention, which is similar to other tax treaties between the United States and developing nations, provides maximum rates of tax to be applied to various types of income and protection from double taxation of income. The Convention also provides for the exchange of information to prevent fiscal evasion and sets forth standard rules to limit the benefits of the Convention to persons that are not engaged in treaty shopping.

I recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 28, 1997.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–847. A communication from the Administrator of the Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to shelled almonds, (FV–95–305) received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–848. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to brucellosis in cattle, (96–005–2) received on January 21, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–849. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on foreign policy export controls and the Bureau of Export Administration's annual report for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–850. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of the administration of the Marine Mammal Protection Act of 1972 for calendar year 1993; to the Committee on Commerce, Science, and Transportation.

EC–851. A communication from the Assistant Secretary of Commerce for Communications and Information, transmitting, pursuant to law, a rule concerning the Telecommunications and Information Infrastructure Assistance Program (RIN0660–ZA02) received on January 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–852. A communication from the Office of the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of the revision of regulations for interlocking rail officers received on January 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC–853. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report on Government dam use charges; to the Committee on Energy and Natural Resources.

EC–854. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, six rules including a rule entitled "The Acid Rain Program" (FRL5679–9, 5678–1, 5677–6, 5677–5, 5675–7, 5671–6) received on January 21, 1997; to the Committee on Environment and Public Works.

EC–855. A communication from the Director of the Fish and Wildlife Service, transmitting, pursuant to law, a rule entitled "Endangered Status For 2CA Insects" (RIN1018–AC50) received on January 22, 1997; to the Committee on Environment and Public Works.

EC–856. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Revenue Ruling 97–7, received on January 22, 1997; to the Committee on Finance.

EC–857. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Foreign Corporations, received on January 22, 1997; to the Committee on Finance.

EC–858. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule relative to medicaid eligibility, (RIN0938–AH76) received on January 17, 1997; to the Committee on Finance.

EC–859. A communication from the Chief of Staff, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of rule relative to growth impairment listings, (RIN0960–AE60) received on January 17, 1997; to the Committee on Finance.

EC–860. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on the Taxation of Social Security and Railroad Retirement Benefits for 1992; to the Committee on Finance.

EC–861. A communication from the Chairman of the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report on audit and investigative activities for fiscal year 1996; to the Committee on Governmental Affairs.

EC–862. A committee from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to the Procurement List, received on January 22, 1997; to the Committee on Governmental Affairs.

EC–863. A communication from the Chairman of the Board of Governors, United States Postal Service, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–864. A communication from the Postmaster General, Chief Executive Officer, United States Postal Service, transmitting, pursuant to law, the 1996 annual report; to the Committee on Governmental Affairs.

EC–865. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to the Presidential Management Intern Program, (RIN 3206–AH53) received on January 22, 1997; to the Committee on Governmental Affairs.

EC–866. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to the Pentagon; to the Committee on Appropriations.

EC–867. A communication from the Deputy Under Secretary (Industrial Affairs and Installations) for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the report on the National Defense Stockpile (NDS) for fiscal year 1996; to the Committee on Armed Services.

EC–868. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, transmitting, pursuant to law, the report of a rule entitled, "Regulatory Citations to Uniform Financial Institutions Rating System" (RIN1550–AA99), received on January 23, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–869. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the report on Open Dumps on Indian Lands; to the Committee on Indian Affairs.

EC–870. A communication from the Administrator of the U.S. Agency for International Development transmitting, pursuant to law, the report on Development Assistance Program Allocations for fiscal year 1997; to the Committee on Foreign Relations.

EC–871. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State transmitting the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–872. A communication from the Director of the Office Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule relative to refinancing loans (RIN2900–AH90) received on January 23, 1997; to the Committee on Veterans Affairs.

EC–873. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–874. A communication from the Director of the Office of Insular Affairs, Department of the Interior, transmitting, pursuant

to law, the report, entitled "The Impact of the Compacts of Free Association on the United States Territories and Commonwealths and on the State of Hawaii"; to the Committee on Energy and Natural Resources.

EC-875. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule relative to approval and promulgation of implementation plans (FRL5649-6) received on January 23, 1997; to the Committee on Environment and Public Works.

EC-876. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule relative to direct grant programs (RIN1880-AA61) received on January 24, 1997; to the Committee on Labor and Human Resources.

EC-877. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to the Noninsured Crop Disaster Assistance Program (RIN0560-AE85) received on January 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-878. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the report of a rule relative to eligibility and scope of financing (RIN3052-AB10) received on January 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-879. A communication from the Attorney General of the United States transmitting a report relative to Medicare and Medicaid Acts; to the Committee on Finance.

EC-880. A communication from the Chief of Staff, Office of the Commissioner, Social Security Administration, transmitting, pursuant to law, the report of rule relative to institutionalized children (RIN0960-AE61) received on January 23, 1997; to the Committee on Finance.

EC-881. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Federal Grants (RIN1545-AU93) received on January 24, 1997; to the Committee on Finance.

EC-882. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to Controlled Foreign Corporation (RIN1545-AO73) received on January 23, 1997; to the Committee on Finance.

EC-883. A communication from the Acting Assistant Secretary of State, Legislative Affairs, transmitting, pursuant to law, the report of a certification regarding the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC-884. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, the report of a rule relative to Ex Parte No. 541 received on January 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC-885. A communication from the Acting Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on assistance provided to foreign aviation authorities for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC-886. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, the report of 30 rules including one rule relative to Airworthiness Directives (RIN2120-AA64, AA65, AA66) received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-887. A communication from the Acting Deputy Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of rule relative to the Farallones National Marine Sanctuary (RIN0648-XX79) received on January 24, 1997; to the Committee on Commerce, Science, and Transportation.

EC-888. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of rule relative to the American Lobster Fishery Management Plan (RIN0648-AI83) received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-889. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of rule relative to the American Sea Scallop Fishery Management Plan (RIN0648-AI77) received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-890. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule relative to the Northeast Multispecies Fishery Management Plan (RIN0648-AJ31) received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-891. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-892. A communication from the Managing Director of the Federal Communications Commission transmitting, pursuant to law, the report of a rule relative to FM broadcast stations received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-893. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

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EC-895. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-896. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to FM broadcast stations, received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-897. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, the report of a rule relative to maritime communications, received on January 23, 1997; to the Committee on Commerce, Science, and Transportation.

EC-898. A communication from the Secretary of the Mississippi River Commission, Corps of Engineers, Department of the Army, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC-899. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for December 1996; to the Committee on Governmental Affairs.

EC-900. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-901. A communication from the Deputy Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule relative to prevailing rate systems (RIN3206-AH59); to the Committee on Governmental Affairs.

EC-902. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act for fiscal year 1996; to the Committee on Governmental Affairs.

EC-903. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC-904. A communication from the Chairman of the Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the report under the Sunshine Act for 1996; to the Committee on Governmental Affairs.

EC-905. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-348 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-906. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-362 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-907. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-381 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-908. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-438 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-909. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-441 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-910. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-442 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-911. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-443 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-912. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-452 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-913. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-453 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-914. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-455 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-915. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-460 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-916. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-461 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-917. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-462 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-918. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-463 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-919. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-490 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-920. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-493 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-921. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-494 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-922. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-496 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-923. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-497 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-924. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-500 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-925. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-501 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-926. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-502 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-927. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-503 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-928. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-504 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

EC-929. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-506 adopted by the Council on January 24, 1996; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. Res. 26. A resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. ROTH, from the Committee on Finance, without amendment:

S. Res. 27. An original resolution authorizing expenditures by the Committee on Finance.

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 28. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 29. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY, from the Select Committee on Intelligence, without amendment:

S. Res. 30. A resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. WARNER, from the Committee on Rules and Administration, without amendment:

S. Res. 31. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

S. Res. 32. A resolution to authorize the printing of a collection of the rules of the committees of the Senate.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs:

Andrew M. Cuomo, of New York, to be Secretary of Housing and Urban Development.

By Mr. WARNER, from the Committee on Rules and Administration:

Alan M. Hantman, of New Jersey, to be Architect of the Capitol for the term of 10 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. INOUYE:

S. 204. A bill for the relief of Dogan Umut Evans; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. ALLARD):

S. 205. A bill to eliminate certain benefits for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. REID:

S. 206. A bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes; to the Committee on the Judiciary.

By Mr. McCAIN (for himself, Mr. THOMPSON, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, Mr. COATS, Mr. GLENN, Mr. LIEBERMAN, and Mr. BROWNBACK):

S. 207. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. BOND:

S. 208. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

By Mr. BREAUX:

S. 209. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself and Mr. AKAKA):

S. 210. A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 211. A bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

S. 212. A bill to increase the maximum Federal Pell grant award in order to allow more American students to afford higher education, and to express the sense of the Senate; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 213. A bill to amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. INOUYE, and Mr. GLENN):

S. 214. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to combat fraud and price gouging committed in connection with the provision of consumer goods and services for the cleanup, repair, and recovery from the effects of a major disaster declared by the President, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JEFFORDS:

S. 215. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself, Mr. FRIST, and Mrs. HUTCHISON):

S. 216. A bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1998 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S. 217. A bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

S. 218. A bill to invest in the future American workforce and to ensure that all Americans have access to higher education by providing tax relief for investment in a college education and by encouraging savings for college costs, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself and Mr. GRASSLEY):

S. 219. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. DASCHLE):

S. 220. A bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes; to the Committee on Finance.

By Mr. GREGG:

S. 221. A bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the social security trust funds; to the Committee on Finance.

By Mr. DOMENICI:

S. 222. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Governmental Affairs.

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. HELMS, Mr. HUTCHINSON, Mr. KEMPTHORNE, Mr. SHELBY, and Mr. SESSIONS):

S. 223. A bill to prohibit the expenditure of Federal funds on activities by Federal agencies to encourage labor union membership, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WARNER:

S. 224. A bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Armed Services.

By Mr. KOHL:

S. 225. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 226. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. GREGG:

S. 227. A bill to establish a locally oriented commission to assist the city of Berlin, NH, in identifying and studying its region's historical and cultural assets, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mrs. FEINSTEIN, Mr. FORD, Mr. HOLLINGS, and Mr. WYDEN):

S.J. Res. 12. A joint resolution proposing a balanced budget constitutional amendment; to the Committee on the Judiciary.

By Mr. SHELBY:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by the Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE:

S. Res. 26. A resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. ROTH:

S. Res. 27. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S. Res. 28. An original resolution authorizing expenditures by the Committee on Banking, Housing and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. McCAIN:

S. Res. 29. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. SHELBY:

S. Res. 30. A resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. WARNER:

S. Res. 31. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; from the Committee on Rules and Administration; placed on the calendar.

By Mr. WARNER:

S. Res. 32. A resolution to authorize the printing of a collection of the rules of the committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INOUYE:

S. 204. A bill for the relief of Dogan Umut Evans; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

• Mr. INOUYE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 204

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

SECTION 1. IMMEDIATE RELATIVE STATUS FOR DOGAN UMUT EVANS.

(a) IN GENERAL.—Dogan Umut Evans shall be classified as a child under section 101(b)(1)(F) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Dogan Umut Evans enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Dogan Umut Evans, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Dogan Umut Evans, if any, shall not, by virtue of such relationship, be accorded any

right, privilege, or status under the Immigration and Nationality Act.•

By Mr. FRIST (for himself and Mr. ALLARD):

S. 205. A bill to eliminate certain benefits for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

THE CITIZEN CONGRESS ACT

• Mr. FRIST. Mr. President, I introduce the Citizen Congress Act, a bill that ends many of the perks and privileges that separate Members of Congress from the American people.

Our Founding Fathers envisioned a Congress of citizen legislators who would leave their families and communities for a short time to write legislation and then return home to live under the laws they helped to pass. Unfortunately, we have strayed far from that vision. A strong perception exists among the American people that elected officials in Washington have placed themselves above the laws and separated themselves from the public with perks and privileges. Enacting term limits would be the best way to re-create a citizen legislature, and I remain committed to passing a term limits amendment to the Constitution. In the meantime, reforming congressional pensions, pay, and perks offers an immediately achievable step toward making Congress more directly responsible and accountable to the American people.

When I was elected to the U.S. Senate a little more than 2 years ago, voters placed their trust in me to help change the way the U.S. Congress does business. With passage of the Congressional Accountability Act and tough lobbying reform in the last Congress, we have begun serious, bipartisan reform efforts. But we cannot afford to stop there.

Congressional perks and privileges are not limited to gifts from lobbyists and exemptions from certain laws. In fact, most people would be surprised—even shocked—to know that Members of Congress can receive free health care from military hospitals or that they receive automatic cost-of-living adjustments [COLA's] for their salaries and pensions. We must address these issues as well. To continue building confidence in our Government, we must continue building confidence in the people who serve there.

Today, I join my colleague from Colorado, Senator WAYNE ALLARD, in reintroducing a comprehensive congressional reform bill. The legislation, entitled the Citizen Congress Act, will help restore faith and trust in our Government by attacking the "10 Pillars of Perkdom." The 10 Pillars include:

Eliminating the taxpayer subsidy of congressional pensions.

Eliminating automatic cost-of-living adjustments for congressional pensions.

Eliminating automatic pay raises for Members of Congress.

Requiring a rollcall vote for any pay raise.

Requiring public disclosure of all Members' Federal retirement benefits.

Banning personal use of officially accrued frequent flier miles.

Banning taxpayer-financed mass mailings.

Restricting use of military aircraft by Members of Congress.

Prohibiting free treatment at military medical facilities.

Banning special parking privileges at Washington-area airports.

A companion bill, H.R. 436, was introduced in the House of Representatives by Congressman MARK SANFORD.

At a time when everyone is tightening their belts to balance the Federal budget and restore confidence in our Government, it is only right that Members of Congress eliminate the perks and privileges that are not necessary to conduct congressional business. The Citizen Congress Act launches the next stage of Government reform by focusing on the Members of Congress themselves. I encourage my colleagues to join me in passing this important legislation and bringing Congress another step closer to the American people.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 205

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 "Citizen Congress Act".

SEC. 2. LIMITATION ON RETIREMENT COVERAGE FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective at the beginning of the Congress next beginning after the date of the enactment of this Act, a Member of Congress shall be ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System, except as otherwise provided under this section.

(b) PARTICIPATION IN THE THRIFT SAVINGS PLAN.—Notwithstanding subsection (a), a Member may participate in the Thrift Savings Plan subject to section 8351 of title 5, United States Code, at anytime during the 12-year period beginning on the date the Member begins his or her first term.

(c) REFUNDS OF CONTRIBUTIONS.—

(1) IN GENERAL.—Nothing in subsection (a) shall prevent refunds from being made, in accordance with otherwise applicable provisions of law (including those relating to the Thrift Savings Plan), on account of an individual's becoming ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) as a result of the enactment of this section.

(2) TREATMENT OF REFUND.—For purposes of any refund referred to in paragraph (1), a Member who so becomes ineligible to participate in either of the retirement systems referred to in paragraph (1) shall be treated in the same way as if separated from service.

(d) ANNUITIES NOT AFFECTED TO THE EXTENT BASED ON PRIOR SERVICE.—Subsection (a) shall not be considered to affect—

(1) any annuity (or other benefit) entitlement to which is based on a separation from service occurring before the date of the enactment of this Act (including any survivor annuity based on the death of the individual who so separated); or

(2) any other annuity (or benefit), to the extent provided under subsection (e).

(e) PRESERVATIONS OF RIGHTS BASED ON PRIOR SERVICE.—

(1) IN GENERAL.—For purposes of determining eligibility for, or the amount of, any annuity (or other benefit) referred to in subsection (d)(2) based on service as a Member of Congress—

(A) all service as a Member of Congress shall be disregarded except for any such service performed before the date of the enactment of this Act; and

(B) all pay for service performed as a Member of Congress shall be disregarded other than pay for service which may be taken into account under subparagraph (A).

(2) PRESERVATION OF RIGHTS.—To the extent practicable, eligibility for, and the amount of, any annuity (or other benefit) to which an individual is entitled based on a separation of a Member of Congress occurring after such Member becomes ineligible to participate in the Civil Service Retirement System or the Federal Employees' Retirement System (as the case may be) by reason of subsection (a) shall be determined in a manner that preserves any rights to which the Member would have been entitled, as of the date of the enactment of this Act, had separation occurred on such date.

(f) REGULATIONS.—Any regulations necessary to carry out this section may be prescribed by the Office of Personnel Management and the Executive Director (referred to in section 8401(13) of title 5, United States Code) with respect to matters within their respective areas of responsibility.

(g) DEFINITION.—As used in this section, the terms "Member of Congress" and "Member" mean any individual under section 8331(2) or 8401(20) of title 5, United States Code.

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to apply with respect to any savings plan or other matter outside of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

SEC. 3. DISCLOSURE OF ESTIMATES OF FEDERAL RETIREMENT BENEFITS OF MEMBERS OF CONGRESS.

(a) IN GENERAL.—Section 105(a) of the Legislative Branch Appropriations Act, 1965 (2 U.S.C. 104a; Public Law 88–454; 78 Stat. 550) is amended by adding at the end the following new paragraph:

"(4) The Secretary of the Senate and the Clerk of the House of Representatives shall include in each report submitted under paragraph (1), with respect to Members of Congress, as applicable—

"(A) the total amount of individual contributions made by each Member to the Civil Service Retirement and Disability Fund and the Thrift Savings Fund under chapters 83 and 84 of title 5, United States Code, for all Federal service performed by the Member as a Member of Congress and as a Federal employee;

"(B) an estimate of the annuity each Member would be entitled to receive under chapters 83 and 84 of such title based on the earliest possible date to receive annuity payments by reason of retirement (other than

disability retirement) which begins after the date of expiration of the term of office such Member is serving; and

"(C) any other information necessary to enable the public to accurately compute the Federal retirement benefits of each Member based on various assumptions of years of service and age of separation from service by reason of retirement.".

(b) EFFECTIVE DATE.—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 4. ELIMINATION OF AUTOMATIC ANNUITY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

The portion of the annuity of a Member of Congress which is based solely on service as a Member of Congress shall not be subject to a COLA adjustment under section 8340 or 8462 of title 5, United States Code.

SEC. 5. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) PAY ADJUSTMENTS.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) CONFORMING AMENDMENT.—Section 601(a)(1) of such Act is amended—

(1) by striking "(a)(1)" and inserting "(a)";

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ", as adjusted by paragraph (2) of this subsection".

SEC. 6. ROLLCALL VOTE FOR ANY CONGRESSIONAL PAY RAISE.

It shall not be in order in the Senate or the House of Representatives to dispose of any amendment, bill, resolution, motion, or other matter relating to the pay of Members of Congress unless the matter is decided by a rollcall vote.

SEC. 7. TRAVEL AWARDS FROM OFFICIAL TRAVEL OF A MEMBER, OFFICER, OR EMPLOYEE OF THE HOUSE OF REPRESENTATIVES TO BE USED ONLY WITH RESPECT TO OFFICIAL TRAVEL.

(a) IN GENERAL.—Notwithstanding any other provision of law, or any rule, regulation, or other authority, any travel award that accrues by reason of official travel of a Member, officer, or employee of the House of Representatives may be used only with respect to official travel.

(b) REGULATIONS.—The Committee on House Oversight of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITIONS.—As used in this section—

(1) the term "travel award" means any frequent flier mileage, free travel, discounted travel, or other travel benefit, whether awarded by coupon, membership, or otherwise; and

(2) the term "official travel" means, with respect to the House of Representatives, travel performed for the conduct of official business of the House of Representatives.

SEC. 8. BAN ON MASS MAILINGS.

(a) IN GENERAL.—Paragraph (6)(A) of section 3210(a) of title 39, United States Code, is amended to read as follows:

"(6)(A) It is the intent of Congress that a Member of, or Member-elect to, Congress may not mail any mass mailing as franked mail.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The second sentence of section 3210(c) of title 39, United States Code, is amended by striking "subsection (a) (4) and (5)" and inserting "subsection (a) (4), (5), and (6)".

(2) Section 3210 of title 39, United States Code, is amended—

(A) in subsection (a)(3)—

(i) in subparagraph (G) by striking ", including general mass mailings,"; and

(ii) in subparagraphs (I) and (J) by striking "or other general mass mailing";

(B) in subsection (a)(6) by repealing subparagraphs (B), (C), and (F), and the second sentence of subparagraph (D);

(C) by repealing paragraph (7) of subsection (a); and

(D) by repealing subsection (f).

(3) Section 316(a) of the Legislative Branch Appropriations Act, 1990 (39 U.S.C. 3210 note) is repealed.

(4) Subsection (f) of section 311 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(f)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect at the beginning of the Congress next beginning after the date of the enactment of this Act.

SEC. 9. RESTRICTIONS ON USE OF MILITARY AIR COMMAND BY MEMBERS OF CONGRESS.

(a) RESTRICTIONS.—

(1) IN GENERAL.—Chapter 157 of title 10, United States Code, is amended by adding at the end the following:

"§ 2646. Restrictions on provision of air transportation to Members of Congress

"(a) RESTRICTIONS.—A Member of Congress may not receive transportation in an aircraft of the Military Air Command unless—

"(1) the transportation is provided on a space-available basis as part of the scheduled operations of the military aircraft unrelated to the provision of transportation to Members of Congress;

"(2) the use of the military aircraft is necessary because the destination of the Member of Congress, or an airfield located within reasonable distance of the destination, is not accessible by regularly scheduled flights of commercial aircraft; or

"(3) the use of the military aircraft is the least expensive method for the Member of Congress to reach the destination by aircraft, as demonstrated by information released before the trip by the member or committee of Congress sponsoring the trip.

"(b) DESTINATION.—In connection with transportation provided under subsection (a)(1), the destination of the military aircraft may not be selected to accommodate the travel plans of the Member of Congress requesting such transportation.

"(c) AIRCRAFT DEFINED.—For purposes of this section, the term 'aircraft' includes both fixed-wing airplanes and helicopters.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2646. Restrictions on provision of air transportation to Members of Congress.".

(b) EFFECT ON MEMBERS CURRENTLY RECEIVING TRANSPORTATION.—Section 2643 of title 10, United States Code, as added by subsection (a), shall not apply with respect to a Member of Congress who, as of the date of the enactment of this Act, is receiving air transportation or is scheduled to receive transportation in an aircraft of the Military Air Command until the Member completes the travel plans for which the transportation is being provided or scheduled.

SEC. 10. PROHIBITION ON USE OF MILITARY MEDICAL TREATMENT FACILITIES BY MEMBERS OF CONGRESS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following:

"§ 1107. Prohibition on provision of medical and dental care to Members of Congress

"A Member of Congress may not receive medical or dental care in any facility of any uniformed service unless—

"(1) the Member of Congress is eligible or entitled to such care as a member or former member of a uniformed service or as a covered beneficiary; or

"(2) such care is provided on an emergency basis unrelated to the person's status as a Member of Congress.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"1107. Prohibition on provision of medical and dental care to Members of Congress.".

(b) EFFECT ON MEMBERS CURRENTLY RECEIVING CARE.—Section 1107 of title 10, United States Code, as added by subsection (a), shall not apply with respect to a Member of Congress who is receiving medical or dental care in a facility of the uniformed services on the date of the enactment of this Act until the Member is discharged from that facility.

SEC. 11. ELIMINATION OF CERTAIN RESERVED PARKING AREAS AT WASHINGTON NATIONAL AIRPORT AND WASHINGTON DULLES INTERNATIONAL AIRPORT.

(a) IN GENERAL.—Effective 30 days after the date of the enactment of this section, the Airports Authority—

(1) shall 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) shall 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.

(b) DEFINITIONS.—As used in this section, 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 (49 U.S.C. App. 2453).●

● Mr. ALLARD. Mr. President, I am proud to be an original sponsor of the Citizen Congress Act with my distinguished colleague from Tennessee, Senator BILL FRIST. As a Member of the other body, I was an original sponsor of this bill with Representative MARK SANFORD, who reintroduced the CCA earlier this month.

This legislation is an important element of true political reform. A first step was the passage of the Congressional Accountability Act which applied labor laws to Congress. The next important step is the Citizen Congress Act. This act is to be a reminder to members of both legislative bodies that we are citizen legislators in the true sense of service as envisioned by our Founding Fathers.

The CCA is a comprehensive bill which eliminates many of the perks and privileges which Congress are afforded. It uses the congressional pension system to encourage limited service and calls for full disclosure of estimates of our retirement benefits. It

also eliminates the automatic COLA for Member's salaries. If we want a salary increase, we will have to vote for an increase. The CCA disallows any personal use of frequent flier mileage accrued on official business. This bill would limit the use of frequent flier miles for only trips to and from the Senator's State. The CCA also bans all postal patron franked mailings. This means no more unsolicited mailings to constituents.

Also, Senators will no longer be able to travel on military aircraft, except where there is space available on already scheduled military flights or where there are no commercial flights to a specific destination. Members will no longer receive free medical attention at military hospitals unless they are veterans and can receive this medical benefit like any other veteran. Finally, the CAA eliminates special parking privileges for Members of Congress, Supreme Court Justices, and foreign diplomats at Washington National and Dulles airports.

I believe this will make us more responsive to our constituents because no longer will we have the special privileges which citizens are not given. Legislators should have to walk in the same shoes as everyone else, thus making them more sensitive to the concerns and trials of the constituents which we are serving.

Again, I thank Senator FRIST for all his hard work and effort in this endeavor.●

By Mr. REID:

S. 206. A bill to prohibit the application of the Religious Freedom Restoration Act of 1993, or any amendment made by such act, to an individual who is incarcerated in a Federal, State, or local correctional, detention, or penal facility, and for other purposes; to the Committee on the Judiciary.

THE RELIGIOUS FREEDOM RESTORATION ACT OF 1993 PRISONER PROHIBITION ACT OF 1997

Mr. REID. Mr. President, the reason I came to the floor today was not to talk about the balanced budget amendment, which I have been happy to do, but I came here because I am going to introduce legislation today that will exclude prison inmates from the protections of the Religious Freedom Restoration Act.

Why would I want to do something like that? Well, when this bill came to the Senate floor approximately 2 years ago, I offered an amendment at that time that said I want people's religious freedoms restored but I think we have to be careful about prisoners and they should not be part of this because they are going to take advantage of it. Well, they are taking advantage of it. One prisoner in New York has filed 3,000 lawsuits.

What are these lawsuits about?

In Nebraska there was a lawsuit filed because an inmate thinks he is a woman trapped in a man's body and strip searches by male prison officials are not allowed by his religion. Should we take up the courts' time with this type of litigation?

We have another case where a satanic group—they are in prison, of course—filed suit because they were not given unbaptized baby fat for their candles.

About 40 percent of the courts' time, the Federal courts' time in Nevada is taken up with this kind of stuff.

In Nevada we have an inmate suing a chaplain for refusing to conduct a marriage ceremony for this man and his male friend. The plaintiff and his friend are both members of the Universal Life Church which he claims allows two people of the same sex to marry.

In Nevada inmates allege their inability to practice a religion is being denied in violation of the first amendment because they want special services, including incense and special jewelry.

Mr. President, this is serious business that the prisoners have made a mockery of. My amendment should have passed when I offered it. We should make sure that this nonsense is stopped. There are protections in my legislation. If someone is being denied their religious practices, certainly there are protections there. But protections of the Religious Freedom Restoration Act would be denied these prisoners, and I believe rightfully so.

As I indicated, I addressed this problem several years go. The problem is inmates abuse the special protections provided under the Religious Freedom Restoration Act. During consideration of this bill in 1993 or 1994, I offered an amendment to exempt prisoners from the coverage of this act as I have indicated. I did so then because I feared these special protections would be abused by inmates. They have been abused by inmates. Whatever I said on the Senate floor was not enough, because they have even outdone my expectations.

I say, regrettably, I wish I would have been wrong. I wish that I had been wrong and that these inmates would not have abused the legislation that did pass. But it is apparent now that inmates are in fact abusing the special rights under this act.

I have worked with the chairman of the Judiciary Committee, my friend from the State of Utah, to address the larger problem of frivolous prisoner lawsuits, and we were able to accomplish something last year, maybe not enough. We may even need to revisit that to find out if we were able to plug all the holes with the Prisoner Litigation Reform Act.

I believe we need to do more to curb the ongoing abuses occurring under the Religious Freedom Restoration Act despite the Prisoner Litigation Reform Act.

Today I am introducing this bill which will prohibit the application of the Religious Freedom Restoration Act to inmates in a Federal, State, or local penal facility. I intend to meet with the Attorney General of the United States so that she appreciates the growing litigation that they face in the area. Criminals should not enjoy the same rights and privileges as law-abiding citizens. The sad commentary in our present system, Mr. President, is they enjoy more rights than many people who are outside prisons.

We need not go through the litany of cable television, gyms better than people can buy membership in on the outside, libraries that are unsurpassed, exercise areas, food, three square meals a day, nice clean clothes. They have a pretty good deal. One of the deals I do not think they should have is the ability to file these lawsuits with an unending array of ideas at the expense of the taxpayers.

The Religious Freedom Restoration Act sought to provide the legal protections supporting the right to freely exercise one's religious beliefs. Providing inmates with these same rights, I said, was a disaster and was a recipe for disaster; and it has been proven to be an understatement.

Our courts now have to spend their time wading through lawsuits filed by inmates that are ridiculous, for lack of a better description. I have described some of these lawsuits this morning. I have described them in the past. I ask my colleagues to join with me to take this pressure off our court system and off the taxpayers of this country. This is wrong, what they are doing, and we have the obligation to stop it.

By Mr. MCCAIN (for himself, Mr. THOMPSON, Mr. KERRY, Mr. FEINGOLD, Mr. KENNEDY, Mr. COATS, Mr. GLENN, Mr. LIEBERMAN, and Mr. BROWNBACK):

S. 207. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

THE CORPORATE SUBSIDY REFORM COMMISSION ACT

● Mr. MCCAIN. Mr. President, today I am introducing legislation to establish an independent, nonpartisan Commission to eliminate corporate pork from the Federal budget.

The nine-member Commission, called the Corporate Subsidy Reform Commission, would be charged with reviewing all Federal subsidies to private industry, including special interest tax provisions. The Commission would identify those programs which are unnecessary, unfair, or not in the clear and compelling public interest, and recommend them to Congress for reform or termination. Congress would then be required to consider and vote on a comprehensive corporate subsidy

reform package under expedited floor procedures.

Mr. President, our Nation cannot continue to bear the financial burden of servicing an ever-growing $5.3 trillion national debt—which equates to more than $19,000 in debt for every man, woman, and child in the country. We are asking millions of Americans—from families who receive food stamps to our men and women in uniform—to sacrifice in order to rein in our annual budget deficits and begin to pay down that debt.

As a matter of simple fairness, we have an obligation to ensure that corporate interests share the burden of deficit reduction. Last year, the CATO Institute and the Progressive Policy Institute identified 125 Federal programs that subsidize industry to the tune of $85 billion every year, and the Progressive Policy Institute found an additional $30 billion in tax loopholes for powerful industries.

The American public cannot understand why we continue to pay these huge subsidies to corporate interests, at a time when we are asking average private citizens to tighten their belts. Corporate pork cannot be justified in an environment where our highest fiscal priority is balancing the Federal budget.

Let me say very frankly that I do not generally like the idea of commissions. It is a sad commentary on the state of politics today that the Congress cannot even cut those programs that are obviously wasteful, unnecessary, or unfair. Unfortunately, however, Members of Congress have demonstrated time and again their unwillingness to cut programs that serve their own interests.

For many years, I have tried to cut wasteful and unnecessary spending from the annual appropriations bills—with only limited success, I must admit. A little over a year ago, I offered an amendment to eliminate 12 particularly egregious corporate pork barrel programs, and I garnered only 25 votes in the Senate.

Clearly, Members will not gore their own ox, unless others are forced to do the same. The recently ordered military base closures were finally accomplished only through the workings of an independent commission established by Congress. It appears we have reached a point that, unless congress is forced to act to eliminate programs, it will not. Perhaps independent commissions are the only fair way to ensure that neither side is given an advantage to protect their special interest corporate pork.

The independent commission and expedited congressional review process established by this legislation would depoliticize the process and guarantee that the pain is shared. In reality, the corporate pork commission is probably the only means of achieving the meaningful reform that the public and our dire fiscal circumstances demand.

Mr. President, corporate pork wastes resources, increases the deficit, and distorts markets. Corporate pork has no place either in a free-market economy or in a budget where we are asking millions of Americans to sacrifice for the good of future generations.

Finally, Mr. President, I want to take a moment to thank my cosponsors on both sides of the aisle—Senators THOMPSON, KERRY, FEINGOLD, KENNEDY, COATS, GLENN, LIEBERMAN, and BROWNBACK—and Congressman KASICH, who will introduce similar legislation in the House. I also want to thank the several private organizations who have lent their good names in support of this legislation—the Progressive Policy Institute, Citizens Against Government Waste, and Friends of the Earth—and I ask unanimous consent that statements of support from these organizations be included in the RECORD. With their help, I intend to pursue this effort in the 105th Congress to enactment.●

By Mr. BOND:

S. 208. A bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes; to the Committee on Small Business.

THE HUBZONE ACT OF 1997

Mr. BOND. Mr. President, today I introduce the HUBZone Act of 1997. The purpose underlying this bill is to create new opportunities for growth in distressed urban and rural communities, which have suffered tremendous economic decline. This legislation would provide for an immediate infusion of cash through the creation of new jobs in our Nation's economically distressed areas. During the 8 years I served as Governor of Missouri, I met frequently with community leaders who were seeking help in attracting business and jobs to their cities, their central downtown areas, their towns, and the rural areas of the State. We tried various programs, including the enterprise-zone concept, and we met with limited success. I am proud of the successes that we achieved there. But now, as U.S. Senator and as chairman of the Committee on Small Business, I continue to receive similar pleas for help. I hear the concerns expressed to me by people from all over my State. Since we have had the opportunity to expand hearings in other States, we have heard from other States as well.

So far, nothing that we put in place is the best formula for bringing economic hope and independence to these communities. The message, however, has changed somewhat. Although help from the Federal Government has been forthcoming, there is still high unemployment and poverty. For example, when I was talking about a summer jobs program with one very, very good community leader, he told me that the summer jobs program was nice, but, he said, "Stop sending me job training money. What we need right here in this part of the city is jobs, and more jobs. We have all the job training money we need. We need jobs to put these young people to work." And that is a problem that I hear time and time again.

Last March, I chaired a hearing before the Committee on Small Business on revitalizing inner cities and rural America and S. 1574, the HUBZone Act of 1996, which is nearly identical to the bill I am introducing today. Testifying before the committee were the cofounder and employees of e.villages, which has established a data management enterprise at Edgewood Terrace, an assisted multifamily housing project right here in Washington, DC. Residents of the housing project have been trained and they have established a new enterprise, Edgewood Technology Services, or ETS, which to me is a prototype HUBZone business.

The HUBZone Act of 1997 can have an important impact on our Nation's economically distressed inner cities as housing and income subsidies are reduced and put under constraints and as we work toward the national goal of moving people off the welfare rolls and into meaningful jobs.

Testifying in support of the HUBZone Act of 1996 was C. Austin Fitts, cofounder of e.villages, who testified about the "significant relationship between" S. 1574 and Federal housing policy. Ms. Fitts emphasized the importance of this legislation to create new inner city jobs for unemployed or underemployed residents.

The income generated by these new HUBZone jobs can offset the reduction of housing and income supplements. Furthermore, as an employee of ETS testified in support of the HUBZone bill, "We at e.villages are encouraged that the Congress is trying to find some ways to get work for us to do, and to enhance our standard of living."

I do not claim that the HUBZone Act of 1997 is going to solve all the problems, but I think it is a significant step in the right direction. These people who benefited from an enterprise started up in an assisted housing development without the benefit of the HUBZone provisions know that their example of success can be expanded. It can work and it can work on a broader basis. And it can bring more and more people into productive employment.

What distinguishes the HUBZone Act of 1997 from some other excellent proposals and well-intentioned efforts is that this bill would have an immediate impact on economically distressed communities. In recent years, numerous legislative proposals have stressed the importance of changing the U.S. Tax Code and providing other incentives to attract businesses to the needy communities. Many of these proposals have merit, and I have supported them.

As I said, I have supported enterprise zones. I have recommended it to the Missouri General Assembly. As Governor, I signed it into law. I saw it work. I saw it could bring benefits to areas of high unemployment. I urge my colleagues on other committees to take a look at those measures which can have an impact. No one of them is going to be the total solution. Let us move forward on all of them.

But I ask my colleagues to focus on the critical differences between those proposals and the provisions of the HUBZone Act of 1997. Under the HUBZone bill, entire communities would benefit because we would create absolute incentives for small businesses to operate and provide employment directly within America's most disadvantaged inner city neighborhoods and in the areas of high unemployment and poverty in rural areas. It is a matter of timing. The HUBZone Act of 1997 helps communities and their residents now. This bill is a matter of direct focus. This is not just incentives; this is bringing business to the areas of high unemployment and high poverty.

Specifically, the HUBZone Act of 1997 creates a new class of small businesses eligible for Federal Government contract set-asides and preferences.

To be eligible, a small business must be located in what we call a Historically Underutilized Business Zone—that is where HUBZone comes from, Historically Underutilized Business Zone—and not less than 35 percent of the work force must reside in a HUBZone. That is a key difference between some of the programs that are initially targeting to bring jobs to areas of need, bring jobs where social problems had flared up, such as the Watts riots many years ago.

It is important to contrast the HUBZone proposal with the Executive order promulgated by President Clinton to establish an empowerment contracting commission. I commend the President for focusing on the value of targeting Federal Government assistance to low-income communities, but I think the program falls short of meeting the goal of helping low-income communities and their residents. For example, under the President's plan, any business, large or small, located in a low-income community, would qualify for a valuable contracting preference, even if it does not employ one resident of the community. This is clearly a major deficiency or loophole when trying to assist the unemployed or underemployed.

A further weakness in the President's proposal is the failure to define more clearly criteria which makes a community eligible for this program. Unfortunately, we see the possibility, and it has been set forth in specific detail by the inspector general of HUD, that a lack of objective criteria may invite other influences in the political selection of an area to receive these preferences.

We must avoid creating another Federal Government program that ends up helping well-off individuals and companies while failing to have a significant impact on the poor, the unemployed and the underemployed.

I think the HUBZone Act of 1997 can and will make a difference. It makes a contracting preference available only if the small business is located in an economically distressed area and employs 35 percent of its work force from a HUBZone. This is a significant difference and one that is clearly designed to help attack deeply seated poverty in too many areas of the United States.

To qualify for the program, the small business must certify to the Administrator of the U.S. Small Business Administration that it is located in a HUBZone and will comply with certain rules governing subcontracting. In addition, a qualified small business must agree to perform at least 50 percent of the contract in a HUBZone, unless the terms of the contract require they be located outside the HUBZone. That would happen, for example, with a service contract requiring the small business' employees and workers be present in a Government-owned or leased building. In the latter case, no less than 50 percent of the work must be performed by employees who reside in a HUBZone.

Mr. President, the HUBZone Act of 1997 is designed to cut through Government redtape, while stressing a streamlined effort to place Government contracts and new jobs in economically distressed communities. Americans don't want another new law that creates a cottage industry of consultants necessary to fill out Government paperwork for a new Federal program.

Many of my colleagues are familiar with SBA's 8(a) Minority Small Business Program and the sometimes cumbersome rules for small businesses seeking to qualify for the program. Typically, an applicant to the 8(a) program has to hire a lawyer to help prepare the application and shepherd it through SBA. The procedure can take months. In fact, Congress was forced to legislate the maximum time the agency could review an application in our last-ditch effort to speed up the process.

The HUBZone Act of 1997 is specifically designed to avoid bureaucratic roadblocks that have delayed and discouraged small businesses from taking advantage of Government programs. Simply put, if you are a small business located in a HUBZone and you employ people from a HUBZone, at least 35 percent, then you are eligible. Once eligible, the small business notifies the SBA of its participation in the HUBZone program and is qualified to receive Federal Government contract benefits.

My goal is to have new Government contracts being awarded to small businesses in economically distressed communities. Therefore, I have included some fairly ambitious goals for each Government agency to meet.

In 1998, 1 percent of the total value of all prime Government contracts would be awarded to small businesses in HUBZones. The goal would increase to 2 percent in 1999, 3 percent in 2000 and 4 percent in the year 2001 and each succeeding year.

HUBZone contracting is a bold undertaking. Passage of the HUBZone Act of 1997 will create more hope for inner cities with high unemployment, distressed rural communities where poverty and joblessness reign and have too long been ignored. Most importantly, passage of the HUBZone Act will create hope for hundreds of thousands of underemployed or unemployed who long ago thought our country had given up on them. The hope is tangible; the hope is for jobs and income.

I think this bill can deliver. I soon hope to chair additional hearings before the Committee on Small Business on the HUBZone Act of 1997 and the role our Nation's small business community can play in revitalizing our distressed cities and counties. I firmly believe the HUBZone proposal has great merit. I urge my colleagues to study this proposal and give me their comments. I ask for cosponsors and I ask for good ideas. There are many, many ideas which have been incorporated in this bill that were presented to me by colleagues, both on the Small Business Committee and elsewhere.

I ask all of my colleagues, particularly if they are concerned about unemployment and underemployment in areas of their States—and I know of very few States that don't have that problem—I ask them to sit down with us and talk about how we can make this a better program. I would like to see it passed. I think it could provide a very significant boost and help get our country on the right track.

I ask unanimous consent that the text of the bill and a section-by-section analysis of the provisions be printed in the RECORD.

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

S. 208

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 "HUBZone Act of 1997".

SEC. 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES.

(a) DEFINITIONS.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(o) DEFINITIONS RELATING TO HISTORICALLY UNDERUTILIZED BUSINESS ZONES.—In this section:

"(1) HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'historically underutilized

business zone' means any area located within one or more qualified census tracts or qualified nonmetropolitan counties.

"(2) SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—The term 'small business concern located in a historically underutilized business zone' means a small business concern—

"(A) that is owned and controlled by one or more persons, each of whom is a United States citizen;

"(B) the principal office of which is located in a historically underutilized business zone; and

"(C) not less than 35 percent of the employees of which reside in a historically underutilized business zone.

"(3) QUALIFIED AREAS.—

"(A) QUALIFIED CENSUS TRACT.—The term 'qualified census tract' has the same meaning as in section 42(d)(5)(C)(i)(I) of the Internal Revenue Code of 1986.

"(B) QUALIFIED NONMETROPOLITAN COUNTY.—The term 'qualified nonmetropolitan county' means, based on the most recent data available from the Bureau of the Census of the Department of Commerce, any county—

"(i) that is not located in a metropolitan statistical area (as that term is defined in section 143(k)(2)(B) of the Internal Revenue Code of 1986); and

"(ii) in which the median household income is less than 80 percent of the nonmetropolitan State median household income.

"(4) QUALIFIED SMALL BUSINESS CONCERN LOCATED IN A HISTORICALLY UNDERUTILIZED BUSINESS ZONE.—

"(A) IN GENERAL.—A small business concern located in a historically underutilized business zone is 'qualified', if—

"(i) the small business concern has certified in writing to the Administrator that—

"(I) it is a small business concern located in a historically underutilized business zone;

"(II) it will comply with the subcontracting limitations specified in Federal Acquisition Regulation 52.219–14;

"(III) in the case of a contract for services (except construction), not less than 50 percent of the cost of contract performance incurred for personnel will be expended for employees of that small business concern or for employees of other small business concerns located in historically underutilized business zones; and

"(IV) in the case of a contract for procurement of supplies (other than procurement from a regular dealer in such supplies), the small business concern (or a subcontractor of the small business concern that is also a small business concern located in a historically underutilized business zone) will perform work for not less than 50 percent of the cost of manufacturing the supplies (not including the cost of materials) in a historically underutilized business zone; and

"(ii) no certification made by the small business concern under clause (i) has been, in accordance with the procedures established under section 30(c)(2)—

"(I) successfully challenged by an interested party; or

"(II) otherwise determined by the Administrator to be materially false.

"(B) CHANGE IN PERCENTAGES.—The Administrator may utilize a percentage other than the percentage specified in under subclause (III) or (IV) of subparagraph (A)(i), if the Administrator determines that such action is necessary to reflect conventional industry practices among small business concerns that are below the numerical size standard for businesses in that industry category.

"(C) CONSTRUCTION AND OTHER CONTRACTS.—The Administrator shall promulgate final regulations imposing requirements that are similar to those specified in subclauses (III) and (IV) of subparagraph (A)(i) on contracts for general and specialty construction, and on contracts for any other industry category that would not otherwise be subject to those requirements. The percentage applicable to any such requirement shall be determined in accordance with subparagraph (B).

"(D) LIST OF QUALIFIED SMALL BUSINESS CONCERNS.—The Administrator shall establish and maintain a list of qualified small business concerns located in historically underutilized business zones, which list shall—

"(i) include the name, address, and type of business with respect to each such small business concern;

"(ii) be updated by the Administrator not less than annually; and

"(iii) be provided upon request to any Federal agency or other entity.".

(b) FEDERAL CONTRACTING PREFERENCES.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 30 as section 31; and

(2) by inserting after section 29 the following:

"SEC. 30. HISTORICALLY UNDERUTILIZED BUSINESS ZONES PROGRAM.

"(a) IN GENERAL.—There is established within the Administration a program to be carried out by the Administrator to provide for Federal contracting assistance to qualified small business concerns located in historically underutilized business zones in accordance with this section.

"(b) CONTRACTING PREFERENCES.—

"(1) CONTRACT SET-ASIDE.—

"(A) REQUIREMENT.—The head of an executive agency shall afford the opportunity to participate in a competition for award of a contract of the executive agency, exclusively to qualified small business concerns located in historically underutilized business zones, if the Administrator determines that—

"(i) it is reasonable to expect that not less than 2 qualified small business concerns located in historically underutilized business zones will submit offers for the contract; and

"(ii) the award can be made on the restricted basis at a fair market price.

"(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold.

"(2) SOLE-SOURCE CONTRACTS.—

"(A) REQUIREMENT.—The head of an executive agency, in the exercise of authority provided in any other law to award a contract of the executive agency on a sole-source basis, shall award the contract on that basis to a qualified small business concern located in a historically underutilized business zone, if any, that—

"(i) submits a reasonable and responsive offer for the contract; and

"(ii) is determined by the Administrator to be a responsible contractor.

"(B) COVERED CONTRACTS.—Subparagraph (A) applies to a contract that is estimated to exceed the simplified acquisition threshold and not to exceed $5,000,000.

"(3) PRICE EVALUATION PREFERENCE IN FULL AND OPEN COMPETITIONS.—In any case in which a contract is to be awarded by the head of an executive agency on the basis of full and open competition, the price offered by a qualified small business concern located in a historically underutilized business zone shall be deemed as being lower than the price offered by another offeror (other than another qualified small business concern located in a historically underutilized business zone) if the price offered by the qualified small business concern located in a historically underutilized business zone is not more than 10 percent higher than the price offered by the other offeror.

"(4) RELATIONSHIP TO OTHER CONTRACTING PREFERENCES.—

"(A) SUBORDINATE RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in paragraph (1), (2), or (3) if the procurement would otherwise be made from a different source under section 4124 or 4125 of title 18, United States Code, or the Javits-Wagner-O'Day Act.

"(B) SUPERIOR RELATIONSHIP.—A procurement may not be made from a source on the basis of a preference provided in section 8(a), if the procurement would otherwise be made from a different source under paragraph (1), (2), or (3) of this subsection.

"(5) DEFINITIONS.—In this subsection, the terms 'executive agency', 'full and open competition', and 'simplified acquisition threshold' have the meanings given such terms in section 4 of the Office of Federal Procurement Policy Act.

"(c) ENFORCEMENT; PENALTIES.—

"(1) IN GENERAL.—The Administrator shall enforce the requirements of this section.

"(2) VERIFICATION OF ELIGIBILITY.—In carrying out this subsection, the Administrator shall establish procedures relating to—

"(A) the filing, investigation, and disposition by the Administration of any challenge to the eligibility of a small business concern to receive assistance under this section (including a challenge, filed by an interested party, relating to the veracity of a certification made by a small business concern under section 3(o)(4)(A)); and

"(B) verification by the Administrator of the accuracy of any certification made by a small business concern under section 3(o)(4)(A).

"(3) RANDOM INSPECTIONS.—The procedures established under paragraph (2) may provide for random inspections by the Administrator of any small business concern making a certification under section 3(o)(4).

"(4) PROVISION OF DATA.—Upon the request of the Administrator, the Secretary of Labor and the Secretary of Housing and Urban Development shall promptly provide to the Administrator such information as the Administrator determines to be necessary to carry out this subsection.

"(5) PENALTIES.—In addition to the penalties described in section 16(d), any small business concern that is determined by the Administrator to have misrepresented the status of that concern as a 'small business concern located in a historically underutilized business zone' for purposes of this section, shall be subject to the provisions of—

"(A) section 1001 of title 18, United States Code; and

"(B) sections 3729 through 3733 of title 31, United States Code.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT.

(a) PERFORMANCE OF CONTRACTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ", small business concerns owned and controlled by socially and economically disadvantaged individuals" and inserting ", qualified small business concerns located in historically underutilized business zones,

small business concerns owned and controlled by socially and economically disadvantaged individuals''; and

(B) in the second sentence, by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'';

(2) in paragraph (3)—

(A) by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(B) by adding at the end the following:

''(F) In this contract, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.'';

(3) in paragraph (4)—

(A) in subparagraph (D), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''; and

(B) in subparagraph (E), by striking ''small business concerns and'' and inserting ''small business concerns, qualified small business concerns located in historically underutilized business zones, and'';

(4) in paragraph (6), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(5) in paragraph (10), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''.

(b) AWARDS OF CONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in subsection (g)(1)—

(A) by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears; and

(B) by inserting after the second sentence the following: ''The Governmentwide goal for participation by qualified small business concerns located in historically underutilized business zones shall be established at not less than 1 percent of the total value of all prime contract awards for fiscal year 1998, not less than 2 percent of the total value of all prime contract awards for fiscal year 1999, not less than 3 percent of the total value of all prime contract awards for fiscal year 2000, and not less than 4 percent of the total value of all prime contract awards for fiscal year 2001 and each fiscal year thereafter.'';

(2) in subsection (g)(2)—

(A) in the first sentence, by striking ''., by small business concerns owned and controlled by socially and economically disadvantaged individuals'' and inserting '', by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals'';

(B) in the second sentence, by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,''; and

(C) in the fourth sentence, by striking ''by small business concerns owned and controlled by socially and economically disadvantaged individuals and participation by small business concerns owned and controlled by women'' and inserting ''by qualified small business concerns located in historically underutilized business zones, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women''; and

(3) in subsection (h), by inserting ''qualified small business concerns located in historically underutilized business zones,'' after ''small business concerns,'' each place that term appears.

(c) OFFENSES AND PENALTIES.—Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)(1)—

(A) by inserting '', a 'qualified small business concern located in a historically underutilized business zone','' after ''''small business concern',''; and

(B) in subparagraph (A), by striking ''section 9 or 15'' and inserting ''section 9, 15, or 30''; and

(2) in subsection (e), by inserting '', a 'small business concern located in a historically underutilized business zone','' after ''''small business concern',''.

SEC. 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Section 2323 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(A), by inserting before the semicolon the following: '', and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)''; and

(2) in subsection (f), by inserting ''or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)'' after ''subsection (a))''.

(b) FEDERAL HOME LOAN BANK ACT.—Section 21A(b)(13) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(b)(13)) is amended—

(1) by striking ''concerns and small'' and inserting ''concerns, small''; and

(2) by inserting '', and qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)'' after ''disadvantaged individuals''.

(c) SMALL BUSINESS ECONOMIC POLICY ACT OF 1980.—Section 303(e) of the Small Business Economic Policy Act of 1980 (15 U.S.C. 631b(e)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(3) qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act).''.

(d) SMALL BUSINESS INVESTMENT ACT OF 1958.—Section 411(c)(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(c)(3)(B)) is amended by inserting before the semicolon the following: '', or to a qualified small business concern located in a historically underutilized business zone, as that term is defined in section 3(o) of the Small Business Act''.

(e) TITLE 31, UNITED STATES CODE.—

(1) CONTRACTS FOR COLLECTION SERVICES.—Section 3718(b) of title 31, United States Code, is amended—

(A) in paragraph (1)(B), by inserting ''and law firms that are qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)'' after ''disadvantaged individuals''; and

(B) in paragraph (3)—

(i) in the first sentence, by inserting before the period ''and law firms that are qualified small business concerns located in historically underutilized business zones'';

(ii) in subparagraph (A), by striking ''and'' at the end;

(iii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act.''.

(2) PAYMENTS TO LOCAL GOVERNMENTS.—Section 6701(f) of title 31, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) qualified small business concerns located in historically underutilized business zones.''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(C) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act (15 U.S.C. 632(o)).''.

(3) REGULATIONS.—Section 7505(c) of title 31, United States Code, is amended by striking ''small business concerns and'' and inserting ''small business concerns, qualified small business concerns located in historically underutilized business zones, and''.

(f) OFFICE OF FEDERAL PROCUREMENT POLICY ACT.—

(1) ENUMERATION OF INCLUDED FUNCTIONS.—Section 6(d) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)) is amended—

(A) in paragraph (11), by inserting ''qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act),'' after ''small businesses,''; and

(B) in paragraph (12), by inserting ''qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act (15 U.S.C. 632(o)),'' after ''small businesses,''.

(2) PROCUREMENT DATA.—Section 19A of the Office of Federal Procurement Policy Act (41 U.S.C. 417a) is amended—

(A) in subsection (a)—

(i) by inserting ''the number of qualified small business concerns located in historically underutilized business zones,'' after ''Procurement Policy''; and

(ii) by inserting a comma after ''women''; and

(B) in subsection (b), by adding at the end the following: ''In this section, the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act (15 U.S.C. 632(o)).''.

(g) ENERGY POLICY ACT OF 1992.—Section 3021 of the Energy Policy Act of 1992 (42 U.S.C. 13556) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''or'';

(B) in paragraph (3), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(4) qualified small business concerns located in historically underutilized business zones.''; and

(2) in subsection (b), by adding at the end the following:

"(3) The term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act (15 U.S.C. 632(o)).".

(h) TITLE 49, UNITED STATES CODE.—

(1) PROJECT GRANT APPLICATION APPROVAL CONDITIONED ON ASSURANCES ABOUT AIRPORT OPERATION.—Section 47107(e) of title 49, United States Code, is amended—

(A) in paragraph (1), by inserting before the period "or qualified small business concerns located in historically underutilized business zones (as that term is defined in section 3(o) of the Small Business Act)";

(B) in paragraph (4)(B), by inserting before the period "or as a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)"; and

(C) in paragraph (6), by inserting "or a qualified small business concern located in a historically underutilized business zone (as that term is defined in section 3(o) of the Small Business Act)" after "disadvantaged individual".

(2) MINORITY AND DISADVANTAGED BUSINESS PARTICIPATION.—Section 47113 of title 49, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking the period at the end and inserting a semicolon;

(ii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(3) the term 'qualified small business concern located in a historically underutilized business zone' has the same meaning as in section 3(o) of the Small Business Act (15 U.S.C. 632(o)).."; and

(B) in subsection (b), by inserting before the period "or qualified small business concerns located in historically underutilized business zones".

HISTORICALLY UNDERUTILIZED BUSINESS ZONE ACT OF 1997— SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

Historically Underutilized Business Zone Act of 1997, hereinafter referred to as the "HUBZone Act of 1997."

SECTION 2. HISTORICALLY UNDERUTILIZED BUSINESS ZONES

Definitions

Historically Underutilized Business Zone (HUBZone) is any area located within a qualified metropolitan statistical area or qualified non-metropolitan area.

Small business concern located in a Historically Underutilized Business Zone is a small business whose principal office is located in a HUBZone and whose workforce includes at least 35% of its employees from one or more HUBZones.

Qualified Metropolitan Statistical Area is an area where not less than 50% of the households have an income of less than 60% of the metropolitan statistical area median gross income as determined by the Department of Housing and Urban Development.

Qualified Non-metropolitan Area is an area where the household income is less than 80% of the non-metropolitan area median gross income as determined by the Bureau of the Census of the Department of Commerce.

Qualified Small Business Concern must certify in writing to the Small Business Administration (SBA) that it (a) is located in a HUBZone, (b) will comply with subcontracting rules in the Federal Acquisition Regulations (FAR), (c) will insure that not less than 50% of the contract cost will be performed by the Qualified Small Business.

Contracting Preferences

Contract Set-Aside to a qualified small business located in a HUBZone can be made by a procuring agency if it determines that 2 or more qualified small businesses will submit offers for the contract and the award can be made at a fair market price.

Sole-source Contracts can be awarded if a qualified small business submits a reasonable and responsive offer and is determined by SBA to be a responsible contractor. Sole-source contracts cannot exceed $5 million.

10% Price Evaluation Preference in full and open competition can be made on behalf of the Qualified Small Business if its offer is not more than 10% higher than the other offeror, so long as it is not a small business concern.

Enforcement; Penalties

The SBA Administrator or his designee shall establish a system to verify certifications made by HUBZone small businesses to include random inspections and procedures relating to disposition of any challenges to the accuracy of any certification. If SBA determines that a small business concern may have misrepresented its status as a HUBZone small business, it shall be subject to prosecution under title 18, section 1001, U.S.C., False Certifications, and title 31, sections 3729–3733, U.S.C., False Claims Act.

SECTION 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE SMALL BUSINESS ACT

HUBZone Preference

The Small Business Act is amended to give qualified small business concerns located in HUBZones a higher preference than small business concerns owned and controlled by socially and economically disadvantaged individuals (8(a) contractors).

HUBZone Goals

This section sets forth government-wide goals for awarding government contracts to qualified small businesses. In Fiscal Year 1998, the goal will be not less than 1% of the total value of all prime contracts awarded to qualified small businesses located in HUBZones. In FY 1999, this goal will increase to 2%, in FY 2000, it will be 3%; and it will reach 4% in FY 2001 and each year thereafter.

Offenses and Penalties

This section provides that anyone who misrepresents any entity as being a qualified small business in order to obtain a government contract or subcontract can be fined up to $500,000 and imprisoned for not more than 10 years and be subject to the administrative remedies prescribed by the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801–3812).

SEC. 4. OTHER TECHNICAL AND CONFORMING AMENDMENTS

This section makes technical amendments to other federal government agency programs that have traditionally provided contract set asides and preferences to disadvantaged small businesses by expanding each program to include small businesses located in an Historically Underutilized Business Zone.

By Mr. BREAUX:

S. 209. A bill to increase the penalty for trafficking in powdered cocaine to the same level as the penalty for trafficking in crack cocaine, and for other purposes; to the Committee on the Judiciary.

ILLEGAL DRUG TRAFFICKING LEGISLATION

• Mr. BREAUX. Mr. President, last year I was shocked to learn of the huge difference that exists between the Federal penalties for trafficking powder cocaine and for trafficking the exact same amount of crack cocaine.

Right now, selling five grams of crack cocaine results in the same 5-year mandatory minimum prison term as selling 500 grams of powder cocaine. Selling 50 grams of crack cocaine gets you a 10-year minimum sentence, while you'd have to sell 5,000 grams of powder cocaine to get the same 10 years in prison.

While these penalties are vastly different—100 times greater if you sell crack cocaine—the damage caused by these criminal acts are the same. Lives are lost, families are destroyed, careers are ruined, and our Nation itself is seriously threatened.

Tough penalties are necessary to send a clear signal that the United States will not tolerate selling illegal drugs. The answer to the problem presented by this wide difference in penalties is not to lower penalties for selling crack cocaine but to increase the penalties for selling powder cocaine.

Therefore, my legislation is very simple and very clear. Trafficking—that is the manufacture, distribution, or sale—of 50 grams of powder cocaine will result in a 10-year minimum sentence—the same as dealing in crack cocaine.

Manufacture, distribution or sale of 5 grams of powder cocaine will result in a 5-year minimum sentence—the same as dealing in crack cocaine.

I look forward to working with my colleagues to pass a bill that deters the use of all cocaine—powder and crack.•

By Mr. MURKOWSKI (for himself and Mr. AKAKA):

S. 210. A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes; to the Committee on Energy and Natural Resources.

AMENDMENT LEGISLATION

Mr. MURKOWSKI. Mr. President, I send to the desk for appropriate referral legislation dealing with the several issues of the territories of the United States and the freely associated States. This is legislation that is similar to measures reported by the Committee on Energy and Natural Resources at the end of the last Congress and could not be considered prior to adjournment, although we had managed to work out the text with both the House and the administration. I want to acknowledge the contribution of the staff of the Energy and Natural Resources Committee, as well as the Resource Committee in the House as well.

Section 1 of the legislation proposed will extend the agriculture and food programs that the United States provides for the populations on the atolls in the Marshall Islands affected by the nuclear testing program for an additional 5 years.

The support program was initiated under the trusteeship and continued under the Compact of Free Association for a limited time period. Unfortunately, the atolls are not yet capable of fully supporting the populations, and an additional extension time is necessary.

The amendment will also alter the program to reflect changes in population since the effective date of the compact. I visited many of these areas last year and certainly concur with the recommendations in section 1.

Section 2 of the legislation would repeal a provision of law dealing with the American Memorial Park in Saipan that would permit the government of the Commonwealth to take over the park. While I think some transfer could be considered of the marina area if the Commonwealth were interested, I think that the actual war memorial and interpretive areas should remain under the jurisdiction of the National Park Service during the remainder of the lease.

Section 3 of the legislation makes a series of technical amendments to permit each of the three educational institutions in the freely associated States to operate independently as land grant institutions rather than having to operate as a College of Micronesia.

I visited that college and was very impressed with the dedication and the commitment of those who were responsible for education as well as the people of the area. They are very proud of that institution. I can tell you, Mr. President, there is a tremendous sacrifice being made to foster higher education in the College of Micronesia.

These amendments, as we propose, reflect the new status of the representative Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands and were requested by the President of the College of Micronesia-FSM when Senator AKAKA and I visited the campus last year.

Section 4, hopefully, will resolve a different issue and one that is difficult for Guam relating to the disposal of real property that the Department of Defense no longer needs for military purposes. These lands were acquired by the United States for defense purposes after World War II when Guam had been liberated from occupation by Japan and while Guam was a closed defense area.

We have the residents of Guam and their attitude where they have indicated that they are prepared to support the Federal Government of the United States as they are a territory, but did so with the expectation—in other words, the people of Guam expected that those lands, if no longer needed for defensive purposes, would be returned to either public or private ownership in Guam.

The Department of Defense presently owns about one-third of Guam, although we have been able to return several parcels over the past few years. As part of the discussion on the Commonwealth, the administration had agreed to similar general transfer language, but when we considered this legislation last year, the Fish and Wildlife Service testified in opposition. The Fish and Wildlife Service, in testifying in opposition, said that they had a desire to acquire some portions for a wildlife refuge.

I am going to talk a little bit about the U.S. Fish and Wildlife Services' interest in acquiring this refuge because I think there is a lack of continuity that deserves some examination.

I am not going to go into the curious presentation from the Service at our hearing or the question that they are unwilling to expend any of their own money on the eradication of the brown snake, which has virtually overrun the island, but only note they were able to block any agreement on land transfer previously.

What I am proposing this year is a general transfer authorization for all lands except those within the proposed overlay that would be a refuge overlay that are identified on a map that is subject to transfer only by statute. That, hopefully, will release the other lands to Guam.

No specific disposition is recommended for the other lands, and Congress will consider them on a parcel-by-parcel basis as they become surplus to defensive needs. This will allow both Guam and the Fish and Wildlife Service to make their case, assuming both want the lands, or anyone else.

I note that Congress, not the Executive, has the plenary authority under the Constitution to deal with territories and with the disposal of Federal properties. So it is appropriate that Congress—Congress—decide on the disposition of these lands when the time is right. And I think the time is right. The people of Guam have waited long enough.

I also note that this is the only method I can think of that will guarantee the Government of Guam an opportunity to participate in the process. I hope that the administration will support the public process.

One of the inconsistencies here in this land that is in dispute, approximately 2,000 acres that is held by the Department of Defense—clearly the defensive requirements are no longer pertinent that necessitate the Department of Defense to hold this land. So it is basically surplus land. The U.S. Fish and Wildlife Service, in its interest in acquiring the land, the rationale is to protect the various species on the island and maintain a natural habitat. Some of the species may be facing endangerment.

The inconsistency here is the U.S. Fish and Wildlife Service's inability to address what is eradicating many of the species that are in decline and may be in danger. That is the brown snake. The island is virtually overrun with the brown snake. The U.S. Fish and Wildlife Service refuses to initiate any action to eradicate the brown snake, which is really causing the decline in various other species that are unique to the island.

So I think it is fair to say that the U.S. Fish and Wildlife Service has been somewhat irresponsible in its obligation to address the perpetrator causing the decline of the various birdlife on Guam and other species because the ferociousness of the brown snake is such that it has really taken over the island. And they refuse to spend any of their own money.

I had an opportunity to visit with the Governor of Guam. We had an evening at his residence. He brought several of the brown snakes in cages and gave us a little rundown of what the brown snakes were doing in overrunning Guam and the inability of the U.S. Fish and Wildlife Service to meet its obligation to address any type of control, of predator-type control, to reduce and eliminate this.

So I think it is fair to say the U.S. Fish and Wildlife Service has had its opportunity. They cannot justify taking land and just holding it in a habitat without addressing their obligation to try to enhance the species native to Guam by eradicating the brown snake. So until they come up with some kind of realistic program, I do not have much sympathy for their claim for further land.

I think this land should go to the Commonwealth of Guam and be disposed of under the legislative jurisdiction by the elected people of Guam and get on with it. I intend to pursue that with a great deal of energy to ensure that we see that land transferred over to Guam for their disposition and designation as they see fit. I think they are the most appropriate ones to address some procedure relative to the concern of the brown snake and its continued expansion over the land mass of Guam.

Section 5 of the legislation—I might add further, the Fish and Wildlife Service testified last year that they had 18 listed species on Guam. I am told that three are extinct and five more no longer occur on Guam. At the rate that the Fish and Wildlife Service is dealing with the brown snake, this will be probably the only refuge dedicated to an extinct species.

I think that says something about the stewardship of the U.S. Fish and Wildlife Service with regard to the unique species that were native to Guam, and now the brown snake has taken over and that seems to be taking care of whatever is left. But the Fish and Wildlife Service continues to, I think, neglect its responsibility.

Moving on, section 5 of the legislation, Mr. President, makes a technical

change in statutes dealing with drug enforcement to provide equal treatment for all the territories as we contemplated when the original act passed.

Section 6 of the legislation would make two changes to the Revised Organic Act of the Virgin Islands. The first would authorize the issuance of parity rather than priority bonds secured by the Rum fund—an authority generally available in the States; and the second would provide that the Governor would retain his authority when absent from the territory on official business, which is often the case.

Section 7 of the legislation provides for an economic study commission for the Virgin Islands. I think the idea of a study on what the future holds is important and timely. I want to emphasize that I want this commission to focus directly and quickly on realistic economic alternatives that are helpful to the Virgin Islands and the Congress and not produce a theoretical tome to gather dust on a shelf.

Section 8 clarifies the availability of assistance from the Public Health Service in the radiation related medical surveillance and treatment programs provided under section 177(b) of the Compact of Free Association in the Republic of the Marshall Islands to persons directly exposed as a result of the nuclear testing program in the Marshall Islands.

We observed those areas when we were over there last year, as well as meeting with the people. I think this is an appropriate action.

Section 9 would clarify that residents of the freely associated States who are lawfully admitted to the United States under the Compact of Free Association are eligible for assistance under certain programs. This assistance had been provided before the effective date of the Compact under the Trusteeship and subsequently until a particularly strained and convoluted interpretation by attorneys who demonstrated a questionable familiarity with English created a problem. As usual, the answer was that the interpretation didn't make a lot of sense and was contrary to past practice, but if Congress disagreed, it could clarify the law. Well I disagree and this language should clarify the law. One problem that was raised is that under current law, aliens are given a preference over United States citizens and that creates inequities in small areas like Guam and the Commonwealth of the Northern Mariana Islands. The answer, of course, is to treat residents of the freely associated States like United States citizens, not to fabricate a legal opinion to deny them benefits altogether. Section 9 would provide equal but not preferential treatment, and I think that is fully in line with our intent under the Compact in encouraging residents of the freely associated States to come to the United States for work and study.

Section 10 would provide the consent of the United States to two amendments to the Hawaiian Homes Commission Act as required by the Admissions Act for the State of Hawaii. This language was requested by the administration and is supported by the Hawaii delegation and I'm pleased to say by my colleagues, Senators INOUYE and AKAKA.

Section 11 would provide for an economic study commission for American Samoa similar to that provided for the Virgin Islands. Like the Virgin Islands Commission, the Secretary of the Interior will be a voting member ex officio in recognition of his responsibilities. Given the unique cultural situation in American Samoa and the importance of land tenure and Matai rights, three of the seven members of the commission will come from nominations by the Governor. Unlike the Virgin Islands, American Samoa still relies on annual appropriations for both operations and infrastructure, and the commission is directed to focus on the needs in those areas over the next decade and look to ways to minimize that dependence. As part of its report, the commission is directed to provide an historical overview of the relationship between American Samoa and the United States and include copies of relevant documents in an appendix to the report. I want to emphasize that this is an overview and I do not want the commission to depart from its focus on what economic opportunities exist to replicate scholarly studies. There are certain constraints on economic development in American Samoa as a result of its status outside the customs territory of the United States, for example, and that needs to be noted.

Mr. President, the Committee on Energy and Natural Resources plans to hold a hearing on this legislation on February 6. I hope to be able to report the measure and have it considered by the Senate prior to the February recess. I hope that the administration will support this measure, although I know they dislike commissions and studies. I am not a great fan of them either, but from time to time a fresh look at a problem can be useful. I do not want these commissions to go beyond their limited life and I want them to produce something useful. I hope the administration will agree with the unique circumstances surrounding these provisions and the need for them, and recognize the obligation that we have to these areas under the Organic Act of Guam and the revised Organic Act of the Virgin Islands and the Compact of Free Association Act that mandates an oversight and continued responsibility by the Federal Government.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 210

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

SECTION 1. MARSHALL ISLANDS AGRICULTURAL AND FOOD PROGRAMS.

Section 103(h)(2) of the Compact of Free Association Act of 1985 (48 U.S.C. 1903(h)(2) is amended by striking "ten" and inserting "fifteen" and by adding at the end of subparagraph (B) the following:

"The President shall ensure that the amount of commodities provided under these programs reflects the changes in the population that have occurred since the effective date of the Compact.".

SEC. 2. AMERICAN MEMORIAL PARK.

Section 5 of Public Law 95–348 is amended by striking subsection (f).

SEC. 3. TERRITORIAL LAND GRANT COLLEGES

(a) LAND GRANT STATUS. Section 506(a) of the Education Amendments of 1972 (Public Law 92–318, as amended; 7 U.S.C. 301 note) is amended by striking "the College of Micronesia," and inserting "the College of the Marshall Islands, the College of Micronesia-FSM, the Palau Community College,".

(b) ENDOWMENT. The amount of the land grant trust fund attributable to the $3,000,000 appropriation for Micronesia authorized by the Education Amendments of 1972 (Public Law 92–318, as amended; 7 U.S.C. 301 note) shall, upon enactment of this Act, be divided equally among the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau for the benefit of the College of the Marshall Islands, the Collage of Micronesia-FSM, and the Palau Community College.

(c) TREATMENT. Section 1361(c) of the Education Amendments of 1980 (Public Law 96–374, as amended; 7 U.S.C. 301 note) is amended by striking "and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)" and inserting "the Republic of the Marshall Islands, and the Federated States of Micronesia, and the Republic of Palau".

SEC. 4. AMENDMENT TO THE GUAM ORGANIC ACT.

Section 28 of the Organic Act of Guam (48 U.S.C. 1421f) is amended by adding at the end the following new subsection:

"(d) TRANSFER OF EXCESS LAND. (1) At least 180 days before transferring to any Federal agency excess real property located in Guam other than real property identified on map ___ and dated ___ as land subject to transfer only by statute, the Administrator of General Services Administration shall notify the government of Guam that the property is available under this section.

"(2) The Administrator shall transfer to the government of Guam all right, title, and interest of the United States in and to excess real property located in Guam, by quit claim deed and without reimbursement, if the government of Guam, within 180 days after receiving notification under paragraph (1) regarding the property, notifies the Administrator that the government of Guam intends to acquire the property under this section.

"(3) For purposes of this subsection, the term 'excess real property' means excess property (as that term is defined in section 3 of the Federal Property and Administrative Services Act of 1949) that is real property.

"(4) With respect to any real property identified on the map referenced in paragraph (1) of this subsection, such property may not be transferred to another federal agency or out of federal ownership except pursuant to an Act of Congress specifically identifying such property.".

SEC. 5. CLARIFICATION OF ALLOTMENT FOR TERRITORIES.

Section 901(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)(2)) is amended to read as follows:

"(2) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands;".

SEC. 6. AMENDMENTS TO THE REVISED ORGANIC ACT OF THE VIRGIN ISLANDS.

(a) TEMPORARY ABSENCE OF OFFICIALS. Section 14 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1595) is amended by adding at the end the following new subsection:

"(g) An absence from the Virgin Islands of the Governor or the Lieutenant Governor, while on official business, shall not be a 'temporary absence' for purposes of this section.".

(b) PRIORITY OF BONDS. Section 3 of Public Law 94–392 (48 U.S.C. 1574c) is amended—

(1) by striking "priority for payment" and inserting "a parity lien with every other issue of bonds or other obligations issued for payment"; and

(2) by striking "in the order of the date of issue".

(c) APPLICATION. The amendments made by subsection (b) shall apply to obligations issued on or after the date of enactment of this section.

SEC. 7. COMMISSION ON THE ECONOMIC FUTURE OF THE VIRGIN ISLANDS.

(a) ESTABLISHMENT AND MEMBERSHIP.

(1) There is hereby established a Commission on the Economic future of the Virgin Islands (the "Commission"). The Commission shall consist of six members appointed by the President, two of whom shall be selected from nominations made by the Governor of the Virgin Islands. The President shall designate one of the members of the Commission to be Chairman.

(2) In addition to the six members appointed under paragraph (1), the Secretary of the Interior shall be an ex-officio member of the Commission.

(3) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(4) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(5) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(b) PURPOSE AND REPORT.

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of the Virgin Islands through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development and shifting tourism trends based on alternative forecasts of economic, political and social conditions in the Caribbean;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts; and

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years.

(2) The recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of the Virgin Islands to meet projected needs based on reasonable alternative economic, political and social conditions in the Caribbean, including the possible effect of expansion in the near future of Cuba in trade, tourism and development.

(c) POWERS.

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(d) CHAIRMAN. Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(e) FUNDING. There is hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) TERMINATION. The Commission shall terminate three months after the transmission of the report and recommendations under subsection (b)(2).

SEC. 8. PUBLIC HEALTH SERVICE PHYSICIANS.

The Secretary of Health and Human Services shall provide, on a non-reimbursable basis, assistance for direct radiation related medical surveillance and treatment programs under section 177(b) of the Compact of Free Association. Such programs may include the services of physicians, surgeons, dentists, nurses, and other health care practitioners.

SEC. 9. ELIGIBILITY FOR HOUSING ASSISTANCE.

(a) Section 214(a) of the Housing Community Development Act of 1980 (42 U.S.C. 1436a(a)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) an alien who is lawfully resident in the United States and its territories and possessions under section 141 of the Compacts of Free Association between the Government of the United States and the Governments of the Marshall Islands, the Federated States of Micronesia (48 U.S.C. 1901 note) and Palau (48 U.S.C. 1931 note) while the applicable section is in effect: *Provided*, That, within Guam and the Commonwealth of the Northern Mariana Islands any such alien shall not be entitled to a preference in receiving assistance under this Act over any United States citizen or national resident therein who is otherwise eligible for such assistance.".

SEC. 10. CONSENT TO HAWAIIAN HOMES COMMISSION ACT AMENDMENTS.

As required by section 4 of the Act entitled "An Act to provide for the admission to the State of Hawaii into the Union", approved March 18, 1959 (73 Stat. 4), the United States consents to the following amendments to the Hawaiian Homes Commission Act, 1920, adopted by the State of Hawaii in the manner required for State legislation:

(1) Act 339 of the Session Laws of Hawaii, 1993, and

(2) Act 37 of the Session Laws of Hawaii, 1994.

SEC. 11. AMERICAN SAMOA STUDY COMMISSION.

(a) SHORT TITLE.—This section may be cited as "The American Samoa Development Act of 1997".

(b) ESTABLISHMENT AND MEMBERSHIP.

(1) There is hereby established a Commission on the Economic Future of American Samoa (the "Commission"). The Commission shall consist of six members appointed by the President, three of whom shall be selected from nominations made by the Governor of American Samoa, and the Secretary of the Interior ex officio. The President shall designate one of the appointed members of the Commission to be Chairman.

(2) Members of the Commission appointed by the President shall be persons who by virtue of their background and experience are particularly suited to contribute to achievement of the purposes of the Commission.

(3) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred by them in the performance of their duties.

(4) Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

(c) PURPOSE AND REPORT.

(1) The purpose of the Commission is to make recommendations to the President and Congress on the policies and actions necessary to provide for a secure and self-sustaining future for the local economy of American Samoa through 2020 and on the role of the Federal Government. In developing recommendations, the Commission shall—

(A) solicit and analyze information on projected private sector development, including, but not limited to, tourism, manufacturing and industry, agriculture, and transportation and shifting trends based on alternative forecasts of economic, political and social conditions in the Pacific;

(B) analyze capital infrastructure, education, social, health, and environmental needs in light of these alternative forecasts;

(C) assemble relevant demographic, economic, and revenue and expenditure data from over the past twenty-five years;

(D) review the application of federal laws and programs and the effects of such laws and programs on the local economy and make such recommendations for changes in the application as the Commission deems advisable;

(E) consider the impact of federal trade and other international agreements, including, but not limited to those related to marine resources, on American Samoa and make such recommendations as may be necessary to minimize or eliminate any adverse effects on the local economy.

(2) The recommendations of the Commission shall be transmitted in a report to the President, the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives no later than June 30, 1999. The report shall set forth the basis for the recommendations and include an analysis of the capability of American Samoa to meet projected needs based on reasonable alternative economic, political and social conditions in the Pacific Basin. The report shall also include projections of the need for direct or indirect federal assistance for operations and infrastructure over the next decade and what additional assistance will be necessary to develop the local economy to a level sufficient to minimize or eliminate the need for direct federal operational assistance. As part of the report, the Commission shall also include an overview of the history of American Samoa and its relationship to the United States from 1872 with emphasis on those events or actions that affect future economic development and shall include, as an appendix to its report, copies of the relevant historical documents, including, but not limited to, the Convention of 1899 (commonly referred to as the Tripartite Treaty) and the documents of cession of 1900 and 1904.

(d) POWERS.

(1) The Commission may—

(A) hold such hearings, sit and act at such times and places, take such testimony and receive such evidence as it may deem advisable: *Provided*, That the Commission shall conduct public meetings in Tutuila, Ofu, Olosega, and Tau;

(B) use the United States mail in the same manner and upon the same conditions as departments and agencies of the United States; and

(C) within available funds, incur such expenses and enter into contracts or agreements for studies and surveys with public and private organizations and transfer funds to Federal agencies to carry out the Commission's functions.

(2) Within funds available for the Commission, the Secretary of the Interior shall provide such office space, furnishings, equipment, staff, and fiscal and administrative services as the Commission may require.

(3) The President, upon request of the Commission, may direct the head of any Federal agency or department to assist the Commission and if so directed such head shall—

(A) furnish the Commission to the extent permitted by law and within available appropriations such information as may be necessary for carrying out the functions of the Commission and as may be available to or procurable by such department or agency; and

(B) detail to temporary duty with the Commission on a reimbursable basis such personnel within his administrative jurisdiction as the Commission may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay or other employee status.

(e) CHAIRMAN. Subject to general policies that the Commission may adopt, the Chairman of the Commission shall be the chief executive officer of the Commission and shall exercise its executive and administrative powers. The Chairman may make such provisions as he may deem appropriate authorizing the performance of his executive and administrative functions by the staff of the Commission.

(f) FUNDING. There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary, but not to exceed an average of $300,000 per year, in fiscal years 1997, 1998 and 1999 for the work of the Commission.

(f) TERMINATION. The Commission shall terminate three months after the transmission of the report and recommendations under subsection (c)(2).

By Mr. WELLSTONE:

S. 211. A bill to amend title 38, United States Code, to extend the period of time for the manifestation of chronic disabilities due to undiagnosed symptoms in veterans who served in the Persian Gulf war in order for those disabilities to be compensable by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

THE PERSIAN GULF WAR VETERANS COMPENSATION ACT OF 1997

• Mr. WELLSTONE. Mr. President, I am pleased and proud to introduce a bill today that will address a serious problem faced by many Persian Gulf veterans—the denial of their claims for VA compensation based solely on the fact that their symptoms arose more than 2 years after they last served in the gulf. This bill is a companion to H.R. 466 introduced recently by Congressman LANE EVANS, ranking minority member of the House Veterans' Affairs Committee and an outstanding, energetic, and dedicated veterans' advocate.

This bill would extend from 2 to 10 years the time by which a veteran must develop symptoms after departing the gulf to be eligible to file for VA disability compensation.

While this legislation is simple and straightforward, there are a number of reasons that I am introducing it that require some elaboration.

Over a month ago Congressman EVANS and I sent a joint letter to VA Secretary Jesse Brown asking him to administratively extend the presumptive period from 2 to 10 years. We pointed out that the VA had denied about 95 percent of Persian Gulf veterans' claims for undiagnosed illnesses and noted that in House testimony last March Secretary Brown himself said that "most of the people we are denying, a large percentage of the people that we are denying, do not have a disease within the 2-year period." The Secretary added that there was a need to examine health problems emerging after that time period.

Mr. President, our letter also noted that continuing disclosures about possible exposures of our troops in the gulf to chemical weapons make it clear that it may take many years before we have a full understanding of what occurred during the Persian Gulf war and how these events affected our veterans. In closing, we stressed that gulf war veterans must be given the benefit of the doubt.

Although Secretary Brown has not yet replied to our letter, I know that he is a fearless and deeply committed advocate of our Nation's veterans and fully shares my view that America's veterans must always be given the benefit of the doubt. Under his leadership, the VA is now reviewing 11,000 cases to ensure that Persian Gulf veterans are indeed given the benefit of the doubt in the development and adjudication of their compensation claims.

Secretary Brown, at the request of President Clinton, is formulating a plan to expand the deadline for compensation which is to be submitted to the President in March. I anticipate that the administration will extend the deadline and believe that when this occurs they'll want congressional authorization. This bill is intended to grant them that authority.

Mr. President, so that my colleagues on both sides of the aisle will better understand my reasons for introducing this bill and why I believe the administration must and will extend the deadline for filing gulf war claims, permit me to list some of the key factors involved:

Sick Persian Gulf veterans shouldn't be kept in limbo, waiting years for the completion of research that should have been done years ago on the long-term health effects of low-level exposures to chemical and other agents;

In this connection, the experience of atomic veterans for over 50 years is hardly encouraging, with disputes among scientists persisting about the long-term effects of exposure to low-level radiation and about the validity of U.S. Government-funded radiation dose reconstructions—dose reconstructions which continue to be a major factor in denial of the vast majority of atomic veterans' claims for VA compensation;

While I'm pleased that research is finally taking place after a delay of over 5 years stemming from DOD's contention that there were no chemical exposures and that low-level exposures had no health effects, I fear there is a possibility that the etiology of Persian Gulf illnesses may never be known because needed scientific data was not collected immediately after the war and because of the complexity of figuring out the synergistic effects of various combinations of harmful agents present during the gulf war.

DOD and CIA are developing new information about possible chemical and other exposures during the gulf war that could further complicate the search for the causes of illnesses, while the media sometimes carry contradictory reports on such exposures that add to the uncertainties and anxieties of veterans and their families;

There are a number of serious diseases that are not manifested until 10 years or more after initial exposure to harmful agents.

In closing, Mr. President, I would like to pay tribute to the brave Minnesota veterans of Operation Desert Shield/Desert Storm whom I met with over a month ago. These Minnesota veterans who are my mentors told me about the illnesses and symptoms they developed after the war, including skin rashes, hair loss, reproductive problems, memory loss, headaches, aching joints, and internal bleeding. They said that they are scared to death about their health problems. I was deeply moved by their accounts and pledged to do all I could to help them. Moreover, I was distressed to learn that as of last month, out of 171 Minnesota gulf veterans who had filed disability claims, only 18 were receiving full or partial disability benefits.

As part of an action plan to help Minnesota gulf veterans, I told them that Congressman EVANS and I were writing to Secretary Brown to extend the 2-year period to 10 years. This initiative was supported both by Minnesota Persian Gulf veterans and State veterans' leaders and the bill I'm now introducing is a logical followup to the letter sent to Secretary Brown.

I am very pleased to note that this legislation is supported by the American Legion and the Vietnam Veterans of America and I urge my colleagues to join these organizations in strongly supporting this bill.

I dedicate this bill to the patriotic and courageous Minnesota veterans who served in the Persian Gulf war.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 211

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 "Persian Gulf War Veterans Compensation Act of 1997".

SEC. 2. EXTENSION OF PRESUMPTIVE PERIOD FOR MANIFESTATION OF CHRONIC DISABILITIES DUE TO UNDIAGNOSED SYMPTOMS IN VETERANS WHO SERVED IN THE PERSIAN GULF WAR.

Subsection (b) of section 1117 of title 38, United States Code, is amended to read as follows:

"(b) The provisions of subsection (a) shall apply in the case of a disability of a veteran becoming manifest within 10 years after the last date on which the veteran performed active military, naval, or air service in the Southwest Asia theater of operations during the Persian Gulf War."•

By Mr. WELLSTONE:

S. 212. A bill to increase the maximum Federal Pell Grant award in order to allow more American students to afford higher education, and to express the sense of the Senate; to the Committee on Labor and Human Resources.

THE AFFORDABLE HIGHER EDUCATION THROUGH PELL GRANTS ACT

Mr. WELLSTONE. Mr. President, on January 21 I cosponsored S. 12, the Senate leadership's version of President Clinton's education tax deduction and credit plan. As an educator for 20 years and a Senator who believes in education, I couldn't be more enthusiastic that the President and the leadership have chosen to invest $35 billion over the next 5 years into higher education in this country. This is a marvelous goal and I support it without hesitation.

When it comes to investing a large sum of money into education, with the goal of making education more affordable for more students and working families, I think that it is important to explore every viable option. The tax system is one way to distribute money to working families. Another existing system is the Pell Grant Program, which is already geared toward targeting money at the students who are most likely not to attend college because of a lack of funds. Currently, Pell Grants go almost exclusively to lower income families. But that is not how Pell was designed. It was designed to reach families based on their need, not based on their income. If the Pell Grant Program were to be funded up to its authorized level, it would be of great benefit to many middle-class families as well as lower middle-class families. Because Pell is a proven entity and a great deal could be gained by investing in it, I rise today to introduce a second option on how to bring higher education into the reach of more Americans.

It is both saddening and shameful that in this country, the best predictor of attending college is the family income. We have engineered a system in this country where the doors to college are closed for those who have the most to gain from higher education. Only 16 percent of college freshmen come from households earning $20,000 a year or less. Only half of them actually graduate by age 24, and those that drop out cite the expense of college as their No. 1 concern. Clearly, we are doing an inadequate job of addressing the financial needs of our Nation's college bound youth. According to David Wessel of the Wall Street Journal, three-quarters of higher income students attend college. Half of middle income students attend college. But just one-quarter of poorest income students attend college.

As reported by the New York Times, "the impact of [financial pressures on the poor] has been camouflaged by the steady growth in college attendance by more affluent students and by older people. But students from poor families have increasingly been left behind." The proportion of students earning college degrees by age 24 from families in the richest quarter of the population has jumped from 31 percent in 1979 to 79 percent in 1994. But the rate among students from families in the poorest population over the exact same years, 1979 to 1994, has stayed dead flat at 8 percent.

Looked at another way, affluent students in 1979 were 4 times more likely to graduate from college at 24 than poor students, but 10 times more likely in 1994. According to Thomas Mortenson, a higher education policy analyst in Iowa City, "there has been a redistribution of educational opportunity. We have a greater inequality of educational attainment by age 24 than at any time during the last 25 years. Lower income kids are having a terrible time in higher education."

Mr. President, 25 years ago, the Pell Program was created to respond to these discrepancies. The goal of Pell grants was to target funds toward those families that were likely to send their children to college but couldn't afford to. Consequently, Pell grants have no income limit. Even a family with a very high income is eligible for Pell, if it can be shown that they have need—for example, if they have several children and all the kids are in college, they are supposed to fall under the umbrella of the Pell Program. Pell grant awards go first to the neediest students, and are phased out as need decreases.

It was hoped that the Pell Program would pay off in three very important ways. First, it would enable more motivated but financially insecure students to gain the skills necessary to have productive lives. Second, it would increase the number of students enrolled in institutions of higher learning, and therefore reduce the cost of higher education for everyone. Third, it would provide to the Nation all the wonderful benefits of a well-educated population—a skilled work force, an improved ability to compete with other nations, a more financially secure country.

The Pell Grant Program has done a world of good. Over the 25 years, 68.2 million awards have been given out to an estimated 30 million students. Millions of lower income students have been able to attend college thanks to Pell. While Pell itself has been unable to actually reduce college tuitions, it is frightening to imagine how expensive colleges would be without the Pell

Program, and how few lower income families would be able to obtain diplomas. In terms of overall effect of the Pell Program on our country, it is almost impossible to overstate the significance of having educated so many people who otherwise would have been unlikely to have increased their standard of living and the standards of their families and those around them.

When Pell was created, it bore a price tag of $47.5 million—in 1971 dollars, $118 million in 1997 dollars—and benefited 176,000 grant recipients. By 1980 it aided 2.7 million students, and today, the Pell Grant Program invests $6.4 billion a year into the education of 3.6 million grant recipients a year. We should not misinterpret the growth of this program as having successfully met the need for the program; however, Pell Grants are something of which the Congress should be extremely proud.

Let me explain how the Pell Program works, and how it manages to invest money right where it is needed. The formula is simple. First, the "expected family contribution" is determined through a formula used for all Federal student aid programs. The nickname for the expected family contribution is EFC. The EFC takes into account the family income, the number of dependents in the family, the number of family members currently receiving aid or attending college, and certain assets if the family earns more than $50,000 a year.

Here's an example. A typical two-earner family with an income of $50,000 that has one dependent child in college would be expected to contribute $4,000 per year toward their child's education. The EFC is then subtracted from the maximum Pell Grant award, which under current law is authorized to be $4,500. If you add up the cost of the child's tuition, fees, room, board, and books and it comes out to more than $4,500, then that family could expect to receive $500 in Pell grants.

This example also succeeds in demonstrating the problem with the Pell grant system. Currently, the Pell maximum award is, indeed, authorized to be $4,500. However, because there was not enough money available for the Pell Program last year, the appropriators lowered the Pell maximum award to only $2,700. That means that the average three person family, which I have described above, will not receive a Pell grant award if their income is over $38,600.

You see, Pell, as originally designed, is supposed to benefit the middle class. But for this to be successful, enough money must be allocated to the program so that the appropriations process can provide the statutory maximum award for each student.

But this has seldom happened over the years. While the statute sets the maximum award, limited funds available for the program have meant that appropriations language has almost always reduced the maximum award.

Because the appropriations process reduces the maximum Pell award every year, the purchasing power of Pell grants has dwindled in relation to college costs. During the 80's and 90's, college costs have increased at an annual rate of between 5 percent and 8 percent, increases that have always outpaced inflation. In 1980, the average Pell award of $882 paid 26 percent of the total annual cost of attendance for a 4-year public institution—$3,409—as compared to today, when the average award of $1,579 pays only 16 percent of total costs of $9,649. This, in light of the fact that, as stated in the Higher Education Act, the purpose of the Pell Grant Program is to provide an award that "in combination with reasonable family and student contribution and—other Federal grant aid—will meet at least 75 percent of a student's cost of attendance."

In real dollars, appropriations for the Pell Grant Program have increased by almost 50 percent since 1980. However, the appropriated maximum grant has increased only 34 percent, which means that if inflation is factored in, the maximum award has fallen 13 percent. The result is that few families with incomes above $30,000 are likely to qualify for Pell. Last year, 54 percent of Pell recipients had incomes of less than $10,000.

This is where the bill I introduce today comes in. At a similar cost to the President's tax deduction and credit proposals—$35 billion over 5 years—my bill would increase the maximum Pell grant award to $5,000 from the present level of $2,700, thus bringing the award to the level at which it was created, adjusted for inflation. With the maximum increased, two intents would be accomplished. First, lower income students would be entitled to a larger award, thus having more opportunity to attend college. Second, because the maximum is increased, more students—including students from middle income families—would be eligible for Pell grants.

Here are a few illustrations. Under current law, a single, independent student with no children is ineligible for even a minimum Pell grant award if she has an income of over $9,800. My bill would effectively double the income eligibility; a single student with no children with an income of over $16,200 would still be eligible for Pell. If that student is a single parent, with two children, her income could be as high as $50,600 and she would still be eligible for Pell, as opposed to current law, which would eliminate her eligibility at an income of $38,800.

Parents trying to put a dependent child through college would also benefit from this bill. For example, a two-parent family with one child in college under current law is eligible only if their income is lower than $38,600. My bill would raise this eligibility to just under $50,000. Under Pell as it exists today, a family with four children in college receives the minimum award for each of their children as long as their income is lower than $72,600. Under this bill, an average family with four children in college would receive the minimum award for each child even if their income was as high as $107,300.

Now let me take a moment to explain why my proposal and the Clinton proposal are so deserving of the attention and support of this body.

These days, parents putting children through college, and young adults trying to do it on their own, are facing an increasingly daunting challenge. According to the college board, tuition costs have gone up more than 40 percent since 1985. Expressed in constant 1994 dollars, in 1985 tuition at the average private college was $10,058. By 1994, it was $14,486—a 44 percent increase. The average public college tuition was $2,095 in 1985. By 1994, it was $2,948—a 41 percent increase.

Last year alone, college tuition went up 6 percent, more than double the rate of inflation. Since 1980, college tuition has risen faster than medical costs, and more than twice as fast as family income.

For the last 10 years, tuition increases at State universities, community colleges, and technical colleges in Minnesota have ranged from 2 to almost 9 percent every single year. The largest trend in tuition increases began in the early 1980's. Since then, tuition at the University of Minnesota has risen 264 percent while the Consumer Price Index has gone up 71 percent—available chart shows only the increase between 1981 and 1992, that is why its numbers are smaller. Next academic year, a freshman at the UM Liberal Arts College will pay $3,618, plus a higher activity fee, plus a new $135 computing fee.

All over Minnesota—at private schools, public universities and colleges—tuition is going up faster than personal disposable income per capita.

Meanwhile, Government and private aid has declined. Federal appropriations for student aid fell 9 percent between 1980 and 1993 while States allocations fell 13 percent between 1986 and 1992. Corporate and private giving is far too small to offset these declines. Last year, the Federal Government spent nearly 40 percent less than it did the year before to help young people in Minnesota pay for college with Perkins loans. That's $1.5 million less in loans—3,214 fewer students getting help with their educations. Overall, public subsidies to higher education have shrunk from 45 percent of higher education's revenues in 1980 to 35 percent today, most of it to public universities.

Today, more than 80 percent of America's college students study at public universities.

The trend in Federal aid to post-secondary students is toward more loans and away from grants. Although more money is now available to college students, a greater proportion of it must be paid back. According to the college board, the Federal Government invested 80 percent of its higher education budget into Grants and only 20 percent in loans. Today, those numbers are almost exactly reversed. This is a trend that affects poorer students much more than those who are wealthier, as poor students are forced to ask themselves—what if I don't graduate, what will I do with my debt? For these students, Pell Grants are a lifeline that keeps being pulled out of their reach.

Between 1985 and 1994, the share of college costs covered by the maximum Pell grant has steadily fallen for all types of institutions. For example, at a private university, a Pell Grant covered about 17 percent the cost of attendance in 1985. By 1994, that fell to about 10 percent. Similarly, at a public university, a Pell Grant paid for about 50 percent of college costs in 1985. In 1994, that figure was down to about 30 percent.

As a result, the average debt of those emerging from higher education grows at a rate much greater than inflation. Six-and-a-half million students, nearly half of the Nation's enrollment, have loans totaling $23.8 billion. Student borrowing has grown at an average rate of 22 percent per year since 1990, outpacing personal income growth four times over.

At Moorehead State University in Moorehead, MN, students are graduating with a staggering amount of debt. The average student graduating this spring who finished her degree in 4 years owes $10,762. For those who take 5 years to graduate, their debt is even higher, an average of $11,450. Those figures are both much higher than only 4 years ago.

The Minnesota State Colleges and Universities report that students graduating from 2-year colleges incur debt of $8,000 to $10,000. Those attending State universities are coming out of school with $15,000 to $20,000 of debt.

It should be no surprise that defaults cost the Federal Government over $2 billion a year.

It's not only students that are increasingly saddled with debt. Parents are borrowing more and more in order to finance their children's educations. The average loan in the PLUS Program—parental loans for undergraduate students—between 1992 and 1993 jumped from $3,260 to $4,525. In addition, the loan volume for the program grew by 26 percent.

If you are a student planning to attend college, or a parent planning on paying for your child, you'd better start saving now. Even if you plan to send your child to a State school, and even if you start saving 17 years in advance, you are going to have to start putting away a chunk of change.

Put together, rising costs of education and decreasing Government aid spells a greater burden on students and their families—a burden that is often impossible to initiate, and at times, if attempted, impossible to sustain.

But it's crazy for us to allow this to go on. Education is the key to the economic security of this Nation. By the year 2000, 50 percent of all new jobs will require a college education. It is not only our duty and obligation to assist these students in their higher education endeavors, it is essential for our country's future.

Higher education pays off. Every year of higher education increases an individual's income between 6 and 12 percent. In fact, a college-educated male earns 83% more during his lifetime than a noncollege-educated male.

Education is married to earnings potential. A high school dropout can expect to earn, on average, under $13,000 a year; a high school graduate, under $19,000; while a college graduate can earn over $32,000 and a master's degree recipient can earn over $40,000; a doctoral recipient can earn over $54,000; and a professional degree recipient earns, on average, over $74,000.

A recent survey of managers showed that an investment in the educational level of their work force resulted in twice the return in increased productivity of a comparable increase in work hours and nearly three times the return of an investment in capital stock.

Data from the Society of Research also reveals that poverty rate declines as education levels increase. According to the 1992 Census, almost a quarter of the children under the age of 6 in the United States live in poverty. For many, the opportunity for a higher education lies only in the availability of Pell grants. Therefore, the Pell Grant Program is integral in breaking the chain of poverty. In fact, a national study conducted in 1995 revealed that AFDC recipients receiving financial aid are 80 percent more likely to graduate college and obtain permanent jobs.

Families who live in the middle or higher socio-economic bracket will send their children to college regardless of available financial assistance. Such is not the case for low income groups. Cut backs in financial assistance correlate to lack of enrollment and long term attendance among lower socio-economic groups. Without the availability of Pell grants, low income students will not have the opportunity for advanced degrees.

Mr. President, these are the reasons that I am introducing this bill. Ultimately, education is what separates those who achieve from those who can never realize the American Dream. The Government needs to invest in its citizens if democracy is to flourish, if we are to compete in the global marketplace, and if we are to live up to our responsibility to the American people.

As we plan for our country's future and that of its youth, let us be sure that a higher education is available and accessible for all. Let's create a system in the 21st century in which the No. 1 predictor of college attendance is not income, but rather desire.

I urge my colleagues to support S. 212 and to support this bill.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 212

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

SECTION 1. TITLE

This bill shall be known as "The Affordable Higher Education through Pell Grants Act."

SEC. 2. FEDERAL PELL GRANTS.

Section 401(b)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(2)(A) is amended—

(1) in clause (iv), by striking "and" after the comma;

(2) in clause (v), by inserting "and" after the comma; and

(3) by inserting after clause (v) the following:

"(vi) $5,000 for academic year 1998–1999 and each of the 4 succeeding academic years,".

SEC. 3. SENSE OF THE SENATE

It is the sense of the Senate that Congress should appropriate funds to provide the maximum Federal Pell Grant award permitted under this Act for academic year 1998–1999 and each of the 4 succeeding academic years to all eligible students.

AID CUTS PUT COLLEGE BEYOND REACH OF POOREST STUDENTS

(By Karen W. Arenson)

As state governments keep whittling away their support for higher education, tuition at public institutions is likely to continue rising as financial aid shrinks, moving college further beyond the reach of poor students, education experts say.

"There has been a redistribution of educational opportunity," said Thomas G. Mortenson, a higher education policy analyst in Iowa City and a senior scholar at the National Council of Educational Opportunity Associations in Washington.

To some experts, New York State is a case in point. Earlier this month, Gov. George E. Pataki proposed to increase tuition at New York's public universities by $400 a year and reduce state aid for the state's neediest students. Tuition at both the State University colleges and City University would rise to $3,600 a year at CUNY's four-year colleges and $3,800 a year at SUNY's.

Governor Pataki's proposals are not certain to be adopted; the Legislature rejected similar cuts last year. But experts say that higher tuition and reduced aid are inevitable.

"It's not this 400 bucks that Governor Pataki is proposing, it's the general pattern," said Arthur Levine, president of Teachers College at Columbia University.

At the City University of New York, which charged no tuition until 1976, tuition now accounts for 43 percent of the four-year college's budget, up from 19 percent seven years ago, CUNY's current budget proposal shows. Students there say any increases strain their stretched personal budgets.

"If tuition goes up, I don't think I will have to drop out, but it will not be pleasant," said Michelle Whitfield, a 34-year-old Harlem resident who is a voice student at Brooklyn College's Conservatory of Music.

She works 30 hours a week as a temporary worker doing word processing on Wall Street to pay for college and to support herself and her elderly mother. She earns too much to qualify for financial aid, she said, but had to withdraw from college last spring when she ran out of money. Although she is back in school, she said she might have to sit out future semesters if costs rise.

Higher-income and middle-income students have been going to college in ever greater numbers as college becomes an increasingly important factor in earning a decent salary. But lower-income students are going in about the same proportions that they did in the 1970's.

For decades, public universities have remained an important source of higher education for those who cannot afford private institutions. Today, more than 80 percent of America's college students study at public universities.

But while these universities are still considerably less expensive than most private colleges, they, too, are increasingly pricing themselves beyond the means of the poorest Americans, experts say.

Morton Owen Schapiro, dean at the University of Southern California and a specialist in the economics of higher education, said that tuition at public colleges and universities had risen by an annual average of 4 percent to 4.5 percent after inflation since the late 1970's, well ahead of the growth in financial aid.

"That is going to hurt a lot of people," he said, adding that while some private colleges offer generous financial aid to needy students, most of them go to public institutions.

He and Michael S. McPherson, president of Macalester College in St. Paul, Minn., have found that public subsidies to higher education have shrunk from 45 percent of higher education's revenues in 1980 to 35 percent today—most of it to public universities.

Compounding the financial problems of many students are continuing cuts in financial aid. Federal Pell grants, aimed at helping the nation's neediest students pay expenses other than tuition, now amount to a maximum of $2,700 for students at public four-year colleges. Mr. Mortenson calculates that had they kept pace with inflation, they would amount to more than $5,500 today.

For many students, state tuition support has declined, too. For 20 years, New York's Tuition Assistance Program—available to students with incomes below a certain level—had always covered tuition at the public universities for students who qualified. But in 1995, New York reduced the maximum award for public university students to 90 percent of tuition.

And now Governor Pataki has again proposed that students who receive Pell grants as well as state tuition assistance should receive less from the state program.

To some extent, the impact of these financial pressures has been camouflaged by the steady growth in college attendance by more affluent students and by older people. But students from poor families have increasingly been left behind.

Mr. Mortenson has found that the proportion of students earning college degrees by age 24 from families in the richest quarter of the population (in 1994, those with incomes above $65,000) has jumped sharply, to 79 percent in 1994 from 31 percent in 1979. But the rate among students from families in the poorest population (with 1994 incomes below $22,000) stayed flat over the same years, at about 8 percent.

Looking at the trend another way, affluent students were nearly four times as likely as the poorest ones to graduate from college by age 24 in 1979, but nearly 10 times as likely in 1994. "We have greater inequality of educational attainment by age 24 than at any time in the last 25 years," Mr. Mortenson said. "Lower income kids are having a terrible time in higher education."

In 1995, City University surveyed 545 CUNY students who had left the university system even though they were in good academic standing. Thirty-four percent cited lack of money or the need to work as the reason. When the City University raised tuition by $750 in 1995 and New York State cut financial aid, the university saw a sudden drop in undergraduates: 138,000 students enrolled at its four-year colleges, 4,500 fewer than the previous year and about 6,500 fewer than projected.

"I am convinced that the reason was simply financial," said the university's Chancellor, W. Ann Reynolds. "Students needed to have much more cash on the barrel. I am convinced that we are denying opportunity for poor students to go to college."

City University, the nation's largest urban university system, has the highest percentage of students in poverty: about 40 percent of the 139,000 undergraduates at its four-year colleges come from households with incomes of less than 420,000. More than half of all undergraduates—85,000—qualify for Pell grants, and 72,000 get tuition assistance from New York State.

Still, more than half of the students also work: 27 percent hold full-time jobs and 32 percent work part time—many to support their own families, because 29 percent have children.

Even with multiple sources of support, many City University students encounter financial problems, which are reflected in their frequent moves in and out of school and the longer time they take to graduate.

Abdul Khan, a 36-year-old immigrant from Pakistan and an engineering major at City College, has been forced to skip semesters because his full-time job at a newsstand—which pays $13,000 a year—leaves little extra money after living expenses. If costs rise further, he said, "maybe I can take one semester every year."

Mr. Mortenson, the analyst of higher education, said that if financial aid is not increased, one answer for students like Mr. Khan may be to take out more loans—an often unpalatable option for those unsure they will be able to finish college.

David Torres, a 35-year-old psychology major at Brooklyn College who lives in Ozone Park, Queens, said he had weighed taking out a loan, now that he has exhausted his state tuition assistance.

"But loans terrify me," he said. "What if I don't finish and can't pay if off? It's scary."

Mr. Mortenson has an answer for students like Mr. Torres.

"What I tell kids," he said, "is that as scary as paying for college is, you have to go. The only thing more expensive than going to college is not going to college."

By Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. JEFFORDS):

S. 213. A bill to amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996; to the Committee on Commerce, Science, and Transportation.

LEGISLATION TO REPEAL THE INTERNET CENSORSHIP PROVISIONS OF THE COMMUNICATIONS DECENCY ACT

Mr. LEAHY. Mr. President, I rise to introduce a bill to repeal the Internet censorship law that the 104th Congress hastily passed as part of the new Telecommunications Act. I vigorously opposed the so-called Communications Decency Act, along with Senator FEINGOLD, as unnecessary, unworkable and—most significantly—unconstitutional.

So far, every court to consider this law has agreed with us that the Communications Decency Act flunks the constitutionality test. Two separate panels of Federal judges in Pennsylvania and New York have determined that the Internet censorship law serves as an unconstitutional ban on constitutionally protected indecent speech between and among adults communicating on-line. The first amendment to our Constitution will not tolerate this level of governmental intrusion into what people say to each other over computer networks. The matter is now before the Supreme Court, which will hear argument on this case in March.

We will be ready to pass this bill and repeal the Internet censorship law as soon as the Supreme Court acts—as I am confident they will—to strike down the law as unconstitutional. I exhort the Supreme Court to make clear that we do not forfeit our first amendment rights when we go on-line. Only such guidance will stop wrong-headed efforts in Congress and in State legislatures to censor the Internet.

The first amendment to our Constitution expressly states that "Congress shall make no law abridging the freedom of speech." The CDA flouts that prohibition for the sake of political posturing and in the name of protecting our children. Giving full-force to the first amendment on-line would not be a victory for obscenity or child pornography. This would be a victory for the first amendment and for American technology.

Let us be emphatically clear that the people at risk of committing a felony under the CDA are not child pornographers, purveyors of obscene materials or child sex molesters. These people can already be prosecuted and should be prosecuted under longstanding Federal criminal laws that prevent the distribution over computer

networks of obscene and other pornographic materials harmful to minors, under 18 U.S.C. sections 1465, 2252, and 2423(a); that prohibit the illegal solicitation of a minor by way of a computer network, under 18 U.S.C section 2252; and that bar the illegal luring of a minor into sexual activity through computer conversations, under 18 U.S.C section 2423(b). In fact, we recently passed unanimously a new law that sharply increases penalties for people who commit these crimes.

There is absolutely no disagreement in the Senate about wanting to protect children from harm. All 100 Senators, no matter where they are from, would agree that obscenity and child pornography should be kept out of the hands of children and that those who sexually exploit children or abuse children should be vigorously prosecuted. As a former prosecutor, I have prosecuted people for abusing children. This is something where there are no political or ideological differences among us.

But that is not the issue before us. In the heated debate over censoring the Internet, I fear that many Members, who have never used a computer let alone surfed the Internet, may have been under the misapprehension that the Internet is full of sexually explicit material. While such material may be accessible on the Internet, one court estimated that "the percentage of Internet addresses providing sexually explicit content would be well less than one-tenth of 1 percent of such addresses" and that "as much as 30 percent of the sexually explicit material currently available on the Internet originates in foreign countries." Shea versus Reno, 930 F. Supp. 916, 931, S.D.N.Y. 1996. Banning indecent material from the Internet is like using a meat cleaver to deal with the problems better addressed with a scalpel.

We all want to protect our children from offensive or indecent online materials. But we must be careful that the means we use to protect our children does not do more harm than good. We can already control the access our children have to indecent material with blocking technologies available for free from some online service providers and for a relatively low cost from software manufacturers. At some point we ought to stop saying the Government is going to make a determination of what we read and see, the Government will determine what our children have or do not have. Let us encourage the technology that empowers parents—not the government—to make choices for about what is best for their children.

The CDA is a terribly misguided effort to protect children that instead tramples on the free speech rights of all Americans who want to enjoy this medium. The Internet censorship law takes a blunderbuss approach that puts all Internet users at risk of committing a crime. It penalizes with 2-year jail terms and large fines anyone who transmits indecent material to a minor, or displays or posts indecent material in areas where a minor can see it. By criminalizing what is vaguely referred to as "indecent" speech, this law imposes far-reaching new Federal crimes on Americans for exercising their free speech rights on-line and on the Internet.

What strikes some people as indecent or patently offensive may look very different to other people in another part of the country. Given these differences, a vague ban on patently offensive and indecent communications may make us feel good but threatens to drive off the Internet and computer networks an unimaginable amount of valuable political, artistic, scientific, health and other speech. Let me give a couple of examples of what is at risk.

A university professor would risk prosecution by making available on-line to a freshman literature class excerpts from certain classics, such as Catcher in the Rye or Of Mice and Men, all of which have been challenged in a number of communities as indecent for minors.

Forwarding to a child an on-line version of Seventeen magazine, which is a frequently challenged school library material, might violate this law, even though children are free to buy the magazine at newsstands.

An e-mail message from one teenager to another with certain four-letter swear words would violate this law.

Museums with Web sites will think twice before posting images of classic nude paintings or sculptures showing sexual organs, that are suspect under the new censorship law.

On-line discussions about AIDS and other sexually transmitted diseases may be illegal under this new law. No one knows.

Advertisements that would be perfectly legal in print could subject the advertiser to criminal liability if circulated on-line.

In short, the Internet censorship law leaves in the hands of the most aggressive prosecutor in the least tolerant community the power to set standards for what every other Internet user may say on-line.

In bookstores and on library shelves, the protections of the first amendment are clear. The courts are unwavering in the protection of indecent speech. Altering the protections of the first amendment for online communications could cripple this new mode of communication.

The Internet is an American technology that has swept around the world. As its popularity has grown, so have efforts to censor it in Germany, in China, in Singapore, and other countries. We should be leading the efforts to keep the Internet uncensored, and taking the high ground to champion first amendment freedoms. Instead, however, the Communications Decency Act tramples on the principles of free speech and free flow of information that has fueled the growth of this medium.

Let us get this new unconstitutional law off the books as soon as possible. This bill would repeal the provisions of Communications Decency Act that result in a ban of constitutionally protected on-line speech, and simply restores the provisions of section 223 of the Communications Act of 1934 in effect before passage of the CDA.

Mr. President, in the last Congress this body and the other body passed a piece of legislation called the Communications Decency Act. It was done I believe because many felt a concern about what might be seen by children on the Internet. Unfortunately—and I said this at the time on the floor—the bill is overly broad. It stepped into the first amendment in a way that would not have been done with anything else.

We would not have gone down the road of trampling on the first amendment and say that we would have to close down all magazine stores because they might sell a magazine, which while acceptable to adults might be objectionable to children. We would never say that we would close every library in the country, including the Library of Congress, because it may have books there that while acceptable to all adults might not be acceptable to children. And we would never pass a law to close down a publishing house because it published books that might be acceptable to adults but unacceptable to children.

But basically that is what we said we would do with the Internet. We said that even though the Internet may be providing something that is acceptable to adults, we would basically close down large segments of it with criminal penalties because it might have something unacceptable to children.

The first amendment to our Constitution says that Congress shall make no law abridging the freedom of speech. And what the CDA, or the Communications Decency Act, did was to go way beyond what we believe the first amendment stands for. I do not in any way hold any brief for child pornographers or child abusers. I am one of the few people in this body who have sent child abusers to prison. Whenever I had somebody who was involved in child molestation or abusing when I was the prosecutor, I prosecuted this as a top priority in my office and sought the strongest penalties possible. Everyone, whether parents or grandparents, would do everything possible to stop anybody from abusing our children. As parents, we would take the responsibility to make sure that our children are protected from offensive or indecent material, whether it is online, or the Internet, or elsewhere.

But, unfortunately, no matter what every single one of us feel, Republicans or Democrats, or no matter where we are from, the CDA is a terribly misguided effort to protect children that instead tramples on the free speech of all Americans who want to use the Internet. It takes a blunderbuss approach. It puts all Internet users at risk of committing a crime. It penalizes by a 2-year jail term and large fines anyone who transmits indecent material to a minor, or places or posts indecent material in areas where a minor might see it—not whether they do or not but they might.

What this means is a university professor risks prosecution by making available online to a freshman literature class excerpts from Catcher in the Rye, or Of Mice and Men—all of which have been challenged in communities as indecent for minors. Or forwarding to a child online a version of Seventeen magazine might violate the law, even though any child could buy that magazine freely at a newsstand. E-mail messages from one teenager to another using some four-letter words violates the law. Museums for web sites are going to think twice before posting images of something like Michelangelo's David because showing sexual organs would be specifically excluded under this law. Online discussions about sexually transmitted diseases could be illegal. Advertisements that would be illegal in print could be illegal here.

So it is because of that, because it went so far, that the courts have looked at this and have unanimously struck it down. They have said that it is unconstitutional. Multijudge panels in Philadelphia and New York City came unanimously to that view, and it is now before the U.S. Supreme Court.

Experts from the right to the left that I have spoken with on constitutional law predict that the Supreme Court will uphold the unanimous decision of the lower Federal court and find it unconstitutional.

So I am going to introduce a bill to repeal the Internet censorship parts of the Communications Decency Act, and I will do this along with Senator FEINGOLD because the law is unnecessary, unworkable, and, most significantly, unconstitutional. There are better ways of doing this. Let us work with computer software producers on programs that can screen out material which parents find offensive and allow a parent to know where a child has gone on the Internet and allow parents to make this decision—just as when my children were growing up before the Internet, I would say, "I know you can go to such and such a bookstore and buy this or that magazine but your mother and I prefer you do not. And let us instead give you some ideas of better things to read," and work with them.

Technology will allow parents to do that. It will allow them to block out offensive material. But perhaps more importantly when their children become computer literate—something that those of our age may not be able to do—allow parents to work with their children and find out how the Internet works and find out about the tremendous things available from the Smithsonian, the Library of Congress, the Vatican museum, the sports pages, computer games, information from major magazines and writers—and things that are sometimes junkie and frivolous but harmless nonetheless.

That is what we should do and not be in the position of putting the heavy hand of Government censorship on something that is so quintessentially American as the Internet, which has shown the genius of what we are able to do in this country and how we are able now to bring it to all other countries around the world. This happened because—and very specifically because—the Government stepped out of the picture and allowed the genius of individuals to do it. That means, just like the publishing of newspapers, magazines and everything else, that you get a certain amount of junk that gets in there. Most of us can pretty well decide what is junk and what is not. We discard that, and we go on to the best. We can do this.

So I submit, Mr. President, on behalf of myself, Mr. FEINGOLD, and Mr. JEFFORDS, legislation as I said, to repeal the Internet censorship provisions of the Communications Decency Act, and simply restore the law in effect before we banned constitutionally protected on-line speech. I ask unanimous consent that it be appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 213

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

SECTION 1. REPEAL OF PROVISIONS ON OBSCENE AND HARASSING USE OF TELECOMMUNICATIONS FACILITIES ENACTED BY COMMUNICATIONS DECENCY ACT OF 1996.

Section 223 of the Communications Act of 1934 (47 U.S.C. 223) is amended by striking subsections (a) and (d) through (h).

SEC. 2. RESTORATION OF PROVISIONS ON OBSCENE AND HARASSING USE OF TELECOMMUNICATIONS FACILITIES IN EFFECT BEFORE COMMUNICATIONS DECENCY ACT OF 1996.

Section 223 of the Communications Act of 1934 (47 U.S.C. 223), as amended by section 1 of this Act, is further amended by inserting before subsection (b) the following new subsection (a):

"(a) Whoever—

"(1) in the District of Columbia or in interstate or foreign communications by means of telephone—

"(A) makes any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent;

"(B) makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

"(C) makes or causes the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number; or

"(D) makes repeated telephone calls, during which conversation ensues, solely to harass any person at the called number; or

"(2) knowingly permits any telephone facility under his control to be used for any purpose prohibited by this section,

shall be fined not more than $50,000 or imprisoned not more than six months, or both.".

Mr. FEINGOLD. Mr. President, I am pleased to join the Senator from Vermont [Mr. LEAHY] in introducing this legislation to repeal the Communications Decency Act [CDA]. I believe Congress made a grave mistake in enacting the CDA and it is time to correct it.

Congress passed the CDA without taking the time to fully examine its ability to protest children and its effect on the free speech rights of Americans. As a result, the CDA has been the subject of a court challenge since the day it was signed into law. Last June, a three-judge Federal panel granted a preliminary injunction against the Federal enforcement of key provisions of the CDA finding them unconstitutional. The Supreme Court will hear oral arguments in the first amendment challenge to the CDA on March 19, 1997.

The Communications Decency Act, enacted as part of the Telecommunications Act of 1996, subjected anyone who transmitted indecent material to minors over the Internet to criminal sanctions. The commonly accepted definition of "indecency" includes mild profanity.

I strongly opposed the CDA not only because I believe it violates our constitutionally guaranteed right to free speech, but also because I feel strongly that it fails to truly protect children from those who might seek to harm them.

The fundamental error of CDA proponents was their attempt to apply decades-old broadcasting standards to an emerging technology that defies categorization—the Internet. While the Supreme Court has allowed speech restrictions for broadcast media, it has made clear that such restrictions do not violate the first amendment only if there is a compelling Government interest in restricting speech and the restriction is applied in the least restrictive means. It is predominantly the nature of the medium which determines whether or not a criminal prohibition on speech is the least restrictive means of meeting a compelling Government interest. in the case of a radio or television, the fact that a child might simply turn on a station and hear offensive material provides a basis for allowing

an arguably tighter restriction on indecent speech. Restraints upon newspapers and other print media, which are inherently noninvasive, have been very limited.

While the Net bears some similarities to both media, it is a unique and ever-changing communications medium. One can be a speaker, a publisher and a listener using the Internet. Currently, anyone with the know-how and the proper hardware and software can set up a Web page, become a de facto publisher, making information available to others at little cost to oneself or the consumer of that information. One can also post a message to an Internet newsgroup, an informal and often unmoderated information sharing forum, which can then be ready by anyone accessing that newsgroup.

The promise of the Internet is its free flow of information across vast physical distances and boundaries to anyone with access to a computer and an Internet connection. The threat of the Communications Decency Act is its undeniable ability to stifle this free-flowing speech on the Net. Mr. President, that threat exists because Congress failed to recognize the danger of applying an overly broad indecency standard to a technology with the characteristics of the Internet.

Out of fear of prosecution, the vagueness of the indecency standard, and an inability to control the age of those who might ultimately see the information, speakers on the Net will become silent. Those offering commercial access to the Internet will be required to restrict access to speech in order to protect themselves from criminal prosecution.

Last year, a panel of three Federal judges came to the same conclusion: this statute cannot be enforced without violating the Constitution. The Court stated:

> . . . the Internet may fairly be regarded as a never-ending worldwide conversation. The Government may not, through the CDA, interrupt that conversation. As the most participatory form of mass speech yet developed, the Internet deserves the highest protection from government intrusion.

I believe the Federal Court came to this conclusion because the judges took the time to study and understand the characteristics of the Net before rushing to judgement—something Congress failed to do.

It is time to undo that mistake by repealing the Communications Decency Act. Not only does the CDA infringe on free speech rights of adults, it does not protect children from those who seek to harm them using the Internet, and it may actually impede the development of more sophisticated screening software in the marketplace. When Congress passed the CDA, there already existed filtering software which gave parents the ability to filter out objectionable content such as indecency, violence, adult topics etc. The passage of the CDA necessarily will reduce demand for such software products, which are effective in preventing children's access to such content. The CDA merely provides parents with a false sense of security that the Federal Government will somehow protect their children, so they no longer have to worry about the Internet themselves.

And that is the irony, Mr. President. The CDA is simply not capable of protecting children on the Internet. Much Internet content originates on foreign soil, making effective enforcement of the CDA impossible. Furthermore, the dissemination of materials which we all agree are most harmful to children—obscenity and child pornography—is already illegal on the Internet and subject to hefty criminal sanctions. We should put our law enforcement resources into aggressively prosecuting these criminal violations and recognize that the Internet is merely another tool used by those seeking to harm our children. We must prosecute the crime, not demonize the medium used by the criminal.

Mr. President, it is time to repeal the Communications Decency Act—an unconstitutional statute that fails to protect children. We owe that to all Americans and most important, we owe it to this country's children.

By Mr. AKAKA (for himself, Mr. INOUYE and Mr. GLENN):

S. 214. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to combat fraud and price-gouging committed in connection with the provision of consumer goods and services for the cleanup, repair, and recovery from the effects of a major disaster declared by the President, and for other purposes; to the Committee on Environment and Public Works.

THE DISASTER VICTIMS CRIME PREVENTION ACT OF 1997

• Mr. AKAKA. Mr. President, today I am introducing the Disaster Victims Crime Prevention Act of 1997, on behalf of myself, Senator INOUYE, and Senator GLENN to combat fraud against victims of Federal disasters. Like similar legislation I introduced in the 103d and 104th Congresses, this measure would make it a Federal crime to defraud persons through the sale of materials or services for cleanup, repair, and recovery following a federally declared disaster.

We are all aware of the tremendous costs incurred during a natural disaster. California is recovering from the devastating floods that have caused nearly $1.6 billion in damage and has made 42 of the State's 58 counties eligible for disaster assistance. Just before the dams and levees in California overflowed, the Pacific Northwest was hit with violent storms, and recently Minnesota, North Dakota and South Dakota have been declared Federal disaster areas, as have 13 counties in Idaho and four in Nevada.

During the 1990's, a number of deadly natural disasters have occurred throughout the United States and its territories including hurricanes, floods, earthquakes, tornadoes, wild fires, mudslides, and blizzards. Many were declared Federal natural disasters like Hurricane Iniki, which in 1993 leveled the island of Kauai in Hawaii causing $1.6 billion in damage and Hurricane Andrew which devastated southern Florida.

Through instant, onscreen media coverage, the Nation has had ringside seats to the destruction caused by these catastrophic events. We sympathetically watch television as families sift through the debris of their lives and as men and women assess the loss of their businesses. We witness the concern of others, such as Red Cross volunteers passing out blankets and food and citizens traveling hundreds of miles to help rebuild strangers' homes.

Despite the outpouring of public support that follows these catastrophes, there are unscrupulous individuals who prey on trusting and unsuspecting victims, whose immediate concerns are applying for disaster assistance, seeking temporary shelter, and dealing with the rebuilding of their lives.

The Disaster Victims Crime Prevention Act of 1997 would criminalize some of the activities undertaken by these unprincipled people whose sole intent is to defraud hard-working men and women. This legislation will make it a Federal crime to defraud persons through the sale of materials or services for cleanup, repair, and recovery following a federally declared disaster.

Every disaster has examples of individuals who are victimized twice—first by the disaster and later by unconscionable price hikes and fraudulent contractors. In the wake of the 1993 Midwest flooding, Iowa officials found that some vendors raised the price of portable toilets from $60 a month to $60 a day. In other flood-hit areas, carpet cleaners hiked their prices to $350 per hour, while telemarketers set up telephone banks to solicit funds for phony flood-related charities.

Nor will television viewers forget the scenes of beleaguered south Floridians buying generators, plastic sheeting, and bottled water at outrageous prices in the aftermath of Hurricane Andrew.

After Hurricane Iniki devastated the island of Kauai, a contractor promising quick home repair took disaster benefits from numerous homeowners and fled the area without completing promised construction. These fraud victims have yet to find relief.

While the Stafford Natural Disaster Act currently provides for civil and criminal penalties for the misuse of disaster funds, it fails to address contractor fraud. To fill this gap, our legislation would make it a Federal crime

to take money fraudulently from a disaster victim and fail to provide the agreed-upon material or service for the cleanup, repair, and recovery.

The Stafford Act also fails to address price gouging. Although it is the responsibility of the States to impose restrictions on price increases prior to a Federal disaster declaration, Federal penalties for price gouging should be imposed once a Federal disaster has been declared. I am pleased to incorporate in this measure an initiative Senator GLENN began following Hurricane Andrew to combat price gouging and excessive pricing of goods and services. Fortunately, citizens in Hawaii were spared spiraling cost increases after Hurricane Iniki because the State government acted swiftly to counteract attempts at price gouging by instituting price and rent freezes.

There already is tremendous cooperation among the various State and local offices that deal with fraud and consumer protection issues, and it is quite common for these fine men and women to lend their expertise to their colleagues from out-of-State during a natural disaster. This exchange of experiences and practical solutions has created a strong support network.

However, a Federal remedy is needed to assist States when a disaster occurs. There should be a broader enforcement system to help overburdened State and local governments during a time of disaster. The Federal Government is in a position to ensure that residents within a federally declared disaster area do not fall victim to fraud. Federal agencies should assist localities to provide such a support system.

In addition to making disaster-related fraud a Federal crime, this bill would also require the Director of the Federal Emergency Management Agency to develop public information materials to advise disaster victims about ways to detect and avoid fraud. I have seen a number of antifraud materials prepared by State consumer protection offices and believe this section would assist States to disseminate antifraud-related material following the declaration of a disaster by the President.

I look forward to working with my colleagues to pass legislation that sends a clear message to anyone thinking of defrauding a disaster victim or raising prices unnecessarily on everyday commodities during a natural disaster.●

By Mr. JEFFORDS:

S. 215. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Commerce, Science, and Transportation,

THE NATIONAL BEVERAGE CONTAINER REUSE AND RECYCLING ACT OF 1997

Mr. JEFFORDS. Mr. President, I introduce the National Beverage Container Reuse and Recycling Act of 1997. This bill is identical to legislation that Senator Hatfield and I have introduced in past Congresses. I introduce this bill again today because I firmly believe that deposit laws are a common sense, proven method to increase recycling, save energy, create jobs, and decrease the generation of waste and proliferation of overflowing landfills.

The experience of 10 States, including Vermont, attest to the success of a deposit law or bottle bill as it is commonly called. Recycling rates of well over 70 percent have been achieved for beverage containers in bottle bill States. The rate is over 90 percent in Vermont. To put this in perspective, consider this: 30 percent of Americans who live in bottle bill States account for over 80 percent of beverage container recycling in this country.

The concept of a national bottle bill is simple: To provide the consumer with an incentive to return the container for reuse or recycling. Consumers pay a nominal cost per bottle when purchasing a beverage and are refunded their money when they bring the bottle back either to a retailer or redemption center. Retailers are paid a fee for their participation in the program, and any unclaimed deposits are used to finance State environmental programs.

Under my proposal, a 10-cent deposit on beer, water, and soft-drink containers would take effect in States which have beverage container recovery rates of less than 70 percent, the minimum recovery rate achieved by existing bottle bill States. Labels showing the deposit value would be affixed to containers, and retailers would receive a 2-cent fee per container for their participation in the program.

We are constantly reminded of the growing problem of excess waste as we hear news reports of waste washing up on our Nation's beaches, pitched battles over the siting of landfills and communities lacking adequate waste disposal facilities. Our country's solid waste problems are very real, and they will continue to haunt us until we take action. The throw-away ethic that has emerged in this country is not insurmountable, and recycling is part of the solution.

Finally, a national bottle bill serves a much greater purpose than merely cleaning up littered highways. Recycling creates jobs, saves energy, and preserves our Nation's precious natural resources. In fact, the demand for recycled glass and aluminum has grown to such a point that the Chicago Board of Trade now sells futures in these materials. Recycling makes good business sense.

The legislation I introduce today is consistent with our Nation's solid waste management objectives. A national bottle bill would reduce solid waste and litter, save natural resources and energy, and create a much needed partnership between consumers, industry, and local governments. I urge my colleagues to support this important legislation.

By Mr. JEFFORDS (for himself, Mr. FRIST, and Mrs. HUTCHISON):

S. 216. A bill to amend the Individuals With Disabilities Education Act to authorize appropriations for fiscal years 1998 through 2002, and for other purposes; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, with my colleague, Senator FRIST, I am introducing the Individuals With Disabilities Education Act Amendments of 1997. This legislation is identical to S. 1578, which was reported out of the Labor and Human Resources Committee in the last Congress. Senator FRIST did a tremendous job in assisting, getting that prepared and passed out of committee. Unfortunately, the bill did not pass in the last legislative session.

We are introducing this legislation today so everyone will have a common frame of reference. However, I want to make it very clear to my colleagues in the Senate and to my colleagues and friends within the education and disability community across the Nation that this legislation is not perfect and it can and will be improved. This is the beginning of the process, not the end.

I am well aware that there are still issues to be resolved and I intend to work with my colleagues to examine these issues and to move forward with revisions to this important law that are commonsense solutions to issues which are very real at the local school level.

We are aided in this effort by the majority leader, who is committed to helping us achieve the broadest based consensus on a final project, one that has the support of families of children with disabilities and educators, but also of all Members of Congress and the President. We have set an ambitious schedule for completing our work on IDEA, and by introducing the IDEA Amendments of 1997 today, we are taking a very important first step.

IDEA was originally enacted in 1975. I was a Member of the House at the time, and participated in the development of this landmark law. It was a response to court decisions that created a patchwork of legal standings, which in turn generated considerable uncertainty about rights and responsibilities. IDEA guaranteed each child with a disability access to a free, appropriate public education, and we all support that goal. In that sense, the legislation has clearly stood the test of time. But it has not in terms of the level of funding support that we promised to the States to assist them in

meeting their obligation to educate children with disabilities.

In IDEA, Congress promised to contribute 40 percent of the cost of educating children with disabilities. Our colleague, Senator GREGG, has kept our feet to the fire, reminding us that we should keep our promise. In last year's appropriations measure we were able to garner large increases for this program. We must continue our effort to reach our full Federal commitment.

After 22 years, I think it is appropriate to thoroughly review the administrative and fiscal demands that are associated with providing a free appropriate education to children with disabilities. The population of students demanding assistance has changed significantly, but the law has not provided enough flexibility to States to meet those changing demands.

The writing is on the wall. If we do not make needed changes to IDEA now, based on common sense, school districts and parents will increasingly turn to the courts to get the answers. School districts will do so in hope of getting relief from or clarification of their responsibilities. The parents will do so in hope of procuring the services that they believe their child needs. Since the genesis of IDEA lay in avoiding litigation, true to its intent to do so today, we have an opportunity, through the reauthorization of IDEA, to ensure the emphasis will shift once again and remain on educating children, well into the next century.

If we work together, we have the power to ease the pressure on local communities and States. Through the reauthorization of IDEA, we have the power to give educators incentives and opportunities to educate children with disabilities, including those at risk of failing, with less bureaucracy and meaningful accountability. Let us do it now.

Mr. FRIST. Mr. President, the Individuals with Disabilities Education Act, commonly known as IDEA, is a civil rights law that ensures that children with disabilities have access to a free appropriate public education. This 22-year-old law has been a great success.

During the 104th Congress, I served as chairman of the Subcommittee on Disability Policy. In that capacity, I worked extensively on a bipartisan, commonsense approach to reauthorizing this vital law, but time ran out before the full Senate could vote on this comprehensive bill.

Today, Senator JEFFORDS and I are picking up where we left off by introducing the Individuals with Disabilities Education Act Amendments of 1997. The IDEA Amendments of 1997, which will serve as the starting point, is the very bill that I introduced last year and that was passed unanimously by the Labor and Human Resources Committee on March 21, 1996.

We are introducing the IDEA Amendments of 1997 not because the law is failing, but because it is succeeding.

These amendments reflect the recognition that our Nation's schools are moving past the initial challenge of how to educate children with disabilities to today's challenge of how to educate children with disabilities so that they may become productive, independent citizens. The IDEA Amendments of 1997 will help the Nation's schools succeed in that.

Twenty-two years ago, before IDEA, a newborn with a disability had little hope of receiving help during the critical early years of development; children with disabilities who went to school were segregated in buildings away from their siblings and peers; and many young people with disabilities were destined to spend their lives in institutions.

Young people with less-obvious disabilities, like learning disabilities and attention deficit disorder, were denied access to public education because they were considered too disruptive or unruly. These children tended to grow up on the streets and at home with no consistent access to an appropriate education.

Today, infants and toddlers with disabilities receive early intervention services; many children with disabilities attend school together with children without disabilities; and many young people with disabilities learn study skills, life skills and work skills that will allow them to be more independent and productive adults.

Children without disabilities are learning first hand that disability is a natural part of the human experience, and they are benefiting from individualized education techniques and strategies developed by the Nation's special educators.

Children with disabilities are now much more likely to be valued members of school communities, and the Nation can look forward to a day when the children with disabilities currently in school will be productive members of our community.

As a nation, we have come to see our citizens with disabilities as contributing members of society, not as victims to be pitied.

As a nation, we have begun to see that those of us who happen to have disabilities also have gifts to share, and are active participants in American society who must have opportunities to learn.

While there is no doubt that the Nation is accomplishing its goals to provide a free, appropriate public education to children with disabilities, many challenges remain, and we have made an effort to deal with them in the IDEA Amendments of 1997.

IDEA was originally enacted by the 94th Congress as a set of consistent rules to help States provide equal access to a free appropriate public education to children with disabilities. But over the years, that initial need to provide consistent guidelines to the States has sometimes been misinterpreted as a license to write burdensome compliance requirements.

The IDEA Amendments of 1997 address these problems. These amendments give educators the flexibility and the tools they need to achieve results and ease the paperwork burden that has kept teachers from spending the maximum time teaching.

By shifting the emphasis of IDEA to helping schools help children with disabilities achieve educational results, we are able to reduce many of the most burdensome administrative requirements currently imposed on States and local school districts.

The IDEA Amendments of 1997 streamline planning and implementation requirements for local school districts and States. In assessment and classification, these amendments would allow schools to shift emphasis from generating data dictated by bureaucratic needs to gathering relevant information that is needed to teach a child.

These amendments also give schools and school boards more control over how they use special purpose funds to provide training, research and information dissemination. We want to encourage every school in America to create programs that best serve the needs of all of their students, with and without disabilities.

The IDEA Amendments of 1997 clarify that the general education curriculum and standards associated with that curriculum should be used to teach children with disabilities and to assess their educational progress.

Educators at both the local and State levels will use indicators of student progress that allow them to track the progress of children with disabilities in meaningful ways along with the progress of other children.

In an effort to reduce confrontation and costly litigation, the IDEA Amendments of 1997 require States to offer mediation to parents who have a dispute over their child's education. The amendments also address the serious issue of disciplining children with disabilities who break school rules that apply to all children.

By providing fair and balanced guidelines to help schools discipline students with disabilities, the amendments ensure that all children in our public schools are given the opportunity to learn in a safe environment.

By preserving the right of children with disabilities to a free appropriate public education, by providing school districts with new degrees of procedural, fiscal, and administrative flexibility, and by promoting the consideration of children with disabilities in actions to reform schools and make

them accountable for student progress, IDEA will remain a viable, useful law that will provide guidance well into the next century.

The introduction of the Individuals with Disabilities Education Act Amendments of 1997 today represents my continued commitment to the reauthorization of IDEA. I am pleased that the substantial work done on the reauthorization of IDEA during the last Congress will serve as a foundation for our efforts during this Congress. I recognize that there is still much debate to come, and much hard work to be done before we successfully strengthen and extend this vital law into the 21st century. I look forward to working with my Senate colleagues on both sides of the aisle and the disability and education communities during the upcoming reauthorization effort.

Together we have the opportunity to bring commonsense improvements to IDEA, improving the law and opportunities for children with disabilities.

Mr. JEFFORDS. Mr. President, I thank the Senator from Tennessee for all the work he has done. He deserves, and should get, accolades and helpful attention to this bill, because we do need help in making sure it gets into law. But the work he did last year has been incredibly helpful. It moves us a long way toward that goal.

By Mr. BIDEN:

S. 217. A bill to amend title 38, United States Code, to provide for the payment to States of plot allowances for certain veterans eligible for burial in a national cemetery who are buried in cemeteries of such States; to the Committee on Veterans' Affairs.

THE VETERANS PLOT ALLOWANCE ACT OF 1997

• Mr. BIDEN. Mr. President, for the third consecutive Congress, I am introducing legislation to expand the Federal Government's $150 payment to States when they bury veterans in State-owned veterans cemeteries.

For those who are not familiar with my proposal, it is quite simple. My bill says that if a State buries a veteran free of charge in a State-owned cemetery—and that veteran is eligible for burial in a national veterans cemetery—the Federal Government will pay the State $150 for the cost of the plot.

In other words, Mr. President, rather than the multiple and restricted criteria of plot allowance payments to States under current law, there would instead be only one standard in judging whether a State receives assistance from the Federal Government. And, that standard is: Is the veteran eligible for burial in a national cemetery? Period.

Not only is it simple, it is the only thing that makes sense and the only thing that is fair. When the plot allowance for States was first established a decade ago, Congress did it in part to relieve the pressure on the national cemetery system. Our national cemeteries were filling up rapidly. That trend continues today. More than half of all national cemeteries are closed to additional burials, and there is no where near enough space for all of America's World War II veterans, let alone the veterans from later conflicts. So, rather than undertake the expensive process of building more national cemeteries, we entered into a partnership with the States for the creation of State-owned veterans cemeteries.

That partnership has worked well, especially in States like Delaware that do not have a national cemetery to begin with. But, after entering into this partnership, the Federal Government then limited for whom it would reimburse States for the cost of the plot. We said that States would receive the $150 payment only if the veteran was receiving disability compensation or a pension; died in a veterans hospital; was indigent and the body was unclaimed; or was discharged from the military due to a disability.

In other words, we ask States to bury all veterans eligible for burial in a national cemetery—but then we do not financially help them when they do.

And, States are not even being reimbursed for all wartime veterans that they bury. Let me repeat that. States are not being reimbursed for all wartime veterans that are buried in State-owned veterans cemeteries. I mention that, Mr. President, because some people have characterized this bill as an attempt to provide the plot allowance to States for the burial of nonwartime veterans, and an attempt to give a benefit intended for those who fought in wartime to those who did not. That is simply not the case.

There are thousands of wartime veterans who do not meet the current law's criteria. In fact, each year, about 5,000 veterans—many of them wartime veterans—are eligible for burial in a national cemetery and are buried without charge in State-owned veterans cemeteries, but do not meet the criteria set forth in current law for the States to receive the plot allowance. That is not fair to the States, and it is not right for America's veterans.

Mr. President, the Congressional Budget Office has estimated that this proposal would cost $1 million per year. While we all want to balance the budget—and this proposal will be paid for—$1 million per year is a relatively small sum in order to fulfill our commitment to America's veterans.

In 1995, the Senate recognized this in unanimously approving this proposal as an amendment to the budget bill. Whether this bill is voted on separately or as part of another measure, it does not matter. What matters is that we work to ensure that America's veterans are guaranteed a decent and dignified burial.

I encourage my colleagues to join me in this effort.•

By Mr. BIDEN:

S. 218. A bill to invest in the future American work force and to ensure that all Americans have access to higher education by providing tax relief for investment in a college education and by encouraging savings for college costs, and for other purposes; to the Committee on Finance.

THE GET AHEAD ACT

• Mr. BIDEN. Mr. President, today I am reintroducing a comprehensive bill I first introduced last summer to make college more affordable for middle-class families. Formally titled the "Growing the Economy for Tomorrow: Assuring Higher Education Is Affordable and Dependable" Act, it is known as the Get Ahead Act for short.

This legislation contains numerous provisions—some of which have been or will be introduced by others as separate bills; other provisions are novel to this bill—but they all have one thing in common. They all are an attempt to renew our commitment to see that the American Dream of a college education remains within reach of all Americans.

Because, the plain truth is, that dream is slipping out of reach for many middle-class families. When I was in college 30 some years ago, my parents could send me to a State university for less than 5 percent of their income. And, it stayed about that much—college costs went up each year by about the same amount that the average family's income went up—until 1980. And, then, college costs exploded. Since 1980, the cost of public college tuition and fees has increased nearly three times faster than the average family's income.

We can debate endlessly the reasons why and who or what is to blame. But, all that middle-class families know is that the costs have skyrocketed, and they must constantly worry about how they will ever be able to afford to send their children to college.

For a long time now, Members on both sides of the aisle have believed that the Federal Government has a role and responsibility in helping Americans get to college. Not to guarantee that everyone in America goes to college, but to guarantee that no one who qualifies for college is turned away just because they cannot afford it. It is important for individual Americans—and it is important for the future of America as a whole.

But, I think it is legitimate to question that commitment today when costs are rising out of control; when we spend more on loans that have to be repaid and less on grants that do not; and when the tax law rewards investment in machines but not investment in people.

It is time, Mr. President, to renew and reaffirm our commitment to higher education. And, so, I offer the Get Ahead Act, and I invite my colleagues to join me in this effort.

Let me take just a few minutes to review what this bill would do. And, I ask that a much more detailed summary of the bill be included in the RECORD at the conclusion of my remarks.

First, the Get Ahead Act provides direct tax relief for the costs of higher education. This is accomplished by creating a $10,000 tax deduction for college tuition and fees as well as the interest on student loans. We currently give tax breaks to businesses for investment in the future—in research and development and in the purchase of new plant and equipment. I support that. But, at the same time, we do not provide tax relief to middle-class families who invest in their own children's future through higher education. We should.

In addition, under the Get Ahead Act, all scholarships, including that used for room and board, would be excluded from taxable income, as was the case prior to the 1986 Tax Reform Act.

And, the tax exclusion for employer-provided educational assistance would be extended and made permanent. As my colleagues know, when an employer pays part or all of the costs of an employee's education, that does not have to be counted as income to the employee for tax purposes. Last year, we extended that provision through May 31, 1997. What my bill does is make it a permanent part of the Tax Code—so we do not have to keep coming back and extending it every year or so—and my bill ensures that the tax exclusion applies to both undergraduate and graduate education. Last year, unfortunately in my view, in extending the tax exclusion, we applied it only to undergraduate education.

Second, Mr. President, the Get Ahead Act encourages people to save for the costs of higher education. Specifically, it would allow individuals to withdraw funds from their Individual Retirement Accounts for education expenses—without incurring a 10-percent penalty tax. Also, more Americans would be able to take advantage of Series EE Savings Bonds. These are the bonds where you do not have to pay tax on the interest if the money from the bonds is used to pay for college tuition.

And, my bill would create Education Savings Accounts—accounts similar to IRA's. Each year, families could put tax free up to $2,000 per child into an ESA for their children. That money would accumulate tax free—and you would never have to pay taxes on it if the money was used to pay for college.

Finally, Mr. President, the Get Ahead Act would award merit scholarships to all students who graduate in the top 5 percent of their class. While the $1,000 scholarship would cover about two-thirds of the cost of a community college, I realize this is not a large sum of money for someone attending a 4-year institution, especially if it is a private college. But, it could make a difference for many students, and I believe that, regardless, it is important that we start to reward students who meet high academic standards.

There is one provision not in the bill that was in last year's bill. Last year, I included a section clarifying the Federal tax treatment of State prepaid tuition plans. Similar provisions were enacted last year as part of the minimum wage bill, and therefore I did not need to include them in this year's bill.

Mr. President, the Get Ahead Act is aimed at seeing that individual Americans have the opportunity to get ahead. In today's economy, in today's world, you need a college education to do it. And, for those who would criticize this proposal as a handout to the middle class, let them ponder what the future of America will be like if the vast masses of the middle class are denied a college education.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

THE GET AHEAD ACT

TITLE I—TAX INCENTIVES FOR HIGHER EDUCATION; SUBTITLE A—TAX RELIEF FOR HIGHER EDUCATION COSTS; SECTION 101—DEDUCTION FOR HIGHER EDUCATION EXPENSES

An above-the-line tax deduction (available even to those who do not itemize deductions) would be allowed for the costs of college tuition and fees as well as interest on college loans.

In the case of tuition costs, beginning in tax year 2000, the maximum annual deduction would be $10,000 per year; a maximum deduction of $5,000 would be available in tax years 1997, 1998, and 1999. The full deduction would be available to single taxpayers with incomes under $70,000 and married couples with incomes under $100,000; a reduced (phased-out) deduction would be available to those with incomes up to $90,000 (singles) and $120,000 (couples). The income thresholds would be indexed annually for inflation.

Interest on student loans would be deductible beginning with interest payments made in tax year 1997. Interest payments could be deducted on top of the $10,000 deduction for payment of college tuition and fees. There would be no annual maximum and no income limits with regard to the deductibility of interest on student loans.

Language is included to coordinate this tax deduction with other education provisions of the tax code—to ensure that individuals do not receive a double benefit for the same payments. Specifically, qualified higher education expenses that could be tax deductible would be reduced by any payments made from Series EE savings bonds (and excluded from taxable income), any veterans educational assistance provided by the federal government, and any other payments from tax-exempt sources (e.g., employer-provided educational assistance). Also, tax-free scholarships and tax-excluded funds from Education Savings Accounts (see section 112) would first be attributed to room and board costs; the remainder, if any, would count against tuition and fees and would reduce the amount that would be tax deductible. However, if tuition and fees still exceeded $10,000 even after the reductions, the full tax deduction would be available.

SECTION 102—EXCLUSION FOR SCHOLARSHIPS AND FELLOWSHIPS

College scholarships and fellowship grants would not be considered income for the purposes of federal income taxes. This returns the tax treatment of scholarships and fellowships to their treatment prior to the 1986 Tax Reform Act (which limited the exclusion of scholarships and fellowships to that used for tuition and fees).

Scholarships and fellowship grants would be fully excludable for degree candidates. In the case of non-degree candidates, individuals would be eligible for a lifetime exclusion of $10,800—$300 per month for a maximum 36 months.

Language is included to clarify that federal grants for higher education that are conditioned on future service (such as National Health Service Corps grants for medical students) would still be eligible for tax exclusion.

This section would be effective beginning with scholarships and fellowship grants used in tax year 1997.

SECTION 103—PERMANENT EXCLUSION FOR EDUCATIONAL ASSISTANCE

As part of the minimum wage/small business tax relief bill enacted in 1996, the tax exclusion for employer-provided educational assistance was reinstated retroactively and extended through May 31, 1997. But, as of July 1, 1996, the tax exclusion only applies to educational assistance for undergraduate education.

This section would extend the employer-provided educational assistance tax exclusion by making it a permanent part of the tax code. In addition, it would retroactively reinstate the tax exclusion for graduate education.

SUBTITLE B—ENCOURAGING SAVINGS FOR HIGHER EDUCATION COSTS; SECTION 111—IRA DISTRIBUTIONS USED WITHOUT PENALTY FOR HIGHER EDUCATION EXPENSES

Funds could be withdrawn from Individual Retirement Accounts (IRAs) before age 59½ without being subject to the 10 percent penalty tax if the funds were used for higher education tuition and fees. (However, withdrawn funds, if deductible when contributed to the IRA, would be considered gross income for the purposes of federal income taxes.)

This section would be effective upon enactment.

SECTION 112—EDUCATION SAVINGS ACCOUNTS

This section would create IRA-like accounts—known as Education Savings Accounts (ESAs)—for the purpose of encouraging savings for a college education.

Each year, a family could invest up to $2000 per child under the age of 19 in an ESA. For single taxpayers with incomes under $70,000 (phased out up to $90,000) and married couples with incomes under $100,000 (phased out up to $120,000), the contributions would be tax deductible. (These income thresholds would be indexed annually for inflation.) For all taxpayers, the interest in an ESA would accumulate tax free; the contributions would not be subject to the federal gift tax; and, the balance in an ESA would not be treated as an asset or income for the purposes of determining eligibility for federal means-tested programs.

ESA funds could be withdrawn to meet the higher education expenses—tuition, fees, books, supplies, equipment, and room and board—of the beneficiary. Funds withdrawn for other purposes would be subject to a 10 percent penalty tax and would be considered income for the purposes of federal income

taxes (to the extent that the funds were tax deductible when contributed). The penalty tax would not apply in cases of death or disability of the beneficiary of the ESA and in cases of unemployment of the contributors.

In addition, when the beneficiary of the account turns age 30 and is not enrolled in college at least half time, any funds remaining in the ESA would be (1) transferred to another ESA; (2) donated to an educational institution; or (3) refunded to the contributors. In the first two cases, there would be no penalty tax and the money would not be considered taxable income. In the third case, the penalty tax would not apply, but the funds would be counted as income to the extent that the funds were tax deductible when contributed.

Finally, parent could roll over funds from one child's ESA to another child's ESA without regard to any taxes, without regard to the $2000 annual maximum contribution to an ESA, and without regard to the age 30 requirement note above. Funds rolled over would also not be subject to the federal gift tax.

Language is also included to allow individuals to designate contributions to an ESA as nondeductible even if such contributions could be tax deductible. This gives families the option to build up the principal in an ESA while at a lower tax rate, rather than having to pay taxes on unspent ESA funds when the contributors are older and likely in a higher tax bracket.

Tax deductible contributions to ESAs would be allowed beginning in tax year 1997.

SECTION 113—INCREASE IN INCOME LIMITS FOR SAVINGS BOND EXCLUSION

For taxpayers with incomes below certain thresholds, the interest earned on Series EE U.S. Savings Bonds are not considered taxable income if the withdrawn funds are used to pay for higher education tuition and fees. This section increases the income thresholds to allow more Americans to use the Series EE Savings Bonds for education expenses.

Effective with tax year 1997, the income thresholds would be the same as the income thresholds for the higher education tax deduction (see section 101): $70,000 for single taxpayers (phased out up to $90,000), and $100,000 for couples (phased out up to $120,000). As with the higher education tax deduction, these income thresholds would be indexed annually for inflation.

TITLE II—SCHOLARSHIPS FOR ACADEMIC ACHIEVEMENT

Beginning with the high school graduating class of 1998, the top 5 percent of graduating seniors at each high school in the United States would be eligible for a $1000 merit scholarship. If an individual receiving such a scholarship achieved a 3.0 ("B") average during his or her first year of college, a second $1000 scholarship would be awarded.

However, the merit scholarships would be available only to those students in families with income under $70,000 (single) and $100,000 (couples). These income thresholds would be increased annually for inflation.

Funds are authorized (and subject to annual appropriations) for five years. The first year authorization (fiscal year 1998) is $130 million. In each of the next four years (FY 1999–FY 2002), because the scholarships could be renewed for a second year, the authorization is $260 million per year. Total five-year authorization: $1.17 billion.

TITLE III—DEFICIT NEUTRALITY

To ensure that the "GET AHEAD" Act does not increase the deficit, this title declares it the sense of the Senate that the costs of the bill should be paid by closing corporate tax loopholes.•

By Mr. DASCHLE (for himself and Mr. GRASSLEY):

S. 219. A bill to amend the Trade Act of 1974 to establish procedures for identifying countries that deny market access for value-added agricultural products of the United States; to the Committee on Finance.

VALUE-ADDED AGRICULTURAL PRODUCTS MARKET ACCESS ACT OF 1997

Mr. DASCHLE. Mr. President, I am pleased to introduce today with my distinguished colleague, Senator GRASSLEY, two important pieces of international trade legislation. These bills are designed with one very simple, clear goal in mind: to secure fair trade opportunities for America's highly competitive producers of agricultural products.

There is no more important sector of the U.S. economy than agriculture as far as international trade is concerned. Last year, the trade surplus in agricultural products reached $28.5 billion, the largest of any industry, including aircraft. This surplus offset to an important degree the Nation's large and persistent deficit in manufactured goods.

Trade is vitally important to farmers. Production from more than one-third of harvested acreage is exported. Agricultural exports are important to the rest of the economy as well. According to the U.S. Department of Agriculture, each dollar generated by agricultural exports stimulates another $1.39 in supporting economic activity to produce those exports. Nearly every State exports farm products.

Despite the obvious success American producers are enjoying in world markets, a closer look reveals that we could be doing far better. Judging from the annual surveys compiled by the Office of the U.S. Trade Representative, roughly half of all foreign trade barriers facing U.S. products are in the agricultural sector. This suggests that our overall merchandise trade deficit, which is estimated to total nearly $170 billion for 1996, could be considerably lower if we succeeded in removing more of these barriers.

The recent Uruguay round took only the first, tentative steps toward devising effective and fair rules governing international agricultural trade. As our able negotiators would be the first to acknowledge, we have a long way to go. Although we made significant progress in subjecting export subsidies to international rules, the Uruguay round secured only modest commitments by governments to open their markets and administer food health and safety standards fairly. In the long run, the fairness of world trade in agricultural products will depend on how aggressively and systematically the U.S. Government insists on compliance by foreign governments with their existing commitments and presses them for new ones.

The two bills we introduce today will improve our ability to meet this challenge both institutionally and with respect to one specific, immediate problem regarding the European Union. Passage of this legislation will help to assure farmers and their communities that trade liberalization remains in their interest as much in practice as in theory.

THE VALUE-ADDED AGRICULTURAL MARKET ACCESS ACT OF 1997

The first bill, the Value-Added Agricultural Market Access Act of 1997, would improve our institutional capacity to set priorities among the vast array of foreign agricultural trade barriers we face and give those priorities the high-level attention they deserve within the executive branch. In so doing, it would provide our negotiators with an important new tool with which to increase their leverage in consultations with foreign governments.

The bill would create a "Special 301" procedure for value-added agricultural products virtually identical to that which currently exists for intellectual property products. It would require the U.S. Trade Representative [USTR] each year to designate as "priority countries" those trading partners having the most onerous or egregious acts, policies, or practices resulting in the greatest adverse impact—actual or potential—on U.S. value-added agricultural products.

The USTR would be required to initiate a section 301 investigation within 30 days after the identification of a priority foreign country with respect to any act, policy, or practice that was the basis of the identification, unless the USTR determines initiation of the investigation would be detrimental to U.S. economic interests and reports the reasons in detail to Congress. The procedural and other requirements of section 301 authority would generally apply to these cases with the important exception that investigations, and negotiations must be concluded and determinations made on whether the measures are actionable within 6 months, as opposed to 12 or 18 months for conventional section 301 cases. This 6-month deadline may be extended to 9 months if certain criteria are met. USTR may choose not to designate a country as a priority foreign country if it is entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide fair and equitable access to its markets.

According to the Congressional Research Service, agriculture as a whole is the largest positive contributor to the U.S. trade balance, and exports of value-added products—intermediate products such as wheat flour, feedstuffs, and vegetable oils or consumer-ready products such as meats—

have recently become the largest component of our agricultural trade. In fiscal year 1996, these higher value exports accounted for $32 billion, or 54 percent by value, of all such exports.

It is no wonder that U.S. value-added agriculture is making such gains. Our farmers have worked hard to increase their value-added production, and they should be proud of what they have accomplished. Unfortunately, they are being denied the full fruits of their labors by a varied and complex array of market restrictions in many foreign countries. Notwithstanding the progress made in the Uruguay round, many foreign governments maintain considerably stricter limits on U.S. products than we do on theirs. In addition, even as formal barriers fall or become more transparent as a result of the Uruguay round, new and informal trade barriers often take their place. These may take the form of arbitrary sanitary and phytosanitary measures that ignore sound principles of science and globally accepted food safety and inspection standards.

In the past few years alone, United States sausages have been denied entry to Korea because the Korean Government imposed arbitrary and unscientific shelf-life standards on imported sausages; the European Union has banned U.S. beef treated with natural hormones even though scientists from Europe and around the world have declared natural-hormone-treated beef to be safe; and, high-value U.S. pork products cannot be exported to Europe because European meat inspectors require U.S. slaughter and packing plants to meet standards that even their own producers cannot meet.

These are but a few examples of the barriers to entry facing U.S. producers of value-added farm products. The unfortunate result is that our farmers are being prevented from realizing their full export potential. The Foreign Agricultural Service estimates that U.S. agricultural exports are reduced by $4.7 billion annually due to unjustifiable sanitary and phytosanitary measures alone. Imagine the impact on farm income, rural communities, and the U.S. economy if these barriers were removed.

The Value-Added Agricultural Market Access Act of 1997 will bring added focus to this set of issues within the trade policymaking machinery of the U.S. Government. We have a strong inter-agency team of trade negotiators and analysts; over the years, through Democratic and Republican administrations alike, it has been one of the most efficient operations anywhere in the Federal Government. However, the USTR and its support agencies confront an almost overwhelming variety of demands and challenges. They currently are deeply involved in several very ambitious multilateral trade negotiations or preparations for them, including free trade arrangements in the Western Hemisphere and the Pacific rim, NAFTA expansion, and WTO agreements on high-technology products and telecommunications equipment and services.

The sheer number and complexity of the issues confronting the USTR make priority-setting one of USTR's most important responsibilities. With so much attention now on visionary multilateral initiatives, we must take care not to lose sight of two other practical aspects of trade policy: our bilateral efforts to improve market access and our responsibility to ensure that governments comply with the agreements they have already signed with us, be they multilateral or bilateral. These two aspects of U.S. trade policy are particularly important to the agricultural community, which, as I have emphasized, is second to none in terms of our international commercial prospects.

As my colleague, Senator GRASSLEY, the distinguished chairman of the Finance Subcommittee on International Trade, knows well, Congress holds a major share of the responsibility, indeed prerogative, for setting U.S. trade policy. It is explicitly assigned that power under article I, section 8 of the U.S. Constitution. Our bill would exercise this authority to institutionalize an appropriate degree of attention on agriculture in U.S. trade policy.

U.S. agriculture traditionally has been one of the strongest of any segment of the economy in its support for multilateral trade liberalization, including the negotiation of free trade agreements. Yet, in talking to individual farmers in my State as well as their national representatives, I have the impression that the strength of American agriculture's future support for such initiatives will hinge on how well our Government performs in these areas of our bilateral trade relations. Indeed, I believe that adroit use by the USTR of the procedures established by this bill would enhance our chance of achieving new multilateral rules for agriculture in the next negotiating round of the World Trade Organization in the same way that creation of "Special 301" by Congress in 1988 created leverage and momentum for our negotiators in the run-up to the adoption of intellectual property rules in the Uruguay round.

FAIR TRADE IN MEAT AND MEAT PRODUCTS ACT OF 1997

The second bill we are introducing today addresses one specific, egregious barrier to U.S. value-added agricultural exports: the European Union's [EU] continuing refusal to implement a commitment it made in 1992 to treat our food safety and inspection standards as roughly equivalent in effectiveness to their own. This procedural form of protectionism has shut American exports of pork and beef out of the European market. The loss of this lucrative market has contributed to the severe drop in cattle prices in this country and deprived American pork producers of an estimated $60 million in sales last year. By any objective standard, U.S. meat products are among the most competitive in the world and represent one of the most promising areas of growth for American trade.

On November 1, 1990, the European Union prohibited imports of U.S. pork and beef on the grounds that our products did not comply with the safety and inspection requirements of the EU's Third Country Meat Directive [TCD]. The prohibition was imposed despite the fact that the requirements of the TCD are largely similar to those already mandated by the U.S. Department of Agriculture. As a result, American pork and beef exports to the European Union virtually ceased.

Following this action, the industry filed and the Bush administration accepted a petition under section 301 of the 1974 Trade Act. After USTR concluded preliminarily that the EU's administration of the TCD imposed a burden and restriction on U.S. commerce, the EU agreed to resolve the dispute in an exchange of letters that came to be known as the 1992 Meat Agreement. At the time, U.S. Trade Representative Carla Hills noted that the practices of the European Union would have been actionable under section 301 absent the 1992 agreement and would become so again if the European Union violated its terms. Overwhelming evidence now indicates that the European Union has done just that.

The 1992 Meat Agreement outlined a specific series of steps that American producers could take to become eligible for export to the European Union, and concluded that the inspection systems of the United States and European Union provided "equivalent safeguards against public health risks." The GATT Agreement on Sanitary and Phytosanitary Measures corroborated this finding and required the European Union to treat USDA inspection requirements as equivalent to its own.

Five years later, after millions of dollars in investment by American producers to meet the terms of the 1992 Meat Agreement, only a handful of American plants have been recertified for export to the European Union. Plants managers report that inspections for certification have not been conducted in an objective or transparent manner, and the European Union has failed to acknowledge changes enacted specifically at its request. The cost of this unjustified action has been millions of dollars in lost sales to American pork and beef producers.

The administration has been more than patient with the European Union, consulting with its diplomats for many months. In my view, the time for waiting has ended. The European Union

must tear down its walls and give our farmers and ranchers the level playing field they were promised. Indeed, in just the last few weeks, the European Union has been considering yet another change in animal product approval procedures that would block an additional $1 billion in agricultural exports to the European Union. This action was taken despite the fact that the United States has been working in good faith for over 2 years on a veterinary equivalence agreement that would accommodate European Union concerns. Simply put, it is time to send the European Union a clear message that we will not stand by while they ignore their obligations.

For this reason, Senator GRASSLEY and I are introducing legislation to require the USTR to determine formally whether the European Union has violated its international obligations, seek prompt initiation of the relevant international dispute settlement proceedings, and review our certification of their meat exporting facilities. This is a straightforward response to a blatant breach of faith on the part of the European Union. The bill sends a clear message that trade is a two-way street, and procedural protectionism is every bit as unacceptable as traditional market barriers like discriminatory quotas and tariffs.

Mr. President, we have consulted with the USTR and Department of Agriculture as we have drafted the legislation, and I am pleased to inform my colleagues that the administration is fast coming to an appreciation of the need for the type of action prescribed by the bill. Last week, it notified the European Union via telex that, absent a resolution of this issue, as of April 1, 1997, all European Union meat and meat product exports will have to "specifically adhere to and meet U.S. regulatory standards." Moreover, "Any plant in the member states of the European Unionropean Union which desires to ship meat, meat products, poultry, or poultry products to the United States will have to be inspected by officials of the Food Safety and Inspection Service of the U.S. Department of Agriculture and be certified before it is eligible to ship to market."

I am pleased that the administration is headed in the direction prescribed by our bill. I call on my colleagues to support this legislation as well as the value-added agricultural products market access bill as a way to reinforce our Government's emerging stance on this immediate problem and ensure that similar problems in the future receive the serious and timely attention they deserve.

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

S. 219

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 "Value-added Agricultural Products Market Access Act of 1997".

SEC. 2. FINDINGS; PURPOSES.

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

(1) The export of value-added agricultural products is of vital importance to the economy of the United States.

(2) In 1995, agriculture was the largest positive contributor to the United States merchandise trade balance with a trade surplus of $25,800,000,000.

(3) The growth of United States value-added agricultural exports should continue to be an important factor in improving the United States merchandise trade balance.

(4) Increasing the volume of value-added agricultural exports will increase farm income in the United States, thereby protecting family farms and contributing to the economic well-being of rural communities in the United States.

(5) Although the United States efficiently produces high-quality value-added agricultural products, United States producers cannot realize their full export potential because many foreign countries deny fair and equitable market access to United States agricultural products.

(6) The Foreign Agricultural Service estimates that United States agricultural exports are reduced by $4,700,000,000 annually due to unjustifiable imposition of sanitary and phytosanitary measures that deny or limit market access to United States products.

(7) The denial of fair and equitable market access for United States value-added agricultural products impedes the ability of United States farmers to export their products, thereby harming the economic interests of the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to reduce or eliminate foreign unfair trade practices and to remove constraints on fair and open trade in value-added agricultural products;

(2) to ensure fair and equitable market access for exports of United States value-added agricultural products; and

(3) to promote free and fair trade in value-added agricultural products.

SEC. 3. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS.

(a) IDENTIFICATION REQUIRED.—Chapter 8 of title I of the Trade Act of 1974 is amended by adding at the end the following:

"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR VALUE-ADDED AGRICULTURAL PRODUCTS.

"(a) IN GENERAL.—Not later than the date that is 30 days after the date on which the annual report is required to be submitted to Congressional committees under section 181(b), the United States Trade Representative (hereafter in this section referred to as the 'Trade Representative') shall identify—

"(1) those foreign countries that—

"(A) deny fair and equitable market access to United States value-added agricultural products, or

"(B) apply standards for the importation of value-added agricultural products from the United States that are not related to public health concerns or cannot be substantiated by reliable analytical methods; and

"(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

"(b) SPECIAL RULES FOR IDENTIFICATIONS.—

"(1) CRITERIA.—In identifying priority for eign countries under subsection (a)(2), the Trade Representative shall only identify those foreign countries—

"(A) that engage in or have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States value-added agricultural products,

"(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

"(C) that are not—

"(i) entering into good faith negotiations, or

"(ii) making significant progress in bilateral or multilateral negotiations,

to provide fair and equitable market access to United States value-added agricultural products.

"(2) CONSULTATION AND CONSIDERATION REQUIREMENTS.—In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall—

"(A) consult with the Secretary of Agriculture and other appropriate officers of the Federal Government, and

"(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative by interested persons, including information contained in reports submitted under section 181(b) and petitions submitted under section 302.

"(3) FACTUAL BASIS REQUIREMENT.—The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or agreement, or the existence of barriers, referred to in subsection (d)(3).

"(4) CONSIDERATION OF HISTORICAL FACTORS.—In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

"(A) the history of value-added agricultural trade relations with the foreign country, including any previous identification under subsection (a)(2), and

"(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for United States value-added agricultural products.

"(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

"(1) AUTHORITY TO ACT AT ANY TIME.—If information available to the Trade Representative indicates that such action is appropriate, the Trade Representative may at any time—

"(A) revoke the identification of any foreign country as a priority foreign country under this section, or

"(B) identify any foreign country as a priority foreign country under this section.

"(2) REVOCATION REPORTS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the reasons for the revocation under paragraph (1) of the identification of any foreign country as a priority foreign country under this section.

"(d) DEFINITIONS.—For purposes of this section—

"(1) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural

product' means a product that has traditionally been considered by the Secretary of Agriculture as being a value-added product within the scope of section 303 of the Agricultural Trade Act of 1978 (7 U.S.C. 5653).

"(2) FAIR AND EQUITABLE MARKET ACCESS.—A foreign country denies fair and equitable market access if the foreign country effectively denies access to a market for a product through the use of laws, procedures, practices, or regulations which—

"(A) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

"(B) constitute discriminatory nontariff trade barriers.

"(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of the action under subsection (c).

"(f) ANNUAL REPORT.—The Trade Representative shall, not later than the date by which countries are identified under subsection (a), transmit to the Committee on Ways and Means and the Committee on Agriculture of the House of Representatives and the Committee on Finance and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the actions taken under this section during the 12 months preceding such report, and the reasons for such actions, including a description of progress made in achieving fair and equitable market access for United States value-added agricultural products.".

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following:

"Sec. 183. Identification of countries that deny market access for value-added agricultural products.".

SEC. 4. INVESTIGATIONS.

(a) INVESTIGATION REQUIRED.—Subparagraph (A) of section 302(b)(2) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)) is amended by inserting "or 183(a)(2)" after "section 182(a)(2)" in the matter preceding clause (i).

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 302(b)(2) of such Act is amended by inserting "concerning intellectual property rights that is" after "any investigation".

SEC. 5. AUTHORIZED ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.

Section 301(c)(1) of the Trade Act of 1974 (19 U.S.C. 2411(c)(1)) is amended—

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D)(iii)(II) and inserting "; or"; and

(3) by adding at the end the following:

"(E) with respect to an investigation of a country identified under section 183(a)(1), to request that the Secretary of Agriculture (who, upon receipt of such a request, shall) direct the Food Safety and Inspection Service of the Department of Agriculture to review certifications for the facilities of such country that export meat and other agricultural products to the United States.".

By Mr. GRASSLEY (for himself and Mr. DASCHLE):

S. 220. A bill to require the U.S. Trade Representative to determine whether the European Union has failed to implement satisfactorily its obligations under certain trade agreements relating to U.S. meat and pork exporting facilities, and for other purposes; to the Committee on Finance.

FAIR TRADE IN MEAT AND PORK PRODUCTS ACT OF 1997

Mr. GRASSLEY. Mr. President, I join the minority leader today in introducing two important bills regarding agricultural trade. The first is a bill that requires the U.S. Trade Representative to determine whether the European Union has violated its trade agreements with the United States by failing to certify U.S. beef and pork processing plants for export to the European Union. The failure to certify our plants has cost the pork industry alone as much as $60 million annually.

The problem arises under the E.U.'s so-called Third Country Meat Directive. This directive, which has been in place since 1985, calls for E.U. inspection and certification of U.S. meat plants as a condition for accepting exports from those plants. Simply put, if a plant has not been certified, it cannot export to the E.U. member nations. Since the mid-1980's the E.U. has used this directive to prohibit over 400 U.S. facilities from exporting beef and pork to the E.U.

Many bilateral discussions have taken place between the E.U. and the United States on this issue since 1985. But no satisfactory resolution has ever been reached. In early 1991, the then-U.S. Trade Representative, Carla Hills, initiated an action under section 301 of the 1974 Trade Act. After a year of consultations and the certification of some U.S. plants, we entered into a settlement agreement, known as the 1992 meat agreement. In exchange for the settlement agreement, the United States agreed to withdraw its 301 action.

Under the 1992 meat agreement, the E.U. agreed that U.S. plants would be certified if their inspection systems are equivalent to the E.U.'s. In spite of this agreement, and its commitments made under the WTO Agreement on Sanitary and Phytosanitary Measures, the E.U. has not made any significant progress in certifying U.S. plants. Europe effectively remains a closed market for United States beef and pork.

What this bill does is require the USTR to determine under section 306 whether the E.U. has violated its trade agreements. This is important because once a determination has been made, the USTR is required to take action. The action could take the form of unilateral retaliation, for example. Furthermore, the bill requires the U.S. Department of Agriculture to reconsider our certification of European plants if this problem continues.

Mr. President, the impact of the E.U.'s blatant disregard of our trade agreements is substantial for the U.S. meat industry. Our cattle and hog farmers have been effectively shut out of the entire European market. This comes at a time when American agriculture is becoming more dependent on foreign markets. In fact, USDA calculates that American farmers will soon derive up to 30 percent of their net income from foreign trade. So global market access is critical to the viability of the family farmer.

This bill sends a strong signal to the E.U. that we are no longer willing to tolerate this egregious behavior. Bilateral negotiations have failed. It is time to take swift and strong action to eliminate this barrier to our value-added agricultural products.

We must also send a signal to our other foreign trading partners. Trade agreements must be followed. Commitments must be kept. The United States will no longer sit idly by as the rest of the world thumbs it nose at their responsibilities as a trading partner. The stakes are simply too high in terms of American jobs and standard of living.

This leads me to the second bill that I have cosponsored today with the minority leader. This bill requires the USTR to identify, on an annual basis, those countries that deny market access to our value-added agricultural products. It also requires identifying countries who are violating the sanitary and phytosanitary provisions of the GATT. This procedure is similar to the special 301 procedure for intellectual property rights.

It is necessary to identify and understand the trade barriers faced by American agriculture so we can work to eliminate them. Not only is foreign trade vital to American farmers, it is vital to the U.S. balance of payments. Agriculture trade is the shining star in an otherwise increasing trade deficit. But we cannot rest on the success of the past. In existing markets we could be doing much better in terms of market share. And many markets remain closed to U.S. ag products.

This bill will help pinpoint our successes and our failures so we can move forward on bilateral negotiations and, eventually, a new round of agricultural negotiations in the World Trade Organization, beginning in 1999. This annual report will serve as a blueprint to achieving worldwide access for the commodities produced on America's family farms.

I appreciate the minority leader's hard work on these two pieces of legislation. And I look forward to working with him during this Congress to get these bill enacted into law.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 220

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 "Fair Trade in Meat and Pork Products Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The European Union's Third Country Meat Directive has been used to decertify more than 400 United States facilities exporting beef and pork products to the European Union even though United States health inspection procedures are equivalent to those provided for in the Third Country Meat Directive.

(2) An effect of the decertifications is to prohibit the importation of United States beef and pork products into the European Union.

(3) As a result of the decertifications, the highly competitive United States pork industry loses as much as $60,000,000 each year from trade with European Union countries.

(4) In July 1987 and November 1990, at the request of affected United States industries, the United States initiated investigations under section 301 of the Trade Act of 1974 into the European Union's administration of the Third Country Meat Directive and sought resolution of the meat and pork trade problems through the dispute settlement process established under the General Agreement on Tariffs and Trade.

(5) The United States Trade Representative preliminarily concluded on October 10, 1992, that the European Union's administration of the Third Country Meat Directive created a burden on and restricted United States commerce.

(6) Bilateral talks, initiated as a result of that finding, resulted in an Exchange of Letters in which the United States and the European Union concluded that the meat inspection systems of the United States and the European Union provided "equivalent safeguards against public health risks" and agreed to take steps to resolve remaining differences regarding meat inspection.

(7) Even though the United States terminated the section 301 investigation as a result of the Exchange of Letters, the United States determined that the practices under investigation would have been actionable if an acceptable agreement had not been reached.

(8) United States meat and pork producers have displayed consistent interest in exporting products to the European Union and have undertaken substantial investment to take the steps specified by the Exchange of Letters.

(9) The European Union has failed to acknowledge changes in plant safety and inspection procedures undertaken in the United States specifically at the European Union's request and has not fulfilled its obligation to inspect and relist United States producers who have taken the steps specified by the Exchange of Letters.

(10) The actions of the European Union in conducting United States plant inspections places the European Union in violation of commitments made in the Exchange of Letters.

(11) The European Union, in addition to being a party to the Exchange of Letters, is a signatory to GATT 1994 and to the Agreement on the Application of Sanitary and Phytosanitary Measures, which requires that meat and pork inspection procedures under Department of Agriculture regulations be treated as equivalent to inspection procedures required by the European Union under the Third Country Meat Directive if the regulations achieve the European level of sanitary protection.

(12) Whenever a foreign country is not satisfactorily implementing an international trade measure or agreement, the United States Trade Representative is required under section 306(b)(1) of the Trade Act of 1974 (19 U.S.C. 2416(b)(1)) to determine the actions to be taken under section 301(a) of such Act.

SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) EXCHANGE OF LETTERS.—The term "Exchange of Letters" means the exchange of letters concerning the application of the Community Third Country Directive, signed in May 1991 and November 1992, which constitute the agreement between the United States and the European Economic Community regarding the Third Country Meat Directive.

(2) GATT 1994.—The term "GATT 1994" means the General Agreement on Tariffs and Trade annexed to the WTO Agreement.

(3) THIRD COUNTRY MEAT DIRECTIVE; COMMUNITY THIRD COUNTRY DIRECTIVE.—The terms "Third Country Meat Directive" and "Community Third Country Directive" mean the European Union's Council Directive 72/462/EEC relating to inspection and certification of slaughter and processing plants that export meat and pork products to the European Union.

(4) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement establishing the World Trade Organization entered into on April 15, 1994.

SEC. 4. REQUIREMENT FOR DETERMINATION BY UNITED STATES TRADE REPRESENTATIVE.

Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall determine, for purposes of section 306(b)(1) of the Trade Act of 1974, whether the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other Agreement.

SEC. 5. REQUEST FOR DISPUTE SETTLEMENT.

If the United States Trade Representative determines under section 4 that the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other agreement, the United States Trade Representative shall promptly request proceedings on the matter under the formal dispute settlement procedures applicable to the agreement.

SEC. 6. REVIEW OF CERTAIN MEAT FACILITIES.

(a) REVIEW BY FOOD SAFETY AND INSPECTION SERVICE.—If the United States Trade Representative determines pursuant to section 4 that the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other Agreement, the United States Trade Representative shall request the Secretary of Agriculture (who, upon receipt of the request, shall) direct the Food Safety and Inspection Service of the Department of Agriculture to review certifications for European Union facilities that import meat and other agricultural products into the United States.

(b) RELATIONSHIP TO USTR AUTHORITY.—The review authorized under subsection (a) is in addition to the authority of the United States Trade Representative to take actions described in section 301(c)(1) of the Trade Act of 1974 (19 U.S.C. 2411(c)(1)).

By Mr. GREGG:

S. 221. A bill to amend the Social Security Act to require the Commissioner of Social Security to submit specific legislative recommendations to ensure the solvency of the Social Security trust funds; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENTS

Mr. GREGG. Mr. President, I rise to introduce legislation which I now send to the desk.

Mr. President, I am sure that my colleagues are familiar with the report recently released by the Social Security Advisory Council. That group, appointed by HHS Secretary Donna Shalala, was charged with making recommendations as to how to place our largest and most popular program—Social Security—on a stable and secure path for the 21st century. Their recommendations have accelerated an already vigorous debate concerning the eventual course of Social Security reform.

As someone who is greatly concerned about the future of Social Security, let me offer my view that we cannot afford the kind of gridlock and partisanship in rescuing that program that we have seen in the Medicare debate. It is vitally important that all of us come together to address problems of retirement security in a bipartisan way—one that involves all of the important players in this debate—both in Congress and within the administration.

My legislation, Mr. President, would simply establish an additional safeguard for the solvency of the Social Security system on which so many American senior citizens depend. Specifically, it will require the Commissioner of Social Security—at the same time each year that the Social Security trustees report to Congress on the solvency of the Social Security system—to recommend those legislative actions which the Commissioner deems necessary to place the Social Security system in long-term actuarial balance.

Mr. President, I believe that there is broad bipartisan consensus about certain aspects of Social Security. Certainly there is wide bipartisan support for the view that protecting the stability and solvency of the system should be among our highest national priorities. And, most of us recognize the stark fiscal realities facing the Social Security system. I refer to the fact that according to the Social Security trustees, beginning in the year 2012, the Social Security system will face annual operating deficits, meaning that there will then be inadequate revenues coming into the system to support current benefits. From that year onward—indeed for most of the 75-year period during which actuarial solvency is measured—there is an ever widening gap between the promises of Social Security and the means available to pay for them, unless we act to change the law.

It is beyond those points of agreement, however, that our bipartisan

consensus breaks down. Even though we all know that it will take bipartisan action to safeguard this system, the Social Security system could well become a sharpening focus of partisan political activity. Apparently the temptations here are simply too great for politicians to resist. It is the easier—though less responsible—course to ignore the problems within the system, and to take political advantage of those who seek to repair them.

We thus find ourselves in a peculiar situation. Each year, the Social Security trustees send information to Congress about Social Security's troubled future, and call upon Congress to act to restore the system to long-term solvency. Yet, at the same time, the custodians of that system—indeed, the soon-departing Social Security Commissioner herself—remain utterly silent as to how this is to be done. It is astounding to me that an individual will again be placed in charge of this most enormous and vital Government program, and yet not be required under the law to forward proposals to keep it stable and secure.

Toward the end of last year, the staff of the Budget Committee were briefed by representatives of the Social Security Administration as to how they were meeting their established performance goals under the Government Performance and Results Act. One of the goals established by the Social Security Administration was to improve public confidence in Social Security. Meanwhile, no recommendations are coming from the Commissioner of Social Security as to how to justify that confidence in the long term. It is long past time to repair this discontinuity.

I believe that this legislation should not be controversial. It stands to elementary reason that it should be part and parcel of the duties inherent in the position of Social Security Commissioner, to make such recommendations as are necessary to protect the future of the Social Security system. I hope that Congress will act quickly, and will pass this legislation early in this session.

By Mr. DOMENICI:

S. 222. A bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies; to the Committee on Governmental Affairs.

THE NATIONAL DROUGHT POLICY STUDY ACT OF 1997

Mr. DOMENICI. Mr. President, I rise to introduce legislation that I believe will finally start us down the long neglected road of developing a coherent, integrated, and coordinated national drought policy. I offer this legislation, Mr. President, in the wake of one of the most devastating droughts the southwestern United States has seen in a century, a drought for which there was simply no preparation at either Federal, State, or local levels.

Mr. President, some people do not consider a drought to be a disaster, but if I live in a drought, and live through a drought, it is just as much a disaster as a tornado or an earthquake. It causes just as much devastation.

The problem is it kind of creeps up. And in the flow of its destructive force are many ruined lives, many lost businesses, many people who cannot make the mortgages on their farms and homes. It is time we have some coordinated effort to address these disasters. This legislation seeks to get that done.

Before I talk about the particulars of my bill, however, I would like to spend a few minutes describing to my colleagues just how devastating a serious drought disaster can be. Unfortunately, my State of New Mexico can be used as a prime example of this devastation.

Mr. President, water is everything in New Mexico. Ours is an arid State, and the rain and snowfall we receive in the spring and winter is literally a matter of life and death to our cities, towns, businesses, and environment. In 1995–96, however, precipitation levels were the lowest they had been in the 100 years that the State has been keeping such records. The results were nothing less than disastrous.

For example, the drought decimated the State's agricultural community. Every single county in the State received disaster declarations from the USDA. Farmers in the southern part of the State were forced to go to water wells, depleting an already-taxed aquifer. And, in northeastern New Mexico, winter wheat crops failed for the first time in anyone's memory.

The drought also destroyed forage for livestock producers, causing an industry already hit hard by high feed prices to hurt even more. In all, it was estimated that ranchers lost up to 85 percent of their capital.

The drought had a catastrophic impact on New Mexico's forests. The Dome, Hondo, and Chino Wells fires were all sparked by the incredibly dry conditions brought on by the drought, and were exacerbated by the lack of water needed to extinguished them. In all, there were over 1,200 fires in New Mexico last year burning over 140,000 acres of land and wiping out dozens of homes and businesses.

The drought also caused municipal water systems to be taxed to the hilt, forcing many cities and towns to consider drastically raised water rates for their citizens. And the drought meant that critical stretches of the Rio Grande River were almost completely dry, which in turn meant vastly reduced amounts of water for wildlife such as the endangered silvery minnow.

And New Mexico's problems were those of just one State: the 1995–96 drought devastated the entire southwestern region. Arizona, California, Colorado, Nevada, Oklahoma, Texas, Utah, and Kansas were all severely impacted by the drought. Small businessmen, farmers, and ranchers all across the area were wiped out. Oklahoma experienced almost $500 million in agricultural losses alone. Texas's agricultural losses exceeded $2 billion, while its overall statewide losses were over $5 billion. And in the southwest as a whole, almost 3 million acres of land were engulfed by fire, an amount almost three times the 5-year acreage.

In short, Mr. President, this drought was a killer. We in the Southwest were fortunate that this year is proving to be a much better year for precipitation than the last. But we do not know what the next year will bring. There could be yet another drought, again sending towns scrambling to drill new water wells, sweeping fire across bone-dry forests, and forcing farmers and ranchers to watch their way of life being wiped out.

But I do not want to give the impression that severe droughts are solely the curse of the Southwest. Every region in the United States can be hit by these catastrophes. In 1976–77, a short but intense drought struck the Pacific Northwest, requiring the construction of numerous dams and reservoirs to secure millions of additional acre feet of needed water. The 1988 Midwest drought caused over $5 billion in losses. And the infamous 7-year drought of 1986–93 experienced by California, the Pacific Northwest, and the Great Basin States caused extensive damage to water systems, water quality, fish and wildlife, and recreational activities.

And yet, even though they are so pervasive, and even though they so seriously impact the economic and environmental well-being of the entire Nation, we in New Mexico have learned from hard experience that the United States is poorly prepared to deal with serious drought emergencies. As a result of the hardships being suffered in every part of my state last year, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to the drought. The task force was ably headed up by the Federal Emergency Management Agency, and included every Federal agency that has programs designed to deal with drought.

Unfortunately, what the task force found was that although the Federal Government has numerous drought related programs on the books, there simply is no integrated, coordinated system of implementing those programs. For example, while most of the Federal drought programs require a person to apply proactively for relief under them, there was almost a total lack of knowledge about those programs on the part of the victims they

were designed to help. Worse yet, the programs that are in place are fragmented and ad hoc, and stop well short of comprehensively helping people prepare for or respond to drought. Consequently, at first drought victims in this Nation do not know who to turn to for help, and then find that the help that is available is too late and totally inadequate.

These fundamental problems were specifically identified by the Multi-State Drought Task Force in its final report on the drought of 1995–96. The task force stated that "[t]he States are left to navigate the ocean of applicable assistance programs as best they can." The task force went on to observe:

> The Federal government does not have a national drought policy, national climatic monitoring system, nor an institutionalized organizational structure to address drought. Therefore, every time a drought occurs the Federal government is behind the power curve playing catch up in an ad hoc fashion to meet the needs of the impacted states and their citizens.

The Western Governors' Association recognized the exact same problems in its 1996 Drought Response Action Plan. The WGA stated that "[t[he absence of a lead agency to handle drought—in addition to the lack of Federal interagency coordination—has significantly reduced the Federal Government's ability to provide adequate support over the long term."

Indeed, the Multi-State Drought Task Force recommended that "Congress in coordination with the administration develop and adopt a National Drought Policy to include a national drought monitory system and an institutionalized organizational structure with a designated lead Federal agency to direct and coordinate the efforts of the Federal Government in preparing for, responding to, and recovering from drought, as well as mitigating the impacts of drought."

Similarly, the Western Governors' Association recommends "[d]evelop[ing] a national drought policy or framework that integrates actions and responsibilities among all levels of government (Federal, State, regional, and local). This policy should plainly spell out preparedness, response, and mitigation measures to be provided by each entity." And it is my understanding that the National Governors' Association is considering adopting a similar recommendation sponsored by Governor Johnson of New Mexico.

All of this, Mr. President, has led me to introduce today's legislation. I believe that my bill will be the first step toward finally establishing a coherent, effective national drought policy. My bill creates a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations which are most involved with drought issues. On the Federal side, the Commission will include representatives from USDA, Interior, the Army, FEMA, SBA, and Commerce—agencies which all currently have drought-related programs on the books. Equally important will be the nonfederal members, including representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representative of those groups that are always hardest hit by drought emergencies.

The Commission will be charged with determining what needs exists on the Federal, State, local, and tribal levels with regard to drought; with reviewing existing Federal, State, local, and tribal drought programs; and with determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought.

More importantly, the Commission will then be charged with making recommendations on how Federal drought laws and programs can be better integrated into a comprehensive national policy to mitigate the impacts of, and respond to, serious drought emergencies. Should Federal drought programs be consolidated under one single existing agency? How can the Nation be better prepared for these disasters? Should emergency loan programs that stand the risk of sinking drought victims deeper into debt be reevaluated? These are just some of the questions that we in Congress need guidance on if we are to move to the next level in developing a national drought strategy.

In conclusion, Mr. President, my legislation is just the first step in addressing the major national problem of drought disasters, but it is a step that must be taken quickly. Drought can strike any State, at any time, for any duration. I urge my colleagues to support this bill.

By Mr. THURMOND (for himself, Mr. FAIRCLOTH, Mr. HELMS, Mr. HUTCHINSON, Mr. KEMPTHORNE, Mr. SHELBY, and Mr. SESSIONS):

S. 223. A bill to prohibit the expenditure of Federal funds on activities by Federal agencies to encourage labor union membership, and for other purposes; to the Committee on Labor and Human Resources.

LABOR UNION MEMBERSHIP LEGISLATION

Mr. THURMOND. Mr. President, I rise today to introduce a very important piece of legislation that would affect every American taxpayer. This measure would prohibit Federal funds from being used to encourage labor union membership.

Mr. President, I was shocked to learn that the Department of Labor has published and distributed brochures which state, If you don't have a union, you may want to consider joining an existing union or working with others to start one. These brochures are designed to help American workers know their rights when it comes to various forms of discrimination. I recognize the importance of these brochures, but I firmly believe that it is not the responsibility of the Federal Government to encourage or discourage labor union membership in any form. Organized labor has the resources and the manpower to do their own recruiting. They certainly should not be receiving free solicitation at the expense of the American taxpayer.

The legislation that I am introducing today specifically prohibits any Federal agency from using Federal funds for programs, seminars, staff positions, or publications which would compel, instruct, encourage, urge, or persuade individuals to join labor unions. As I stated before, it simply is not the responsibility of the Federal Government to encourage union membership. The American taxpayer should not bear the burden of promoting labor unions.

My distinguished colleagues, Senators FAIRCLOTH, HELMS, HUTCHINSON, KEMPTHORNE, SHELBY, and SESSIONS, join me as original cosponsors of this measure that I send to the desk. I invite our other colleagues to join us in support of this important legislation.

By Mr. WARNER:

S. 224. A bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Armed Services.

MILITARY RETIREES HEALTH BENEFITS LEGISLATION

Mr. WARNER. Mr. President, I rise today to introduce legislation which will return a sense of fairness to the military health care system by providing Medicare-eligible military retirees the same health care plan that is currently available to every other retired Federal employee. Under this legislation, all Medicare-eligible military retirees and their family members will be given the option to participate in the Federal Employee Health Benefits Plan [FEHBP].

Under the current system military retirees lose their guaranteed access to military medical care at age 65 and are forced to rely exclusively on Medicare. It is worth noting that our military retirees are the only group of Federal employees whose health plan is taken away at age 65. I am sure that my colleagues would agree that this situation is not only inherently unfair, but that it also breaks a long standing health care commitment to our military retirees. When these men and women joined the Armed Forces, they were promised health care for both them and their families, for the rest of their lives. This was a commitment. This was in writing. Now, at age 65, they find out that this commitment is being withdrawn.

Mr. President, the commonly held belief that the health care provided for

military retirees is second to none is a myth. The truth is that when you compare it to what is provided by other large employers including General Motors, IBM, Exxon, and the rest of the Federal Government, the health care that is provided to our Medicare-eligible military retirees and their family members has become second to almost all others.

This bill that I am introducing today is the same legislation that I introduced in the 104th Congress. Although my legislation was not adopted, the fiscal year 1997 Senate-passed version of the National Defense Authorization Act Conference Report directed the Department of Defense to conduct a study of the cost and feasibility of extending the option of enrollment in FEHBP to our Medicare-eligible military retirees. This report is due to Congress on March 1, 1997. I am hopeful that this study will thoroughly examine this issue and provide meaningful recommendations that we can use to strengthen the military health care system during the Armed Services Committee's consideration of the bill I am introducing today.

Mr. President, this legislation represents a major step forward in the application of equitable standards of health care for all Federal employees and honors our commitment to those veterans who served our Nation faithfully through many years of arduous military service. I invite my colleagues to join me as cosponsors of this bill.

By Mr. KOHL:

S. 225. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

THE SUNSHINE IN LITIGATION ACT

Mr. KOHL. Mr. President, I rise today to offer the Sunshine in Litigation Act, a measure that addresses the growing abuse of secrecy orders issued by our Federal courts. All too often our Federal courts allow vital information that is discovered in litigation—and which directly bears on public health and safety—to be covered up, to be shielded from people whose lives are potentially at stake, and from the public officials we have asked to protect our health and safety.

All this happens because of the use of so-called protective orders—really gag orders issued by courts—that are designed to keep information discovered in the course of litigation secret and undisclosed. Typically, injured victims agree to a defendant's request to keep lawsuit information secret. They agree because defendants threaten that, without secrecy, they will refuse to pay a settlement. Victims cannot afford to take such chances. And while courts in these situations actually have the legal authority to deny requests for secrecy, typically they do not—because both sides have agreed, and judges have other matters they prefer to attend to. So judges are regularly and frequently entering these protective orders, using the power of the Federal Government to keep people in the dark about the dangers they face.

The measure that I am introducing today will bring crucial information out of the darkness and into the light. The measure amends rule 26 of the Federal Rules of Civil Procedure to require that judges weigh the impact on public health and safety before approving these secrecy orders. It is simple, effective, and straightforward. The Judiciary Committee reported out identical legislation last Congress by a bipartisan 11 to 7 majority.

Our bill essentially codifies what is already the practice of the best judges. In cases that do not affect public health safety, existing practice would continue, and courts could still issue protective orders as they do today. But in cases affecting public health and safety courts would apply a balancing test: they could permit secrecy only if the need for privacy outweighs the public's need to know about potential health or safety hazards. Moreover, courts could not, under this measure, issue protective orders that would prevent disclosures to regulatory agencies.

Although the law may result in some small additional burden on judges, a little extra work from judges seems a tiny price to pay for protecting blameless people from dangers. Every day, in the course of litigation, judges make tough calls about how to construe the public interest and interpret other laws that Congress passes. I am confident that the courts will administer this law fairly and sensibly. If this requires extra work, then the work is well worth it. After all no one argues that spoiled meat should be let out on the market because stricter regulations mean more work for FDA meat inspectors.

The problem of excessive secrecy orders in cases involving public health and safety has been apparent for many years. The Judiciary Committee first held hearings on this issue in 1990. "Court Secrecy," Hearings before the Subcommittee. On Courts and Administrative Practice, Committee on the Judiciary, May 17, 1990, 101st Congress, 2d Session. The committee held hearings again in 1994.

In 1990, Arthur Bryant, the executive director of Trial Lawyers for Public Justice, told us: "The one thing we learned * * * is that this problem is far more egregious than we ever imagined. It goes the length and depth of this country, and the frank truth is that much of civil litigation in this country is taking place in secret." Four years later, the attorney Gerry Spence told us about 19 cases he had been involved in in which his clients had to sign secrecy agreements. They included cases involving defects in a hormonal pregnancy test that caused severe birth defect, a defective braking system of a steam roller, and an improperly manufactured tire rim.

Individual examples of this problem abound. For over a decade, Miracle Recreation, a U.S. playground equipment company, marketed a merry-go-round that caused serious injuries to scores of small children—including severed fingers and feet. Lawsuits brought against the manufacturer were confidentially settled, preventing the public and the Consumer Products Safety Commission from learning about the hazard. It took more than a decade for regulators to discover the hazard and for the company to recall the merry-go-round.

There are yet more cases like these. In 1973, GM began marketing vehicles with dangerously-placed fuel tanks that tended to rupture, burn, and explode on impact more frequently than regular tanks. Soon after these vehicles hit the American road, tragic accidents began occurring, and lawsuits were filed. More than 150 lawsuits were settled confidentially by GM. For years, this secrecy prevented the public from learning of the dangers of these vehicles—6 million of which are still on the road. It wasn't until a trial in 1993 that the public began learning of the dangers of GM sidesaddle gas tanks and the GM crash test data which demonstrated these dangers.

Another case involves Fred Barbee, a Wisconsin resident whose wife, Carol, died because of a defective heart valve. Mr. Barbee told us that months and years before his wife died, the valve manufacturer had quietly, without public knowledge, settled dozens of lawsuits in which the valve's defects were demonstrated. So when Mrs. Barbee's valve malfunctioned, she rushed to a health clinic in Spooner, WI, thinking, as did her doctors, that she was suffering from a heart attack. Ignorant of the evidence that her valve was defective, Mrs. Barbee was misdiagnosed. Mrs. Barbee was treated incorrectly and died. To this day, Mr. Barbee believes that but for the secret settlement of heart valve lawsuits, he and his wife would have been aware of the valve defect, and his wife would be alive today.

At the 1994 Judiciary Committee hearing, we heard from a family which I must call the Does because they are under a secrecy order and were afraid to use their own names when talking to us and to our committee. The Does were the victims of tragic medical malpractice that resulted in serious brain damage to their child. A friend of the Does is using the same doctor, but Mrs. Doe is terrified of saying anything to her friend for fear of violating the secrecy order that governed her lawsuit

settlement. Mrs. Doe is afraid that if she talks, the defendant in her case will suspend the ongoing settlement payments that allow her to care for her injured child.

What sort of court system prohibits a woman from telling her friend that her child might be in danger? And the more disturbing question is this: What other secrets are currently held under lock and key which could be saving lives if they were made public?

Mr. President, having said all this, I must in fairness recognize that there is another side to this problem. Privacy is a cherished possession, and business information is an important commodity. For this reason, the courts must, in some cases, keep trade secrets and other business information confidential. The goal of this measure I have introduced is to ensure that courts do not carelessly and automatically sanction secrecy when the health and safety of the American public is at stake. At the same time, it will still allow defendants to obtain secrecy orders when the need for privacy is significant and substantial.

To attack the problem of excessive court secrecy is not to attack the business community. Most of the time, businesses seek protective orders for legitimate reasons. And although a few opponents of product liability reform may dispute that businesses care about public health and safety, we know that they do. Business people want to know about dangerous and defective products, and they want regulatory agencies to have the information necessary to protect the public.

The Sunshine in Litigation Act is a simple effort to protect the safety of the American people. Its benefits far outweigh any of the worst imaginable disadvantages. And the longer we wait to enact the legislation, the more people are put at risk.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 225

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 "Sunshine in Litigation Act of 1997".

SEC. 2. PROTECTIVE ORDERS AND SEALING OF CASES AND SETTLEMENTS RELATING TO PUBLIC HEALTH OR SAFETY.

(a) IN GENERAL.—Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1659. Protective orders and sealing of cases and settlements relating to public health or safety

"(a)(1) A court shall enter an order under rule 26(c) of the Federal Rules of Civil Procedure restricting the disclosure of information obtained through discovery or an order restricting access to court records in a civil case only after making particularized findings of fact that—

"(A) such order would not restrict the disclosure of information which is relevant to the protection of public health or safety; or

"(B)(i) the public interest in disclosure of potential health or safety hazards is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of the information or records in question; and

"(ii) the requested protective order is no broader than necessary to protect the privacy interest asserted.

"(2) No order entered in accordance with the provisions of paragraph (1) shall continue in effect after the entry of final judgment, unless at or after such entry the court makes a separate particularized finding of fact that the requirements of paragraph (1)(A) or (B) have been met.

"(b) The party who is the proponent for the entry of an order, as provided under this section, shall have the burden of proof in obtaining such an order.

"(c)(1) No agreement between or among parties in a civil action filed in a court of the United States may contain a provision that prohibits or otherwise restricts a party from disclosing any information relevant to such civil action to any Federal or State agency with authority to enforce laws regulating an activity relating to such information.

"(2) Any disclosure of information to a Federal or State agency as described under paragraph (1) shall be confidential to the extent provided by law.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 28, United States Code, is amended by adding after the item relating to section 1658 the following:

"1659. Protective orders and sealing of cases and settlements relating to public health or safety.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect 30 days after the date of the enactment of this Act and shall apply only to orders entered in civil actions or agreements entered into on or after such date.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 226. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes; to the Committee on the Judiciary.

THE DEADBEAT PARENTS PUNISHMENT ACT OF 1997

• Mr. KOHL. Mr. President, I introduce the Deadbeat Parents Punishment Act of 1997. Along with Senator SHELBY and Congressmen HYDE and SCHUMER, I introduced the original Child Support Recovery Act in 1992, and today Senator DEWINE and I are pleased to introduce a measure that will toughen the original law to ensure that more serious crimes receive more serious punishment. In so doing, we can send a clear message to deadbeat dads and moms: ignore the law, ignore your responsibilities, and you will pay a high price. In other words, pay up or go to jail.

Current law already makes it a Federal offense to willfully fail to pay child support obligations to a child in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. However, current law provides for a maximum of just 6 months in prison for a first offense, and a maximum of 2 years for a second offense. A first offense, however—no matter how egregious—is not a felony under current law.

Police officers and prosecutors have used the current law effectively, but they have found that current misdemeanor penalties do not adequately deal with more serious cases—those cases in which parents move from State to State to intentionally evade child support penalties, or fail to pay child support obligations for more than 2 years—serious cases that deserve serious, felony punishment. In response to these concerns, President Clinton has drafted legislation that would address this problem, and we are pleased to introduce it today.

This new effort builds on past successes achieved through bipartisan work. In the 4 years since the original deadbeat parents legislation was signed into law by President Bush, collections have increased by nearly 50 percent, from $8 to $11.8 billion, and we should be proud of that increase. Moreover, a new national database has helped identify 60,000 delinquent fathers, over half of whom owed money to women on welfare.

Nevertheless, there is much more we can do. It has been estimated that if delinquent parents fully paid up their child support, approximately 800,000 women and children could be taken off the welfare rolls. So our new legislation cracks down on the worst violators, and makes clear that intentional or long-term evasion of child support responsibilities will not receive a slap on the wrist. In so doing, it will help us continue the fight to ensure that every child receives the parental support they deserve.

Mr. President, with this bill we have a chance to make a difference in the lives of families across the country. So I look forward to working with my colleagues to give police and prosecutors the tools they need to effectively pursue individuals who seek to avoid their family obligations.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

S. 226

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 "Deadbeat Parents Punishment Act of 1997".

SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.

Section 228 of title 18, United States Code, is amended to read as follows:

"§ 228. Failure to pay legal child support obligations

"(a) OFFENSE.—Any person who—

"(1) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than one year, or is greater than $5,000;

"(2) travels in interstate or foreign commerce with the intent to evade a support obligation, if such obligation has remained unpaid for a period longer than one year, or is greater than $5,000; or

"(3) willfully fails to pay a support obligation with respect to a child who resides in another State, if such obligation has remained unpaid for a period longer than two years, or is greater than $10,000;

shall be punished as provided in subsection (c).

"(b) PRESUMPTION.—The existence of a support obligation that was in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that time period.

"(c) PUNISHMENT.—The punishment for an offense under this section is—

"(1) in the case of a first offense under subsection (a)(1), a fine under this title, imprisonment for not more than 6 months, or both; and

"(2) in the case of an offense under subsection (a)(2) or (a)(3), or a second or subsequent offense under subsection (a)(1), a fine under this title, imprisonment for not more than 2 years, or both.

"(d) MANDATORY RESTITUTION.—Upon a conviction under this section, the court shall order restitution under section 3663A in an amount equal to the total unpaid support obligation as it exists at the time of sentencing:

"(e) DEFINITIONS.—As used in this section—

"(1) the term 'support obligation' means any amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living; and

"(2) the term 'State' includes any State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SECTION-BY-SECTION ANALYSIS

The Child Support Recovery Amendments Act of 1996 amends the current criminal statute regarding the failure to pay legal child support obligations, 18 U.S.C. §228, to create felony violations for egregious offenses. Current law makes it a federal offense willfully to fail to pay a child support obligation with respect to a child who lives in another State if the obligation has remained unpaid for longer than a year or is greater than $5,000. A first offense is subject to a maximum of six months of imprisonment, and a second or subsequent offense to a maximum of two years.

The bill addresses the law enforcement and prosecutorial concern that the current statute does not adequately address more serious instances of nonpayment of support obligations. A maximum term of imprisonment of just six months does not meet the sentencing goals of punishment and deterrence. Egregious offenses, such as those involving parents who move from State-to-State to evade child support payments, require more severe penalties.

Section 2 of the bill creates two new categories of felony offenses, subject to a two-year maximum prison term. These are: (1) traveling in interstate or foreign commerce with the intent to evade a support obligation if the obligation has remained unpaid for a period longer than one year or is greater than $5,000; and (2) willfully failing to pay a support obligation regarding a child residing in another State, if the obligation has remained unpaid for a period longer than two years or is greater than $10,000. These offenses, proposed 18 U.S.C. §228(a) (2) and (3), indicate a level of culpability greater than that reflected by the current six-month maximum prison term for a first offense. The level of culpability demonstrated by offenders who commit the offenses described in these provisions is akin to that demonstrated by repeat offenders under current law, who are subject to a maximum two-year prison term.

Proposed section 228(b) of title 18, United States Code, states that the existence of a support obligation in effect for the time period charged in the indictment or information creates a rebuttable presumption that the obligor has the ability to pay the support obligation for that period. Although "ability to pay" is not an element of the offense, a demonstration of the obligor's ability to pay contributes to a showing of willful failure to pay the known obligation. The presumption in favor of ability to pay is needed because proof that the obligor is earning or acquiring income or assets is difficult. Child support offenders are notorious for hiding assets and failing to document earnings. A presumption of ability to pay, based on the existence of a support obligation determined under State law, is useful in a jury's determination of whether the nonpayment was willful. An offender who lacks the ability to pay a support obligation due to legitimate, changed circumstances occurring after the issuance of a support order has civil means available to reduce the support obligation and thereby avoid violation of the federal criminal statute in the first instance. In addition, the presumption of ability to pay set forth in the bill is rebuttable; a defendant can put forth evidence of his or her inability to pay.

The reference to mandatory restitution in proposed section 228(d) of title 18, United States Code, amends the current restitution requirement in section 228(c). The amendment conforms the restitution citation to the new mandatory restitution provision of federal law, 18 U.S.C. §3663A, enacted as part of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104-132, section 204. This change simply clarifies the applicability of that statute to the offense of failure to pay legal child support obligations.

For all of the violations set forth in proposed subsection (a) of section 228, the requirement of the existence of a State determination regarding the support obligation is the same as under current law. Under proposed subsection (e)(1), as under current subsection (d)(1)(A), the government must show that the support obligation is an amount determined under a court order or an order of an administrative process pursuant to the law of a State to be due from a person for the support and maintenance of a child or of a child and the parent with whom the child is living.

Proposed subsection (e)(2) of section 228 amends the definition of "State," currently in subsection (d)(2), to clarify the prosecutions may be brought under this statute in a commonwealth, such as Puerto Rico. The current definition of "State" in section 228, which includes possessions and territories of the United States, does not include commonwealths.●

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. REID, Mrs. FEINSTEIN, Mr. FORD, Mr. HOLLINGS and Mr. WYDEN):

S.J. Res. 12. A joint resolution proposing a balanced budget constitutional amendment; to the Committee on the Judiciary

BALANCED BUDGET CONSTITUTIONAL AMENDMENT

Mr. DORGAN. Mr. President, I rise today to introduce a constitutional amendment for myself, Senator DASCHLE, Senator REID, Senator FEINSTEIN, Senator HOLLINGS, Senator FORD, and Senator WYDEN.

The constitutional amendment will be familiar to most Senators because it is about something that we are discussing a lot these days: balancing the Federal budget. It is a constitutional amendment to balance the Federal budget.

A number of us have taken the position that we would support a constitutional amendment to balance the budget if the constitutional amendment is the right kind of amendment. I want to talk a little about the constitutional amendment being proposed and the one was proposed 2 years ago here in the U.S. Senate.

I think fiscal discipline is necessary in this country, because our fiscal policy is out of whack. I think we have borrowed from our children and grandchildren. I think we ought to balance the Federal budget. I do not object to—in fact, I have supported and will support—the right kind of balanced budget constitutional amendment.

I will not, however, support a proposal to amend the U.S. Constitution that would enshrine in the Constitution the practice of using the Social Security trust funds to balance the Federal budget. That is precisely what the balanced budget amendment that the Judiciary Committee will mark up later this week would do. That is why Senator HOLLINGS and I and so many others are introducing a constitutional amendment to balance the budget, but one that will not use the Social Security trust funds to do so.

Let me explain why that is important. If you were in the private sector and you had a business and in that business you put away some money for your employees in a pension fund, and then at the end of the year you discovered that you had run a big loss, you might say, "Well, I will just take my employees' pension funds and bring them over into the operating side of the business, and I will tell everybody that I didn't have a loss. I am using the employee pension fund to cover my operating loss."

If you did that, you would be on your way to doing 2 years hard tennis in some minimum security prison because it is against the law. You can't do that. And we ought not to be able to do it in the public sector either.

We are going to collect $78 billion more this year in Social Security revenues than we will expend in the Social

Security system. We will, just this year alone, accrue a $78 billion surplus in Social Security. Why? Because we need the money after the turn of the century when the baby boomers retire. We have the biggest baby crop in the history of our country. When that baby crop retires after the turn of the century, we are going to have the largest strain on the Social Security system. Therefore, we are collecting more now than we need in the Social Security system and that savings is going to be used at the turn of the century to help fund the system when we need it.

But what is happening? What is happening is that extra revenue is used as just ordinary operating money and is used to say, "Well, now we have reached a balanced budget in the year 2002," when, in fact, the budget is not in balance at all. It appears in balance only because you use the Social Security revenue or trust funds to show a balanced budget.

I want to demonstrate this with a chart. This chart is important because I was at a hearing the other day and they had the debt clock at the hearing—this clock that keeps running at $4,000 a second, or it is. The debt clock keeps running and running. I said to the chairman of the committee, Senator HATCH, the debt clock actually makes the point I wanted to make at this hearing, because when you balance the budget, presumably you have stopped the debt clock from increasing. If you balance the Federal budget, the Federal Government ought not be taking on more debt. You have stopped the increase in debt. But guess what happens? In the very year in which the majority party says it will have balanced the budget, the Federal debt will increase by $130 billion, according to the Congressional Budget Office.

This is the debt. These are the numbers: $5.4 trillion in 2002, and it is still increasing on that year, by $130 billion. Why will the debt increase by $130 billion in the year in which you claim you have balanced the budget? Answer: The budget isn't in balance because you have collected the Social Security moneys that are an obligation because you need to use them later. But then you have brought them over here to use them to say you have balanced the budget.

We have not balanced the budget until and unless we stop the Federal debt increases. And the proposal to balance the budget before the Judiciary Committee does not do that. The congressional majority claimed that its budget plan would reach balance, but then the Congressional Budget Office says the deficit for that year is $104 billion, and the debt increases by $130 billion. This is a giant ruse. It, unfortunately, dishonestly uses the Social Security trust funds for a purpose that Congress never intended.

I know a little something about this because in 1983 I was on the House Ways and Means Committee when the Social Security reform bill was enacted. When it was enacted, it was determined there would be savings for the future when the Social Security trust funds would be needed. I offered an amendment that day 14 years ago in the committee saying, "If you do not put these savings aside and out of the reach of people who want to use them for other purposes, they will not in fact be saved." Now these have grown to significant surpluses, and they are not out of reach. They are supposed to be out of reach because of what the Senator from South Carolina did when he wrote section 13301 of the Budget Enforcement Act, but they are not out of reach. They are used to show a balanced budget when the budget is not in balance.

So what we have done is very simply say, go ahead and pass a constitutional amendment to balance the budget. Let's do it the right and honest way. Let us make sure that the massive surpluses that we are going to accrue in the Social Security system are set aside, not counted as ordinary revenue, and that we balance the budget and save the Social Security trust fund revenues that are being taken out of workers' paychecks for that very purpose.

Last evening I was on the phone with Congressman MARK NEUMANN from Wisconsin of the House of Representatives. Incidentally, he is a Republican Congressman from Wisconsin. He feels exactly the same way and says there are a couple dozen Members of the House who feel exactly the same way. They want to balance the budget. They believe it is appropriate to put a provision in the U.S. Constitution to do so, but they also believe it is inappropriate to use the Social Security trust funds which are saved for another purpose to show a balanced budget when, in fact, you are still increasing the Federal debt and you still have increases each year in the Federal deficit.

I have said before that I come from a town of 300 people and graduated in a high school class of nine. I probably didn't take the fanciest math in the whole world, but back in my hometown cafe, if they sit around and start talking about what "balances" are and what "deficits and debts" are, and if someone said, "Do you think it would be appropriate to claim you have balanced the budget when the debt and deficit is still going to increase," it wouldn't take a lot of strong coffee to persuade people that that is not the right way to approach it and that is not an honest budget.

So we are introducing today a constitutional amendment to balance the budget that says when the budget is balanced, you will not have an increase in the Federal debt. You will have turned that debt clock into a stopwatch: no more increases in Federal debt and no more Federal deficits. There is a right way to do things and a wrong way to do things.

We propose that if we change the U.S. Constitution, we do it the right way. We propose that no one enshrine in the Constitution an opportunity to misuse up to $3 trillion of Social Security revenues that are taken from workers' paychecks with a solemn promise: this tax taken from your paycheck goes into a trust fund to be used for only one purpose, and that is to fund the Social Security system.

Some in this Congress, believing double-entry bookkeeping means you use the same money twice, have said we can promise that to the workers and then we can also use their money as an accounting entry over here to claim we have in fact reached a balanced budget.

That is wrong. It is certainly the wrong way to amend the U.S. Constitution. And we propose that when this Congress acts on a constitutional amendment, it act on an amendment that does the right thing—the right thing for workers, the right thing for retired folks in this country, but especially the right thing to balance this country's books and prevent us from continually seeing an increase in debt and deficits year after year.

Mr. President, we intend to talk about this later today, but I am delighted to see that my colleague from Kentucky, Senator FORD, is here, and my colleague, Senator HOLLINGS from South Carolina. Both Senators are cosponsoring this constitutional amendment.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 12

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

"ARTICLE—

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal. The receipts (including attributable interest) and outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds (as and if modified to preserve the solvency of the Funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for purposes of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. HOLLINGS. I thank the distinguished Chair. Let me thank my distinguished colleague from North Dakota. Senator DORGAN has been forthright and persistent on this particular score. He has given us the necessary leadership to bring truth in budgeting.

I will never forget when we started out in this budget process back in 1973 and 1974—and I am the only remaining Member in either body, House and Senate, that still serves on that Budget Committee—the litany was all for a 10-year period and, particularly up through Gramm-Rudman-Hollings, about truth in budgeting. No more smoke and mirrors, no more rosy scenarios and those kinds of things—certainly no use of trust funds to obscure the actual size of the deficit.

It is very easy to determine what a deficit is. All you need to do is find out what the debt is this year and then what the debt is the ensuing year, and a simple subtraction will determine for you, if you please, that the debt this past fiscal year, for 1996, was $261 billion—not $107 billion. Not $107 billion, $261 billion.

I ask unanimous consent to have printed in the RECORD, if you please, a chart which shows that the U.S. budget "busts" the trust funds. It shows the trust fund surpluses, the real deficit, the gross Federal debt, and the gross interest costs.

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

President and year	U.S. budget (outlays—in billions)	Trust funds	Real deficit	Annual deficit change	Gross Federal debt (billions)	Gross interest
Truman:						
1945	92.7	5.4			260.1	
1946	55.2	3.9	−10.9		271.0	
1947	34.5	3.4	+13.9		257.1	
1948	29.8	3.0	+5.1		252.0	
1949	38.8	2.4	−0.6		252.6	
1950	42.6	−0.1	−4.3		256.9	
1951	45.5	3.7	+1.6		255.3	
1952	67.7	3.5	−3.8		259.1	
1953	76.1	3.4	−6.9		266.0	
Eisenhower:						
1954	70.9	2.0	−4.8		270.8	
1955	68.4	1.2	−3.6		274.4	
1956	70.6	2.6	+1.7		272.7	
1957	76.6	1.8	+0.4		272.3	
1958	82.4	0.2	−7.4		279.7	
1959	92.1	−1.6	−7.8		287.5	
1960	92.2	−0.5	−3.0		290.5	
1961	97.7	0.9	−2.1		292.6	
Kennedy:						
1962	106.8	−0.3	−10.3		302.9	9.1
1963	111.3	1.9	−7.4		310.3	9.9
Johnson:						
1964	118.5	2.7	−5.8		316.1	10.7
1965	118.2	2.5	−6.2		322.3	11.3
1966	134.5	1.5	−6.2		328.5	12.0
1967	157.5	7.1	−11.9		340.4	13.4
1968	178.1	3.1	−28.3		368.7	14.6
1969	183.6	−0.3	+2.9		365.8	16.6
Nixon:						
1970	195.6	12.3	−15.1		380.9	19.3
1971	210.2	4.3	−27.3		408.2	21.0
1972	230.7	4.3	−27.7		435.9	21.8
1973	245.7	15.5	−30.4		466.3	24.2
1974	269.4	11.5	−17.6		483.9	29.3
Ford:						
1975	332.3	4.8	−58.0		541.9	32.7
1976	371.8	13.4	−87.1		629.0	37.1
Carter:						
1977	409.2	23.7	−77.4		706.4	41.9
1978	458.7	11.0	−70.2		776.6	48.7
1979	503.5	12.2	−52.9		829.5	59.9
1980	590.9	5.8	−79.6		909.1	74.8
Reagan:						
1981	678.2	6.7	−85.7	[−6.1]	994.8	95.5
1982	745.8	14.5	−142.5	[−56.8]	1,137.3	117.2
1983	808.4	26.6	−234.4	[−91.9]	1,371.7	128.7
1984	851.8	7.6	−193.0	[+41.4]	1,564.7	153.9
1985	946.4	40.6	−252.9	[−59.9]	1,817.6	178.9
1986	990.3	81.8	−303.0	[−50.1]	2,120.6	190.3
1987	1,003.9	75.7	−225.5	[+77.5]	2,346.1	195.3
1988	1,064.1	100.0	−255.2	[−29.7]	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−266.7	[−11.5]	2,868.0	240.9
1990	1,252.7	117.2	−338.6	[−71.9]	3,206.6	264.7
1991	1,323.8	122.7	−391.9	[−53.3]	3,598.5	285.5
1992	1,380.9	113.2	−403.6	[−11.7]	4,002.1	292.3
Clinton:						
1993	1,408.2	94.2	−349.3	[+54.3]	4,351.4	292.5
1994	1,460.6	89.1	−292.3	[+57.0]	4,643.7	296.3
1995	1,514.4	113.4	−277.3	[+15.0]	4,920.0	332.4
1996	1,560.0	154.0	−261.0	[−16.3]	5,181.0	344.0

Note.—Historical Tables, Budget of the U.S. Government FY 1996; Beginning in 1962 CBO's 1995 Economic and Budget Outlook.

Mr. HOLLINGS. You see, by subtracting last year's debt from this year's debt, the increase of the debt over the last fiscal year gives us a deficit of $261 billion. Immediately the question is: How do we all run around claiming that we have a $107 billion deficit? The truth of the matter is that

we go and borrow from other trust funds.

I ask unanimous consent at this particular point to have printed in the RECORD a list of those particular borrowings in trust funds.

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

Gross debt 1996	5,181
Gross debt 1995	4,920
Difference	261
	1996
Deficit	107
Trust Funds:	
Social Security	66
Medicare HI	−4
Medicare SMI	14
Military, civilian, other	42
Total	118
Additional borrowing:	
Banking	16
Treasury loans	20
Real deficit	261
Gross interest	344

NOTE.—The HI part of Medicare is projected to go broke by 2001. Based on numbers reported by the Treasury Department.

Mr. HOLLINGS. You will see that we had in 1995 a debt of $4.920 trillion and a gross debt in 1996 of $5.181 trillion. So the difference was $261 billion. And the reason that we listed the $107 billion is because we borrowed $66 billion from Social Security, a net of some $10 billion from Medicare, some $42 billion from the military and civilian retirement funds, banking and Treasury loans amounted to some $36 billion, for a total of $154 billion.

Trying to put Government on a pay-as-you-go basis has been my intent since I arrived here 30 years ago. I balanced the budget in South Carolina, and as Governor I received the first AAA credit rating of any Southern State, ahead of Texas on up through Maryland. I am proud of running Government on a pay-as-you-go basis.

I worked with George Mahon back in 1968–69, and we balanced the budget under President Lyndon Johnson. Incidentally, we did not use Social Security trust funds. Even though he changed it to the unified budget, at this particular time the use of the funds was not necessary to balance the budget. So we have to credit President Johnson with the last balanced budget we have had in that 30-year period.

By the early 1980's, we realized that Social Security was going broke, and we came in here in a very formal fashion after a wonderful study by Alan Greenspan, the present Chairman of the Federal Reserve Board. We passed the Greenspan Commission program of tax increases in order to make Social Security solvent.

Let me go right now to the Greenspan Commission report, and you will find therein that "a majority of the members of the national commission recommends that the operations of the OASI, DI, HI, SMI, trust funds," which is Social Security trust funds, "should be removed from the unified budget. The national commission believes that changes in Social Security programs should be made only for programmatic reasons," and not—not—Mr. President, for balancing the budget.

When we debated this, we increased the taxes so that we would keep Social Security solvent until the distinguished occupant of the Chair was ready to receive his amount. This particular Senator is already receiving it. I am paying into Social Security. Senator THURMOND and I are also receiving Social Security. But, Mr. President, you are not going to receive it under the Domenici balanced budget to the Constitution. They absolutely prohibit it in the wording of this particular amendment.

Let me show you exactly what I am saying. You come right now to the resolution, S.J. Res. 1, just put in a couple days ago, and you will find:

Total receipts shall include all receipts of the U.S. Government except those derived from borrowing. Total outlays shall include all outlays of the U.S. Government except for those for repayment of debt.

That repeals section 13–301. And if there were any doubt about it, let us read section 1.

Total outlays for any fiscal year shall not exceed total receipts for that fiscal year.

I repeat very calmly, very clearly: "Total outlays for any fiscal year shall not exceed total receipts for that fiscal year—unless three-fifths of the whole Congress votes it."

So that means that the very intent of the Greenspan Commission, namely that surpluses be built up to protect the baby boomers into the next generation—that money, even if it were saved, even if the surplus were built up and not being expended, as is the case—that money under this particular constitutional amendment could not be expended. You would have to cut right straight across the board. And let me be specific on just exactly what the Greenspan Commission stated at that particular time. If you refer to statement 5 on page 2, they talk about for the "75-year valuation period, ending with 2056." You can move on further. They refer to 75 years several times in the report. On page 5, statement 5, 75 years. They were trying to provide solvency to the year 2056. In the 75 years ending in 2056, we were going to have a solvent surplus, a redeemable Social Security trust fund. And they recommended it be put off budget, not included in the unified budget, and not expended for other matters.

Now, let us get to that particular point about the taxes Congress voted for in 1983, because when you continue doing what we are doing now, you violate the trust. Back in 1983 we did not vote an increase in the payroll taxes for defense or for housing or for welfare or for foreign aid or for the expenses of the President or the Congress. It was a trust fund. You would have never gotten a majority vote in this national Government, in this Congress of the United States; you would have never gotten an affirmative vote, as we did in a bipartisan fashion, to increase the payroll taxes for the other instances of Government. We all pledged that that money was going into Social Security, and to make sure that the trust was maintained we voted it formally in July 1990.

I refer, as a past chairman of the Budget Committee, to the conference report of the Committee on the Budget on the Social Security Preservation Act, dated July 10, 1990. If you see, at that particular point on page 20, there was a Hollings motion to report the Social Security Preservation Act. It passed by a vote of 20 to 1—only the distinguished Senator from Texas, Mr. GRAMM, voted against it. All of the other present Senators voted it out at that particular time.

Then, of course, later on the floor of the U.S. Senate we had a vote of 98 to 2. It was on October 18, 1990. A bipartisan vote of 98 Senators here said, Take Social Security and put it out as a trust fund, not a unified budget.

It is very interesting to read in this particular Social Security Preservation Act, the language—and I want all the Members' attention to this, because this is the present chairman of the Budget Committee—I ask unanimous consent for 5 additional minutes.

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

Mr. HOLLINGS. I refer, on page 29, to the additional views, by Mr. DOMENICI, the present chairman of our Budget Committee. I quote:

I voted for Senator HOLLINGS' proposal because I support the concept of taking Social Security out of the budget deficit calculation. But I cast this vote with reservations.

And what was his reservation? It was that my provision was not strong enough. He wanted to build a firewall. He goes on to say:

We need a firewall around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a firewall or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

I ask unanimous consent that these additional views of the distinguished chairman, the Senator from New Mexico, be printed in the RECORD.

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

ADDITIONAL VIEWS OF MR. DOMENICI

It is somewhat ironic that the first legislative mark-up in the 16 year history of the Senate Budget Committee produced a bill that does not do what its authors suggest and, more importantly, weakens the fiscal discipline inherent in the Gramm-Rudman-Hollings budget law.

I voted for Senator Hollings' proposal because I support the concept of taking Social

Security out of the budget deficit calculation. But I cast this vote with reservations.

The best way to protect Social Security is to reduce the Federal budget deficit. We need to balance our non-Social Security budget so that the Social Security trust fund surpluses can be invested (by lowering our national debt) instead of used to pay for other Federal operating costs. We could move toward this goal without changing the unified budget, a concept which has served us well for over twenty years now.

Changes in our accounting rules without real deficit reduction will not make Social Security more sound. In fact, we could make matters worse by opening up the trust funds to unrestrained spending. Under current law, the trust funds are protected by the budget process. Congress cannot spend the trust fund reserves without new spending cuts or revenue increases in the rest of the budget to meet Gramm-Rudman-Hollings deficit reduction requirements. If we take Social Security out of GRH without any new protection for the trust funds, Congress could spend the reserves without facing new spending cuts or revenue increases in other programs. And if we spend the trust fund reserves today, we will threaten the solvency of the Social Security program, putting at risk the benefits we have promised to today's workers.

Of course, I also understand that we might be able to restore some public trust by taking Social Security out of the deficit calculation. Trust that we in Congress are not "masking the budget deficit" with Social Security. That is why I believe we should take Social Security out of the deficit, but only if we provide strong protection against spending the trust fund reserves. We need a "firewell" around those trust funds to make sure the reserves are there to pay Social Security benefits in the next century. Without a "firewall" or the discipline of budget constraints, the trust funds would be unprotected and could be spent on any number of costly programs.

Unfortunately, the Hollings bill does not protect Social Security, which is why Senator Nickles and I offered our "firewall" amendment, defeated by a vote of 8 to 13. The amendment, drafted over the last six months by myself and Senators Heinz, Rudman, Gramm, and DeConcini, included: a 60 vote point of order against legislation which would reduce the 75 year actuarial balance of the Social Security trust funds; additional Gramm-Rudman-Hollings deficit reduction requirements in all years in which legislation lowered the Social Security surpluses; and notification to Social Security taxpayer on the Personal Earnings and Benefit Estimate Statements (PEBES) each time Congress lowered the reserves available to pay benefits to future retirees.

With just one exception, the other side of the aisle voted against this protection for Social Security beneficiaries.

Furthermore, the Hollings bill says nothing about how or when we will achieve balance in the non-Social Security budget. The bill simply takes Social Security out of the deficit calculation. If enacted, the Hollings bill would require $173 billion in deficit reduction in 1991 to meet the statutory GRH target (see attached table). Obviously, that is not going to happen.

I believe we need to extend Gramm-Rudman-Hollings to ensure we have the discipline to achieve balance in the non-Social Security portion of the budget. The Budget Summit negotiators are discussing a goal of $450 to $500 billion in deficit reduction over the next five years. Once we reach an agreement, that plan should be the framework for extending the GRH law.

I offered a Sense of the Congress amendment during the mark-up expressing this view. I offered this to put the Hollings bill in some context.

But the Democratic members of the Committee refused to consider even an amendment acknowledging the facts about our budget situation, rejecting my proposal by another 8 to 13 vote. In fact, the Chairman indicated that there was some concern on his side of the aisle about extending the Gramm-Rudman-Hollings discipline. One might infer that, for some, this mark-up was really an effort to kill Gramm-Rudman-Hollings.

I am not sure what we accomplished in reporting out a bill with no protection for Social Security and with no suggestion of what we think should happen regarding the deficit targets. I, for one, do not want to do anything which could endanger Social Security or Gramm-Rudman-Hollings budget discipline. At a minimum, I will offer the "firewall" amendment to protect Social Security should the reported bill be considered by the full Senate.

PETE V. DOMENICI.

CBO JUNE BASELINE DEFICIT ESTIMATES

[Dollars in billions]

	1991	1992	1993	1994	1995
Baseline deficit excluding RTC	$164	$158	$162	$160	$142
Baseline deficit including RTC	232	239	194	146	138
Social Security surplus	73	83	95	109	124
Baseline deficit excluding RTC, and excluding Social Security surplus	237	241	257	269	266
Baseline deficit including RTC, and excluding Social Security surplus	305	322	289	255	262
GRH targets	64	28	0	0	0
Deficit reduction required to meet GRH targets from: Baseline deficit excluding RTC, and excluding Social Security surplus	173	213	257	269	266
Baseline deficit including RTC, and excluding Social Security surplus	241	294	289	255	262

Prepared by SBC Minority Staff, 23-Jul-90.

Mr. HOLLINGS. So at that particular time, and when 98 percent of this U.S. Senate voted for it, we had, if you please, the distinguished chairman who was very much concerned that it was not enough protection.

Now, here is what he writes today—you will see the difference here—on January 13, 1997 to Republican colleagues, the statement of Senator DOMENICI to his Republican colleagues here earlier this month.

Mr. President, I ask unanimous consent 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,
Washington, DC, January 13, 1997.

DEAR REPUBLICAN COLLEAGUES: We are likely to debate early in the 105th Congress the Constitutional amendment to require a balanced federal budget. When that debate begins, some Senators will push to remove Social Security from the balanced budget requirement.

I have always believed this effort to exempt Social Security from the Constitutional amendment was more of a diversion than anything else. It is raised to confuse the debate and provide a rationale for some to oppose the effort.

Nontheless, in preparation for debate in the Senate, I thought it was important to review with you the consequences of such a proposal so that we can all effectively debate it using facts.

One of the arguments made by those who push for excluding Social Security from the balanced budget amendment is that excluding Social Security will force us to "save" the Social Security surpluses and therefore enhance fiscal responsibility.

This is only a very small part of the story.

It is true that Social Security is currently running surpluses, and these surpluses offset deficit spending in the rest of the budget. If the balanced budget requirement excludes Social Security, we would be required by the Constitution to achieve balance in the "on-budget" portion of the federal government—which is everything except Social Security. The total, or unified, budget—which is the sum of the "on-budget" programs and Social Security—would therefore be in surplus in amounts equal to the Social Security surpluses. Between 2002 and 2018, these surpluses would total $1.2 trillion in 1996 dollars.

It should go without saying that, when we are amending the Constitution—now into its third century—we should take the long view. And in the long run, these near term Social Security surpluses will be overwhelmed by massive, long-term Social Security deficits.

These deficits are projected to total $9.3 trillion in 1996 dollars between 2019 and 2050, with a deficit of about $630 billion in 2050 alone, again in constant 1996 dollars.

If it is true that excluding Social Security from the balanced budget amendment would force us to "save" the short-term surpluses, it is equally true that excluding Social Security would allow us to run massive deficits equal to the deficits that are projected to occur in the Social Security trust funds beginning in 2019.

These deficits would be real deficits—just like the deficits we are experiencing today. And they would have the same negative economic consequences: lower national savings, higher interest rates, lower investment and productivity, and sluggish growth. The only difference is that these deficits would be much larger than anything we have ever experienced, and therefore the consequences would be much worse.

Ironically, these massive and unprecedented deficits would be specifically sanctioned by an amendment to the Constitution calling for "balanced budgets" excluding Social Security. Congress could continue to pass so-called "balanced budgets" while running up massive new debt which would tremendously burden our economy.

The attached chart shows graphically what I have just described. "On-budget" would show a zero deficit throughout the time period, as required by the Constitution. The total budget, which includes Social Security, would show surpluses for two decades or so followed by massive and unprecedented deficits.

It should be obvious from this analysis that, contrary to assertions by some who want to exclude Social Security, such a move will weaken fiscal responsibility, not strengthen it.

Sincerely,

PETE V. DOMENICI.

Mr. HOLLINGS. Mr. President, he said:

It is true that Social Security is currently running surpluses, and these surpluses offset deficit spending in the rest of the budget.

Well, heavens above, that is what we are trying to stop. We are not trying to pass a constitutional amendment as a subterfuge to the American people. He comes now and says we, who want to protect Social Security—as he voted to do in the Budget Committee, and provided in his formal views in the Budget Committee report, and thereupon, as he did on the floor of the U.S. Senate—are using the surpluses to "offset deficit spending in the rest of the budget." That is a gimmick. That is a subterfuge. He expresses concern because we might build up deficits for Social Security in the next century. How about our deficit to Social Security this minute? Spending $66 billion, this past year over $70-some billion, we owe Social Security this minute $570 billion and by the year 2002 we will owe it $1 trillion.

Who is going to raise taxes $1 trillion to make Social Security solvent?

I ask unanimous consent to have printed in the RECORD, with this limited time, the Report of the Center on Budget and Policy Priorities.

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

THE BALANCED BUDGET AMENDMENT AND SOCIAL SECURITY

In recent years, Congress has considered two versions of the balanced budget amendment. The version supported by the Republican Congressional leadership (herein termed the "Leadership version") requires the "unified budget" to be balanced each year, including Social Security. The other version, which Senators Wyden, Feinstein, Dorgan and others introduced in the last Congress, requires the budget exclusive of Social Security to be in balance.

The version that includes Social Security in the unified budget poses serious dangers for the Social Security system. It also is inequitable to younger generations, as it would likely cause those who are children today to be saddled with too heavy a tax load when they reach their peak earnings years. The Wyden/Feinstein version does not pose these problems.

BACKGROUND

In coming decades, Social Security faces a demographic bulge. The baby boomers are so numerous that when they retire, the ratio of workers to retirees will fall to a low level.

This poses a problem because Social Security has traditionally operated on a "pay-as-you-go" basis. The payroll taxes contributed by today's workers finance the benefits of today's retirees. Because there will be so many retirees when the baby boomers grow old, however, it will be difficult for the workers of that period to carry the load without large increases in payroll taxes.

The acclaimed 1983 bipartisan Social Security commission headed by Alan Greenspan recognized this problem. It moved Social Security from a pure "pay-as-you-go" system to one under which the baby boomers would contribute more toward their own retirement. As a result, the Social Security system is now building up surpluses. By 2019, these surpluses will equal $3 trillion. After that, as the bulk of the baby boom generation moves into retirement, the system will draw down the surpluses. This is akin to what families do in saving for retirement during their working years and drawing down their savings when they retire.

This approach has important merits. It promotes generational equity by keeping the burden on younger generations from becoming too high. In addition, if the Social Security surpluses were to be used in the next two decades to increase national saving rather than to offset the deficit in the rest of the budget, that would likely result in stronger economic growth, which in turn would better enable the country to afford to support the baby boomers when they reach their twilight years.

To pursue this approach, the tasks ahead are to reduce significantly or eliminate the deficit in the non-Social Security budget so that the surpluses in the Social Security trust funds contribute in whole or large part to national saving, and to institute further reforms in Social Security to restore long-term actuarial balance to the Social Security system. Restoring long-term balance will almost certainly entail a combination of building the surpluses to somewhat higher levels and reducing somewhat the benefits paid out when the boomers retire.

THE LEADERSHIP BBA AND SOCIAL SECURITY

Unfortunately, the balanced budget amendment pushed by the Leadership would undermine this approach to protecting Social Security and promoting generational equity. Under this version of the BBA, total government expenditures in any year—including expenditures for Social Security benefits—could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that the Social Security surpluses could not be used to cover the benefit costs of the baby boom generation when it retires. The benefits for the baby boom generation would instead have to be financed in full by the taxes of those working in those years. The Leadership version thus would eviscerate the central achievement of the Greenspan commission.

The reason the Leadership version would have this effect is that even though the Social Security trust funds would have been accumulating large balances, drawing down those balances when the baby boomers retire would mean that the trust funds were spending more in benefits in those years than they were taking in, in taxes. Under the Leadership version, that would result in impermissible deficit spending.

By precluding use of the Social Security surpluses in the manner that the 1983 legislation intended, the Leadership version would be virtually certain to precipitate a massive crisis in Social Security about 20 years from now, even if legislation had been passed in the meantime putting Social Security in long-term actuarial balance. Since the $3 trillion surplus could not be used to help pay the benefits of the baby boom generation, the nation would face an excruciating choice between much deeper cuts in Social Security benefits that were needed to make Social Security solvent and much larger increases in payroll taxes than would otherwise be required. The third and only other allowable alternative would be to finance Social Security deficits in those years not by drawing down the Social Security surplus but instead by slashing the rest of government so severely that it failed to provide adequately for basic services, potentially including the national defense.

Given the numbers of baby boomers who will be retired or on the verge of retirement in those years, deep cuts in Social Security benefits are not likely at that time. Thus, under the leadership BBA, it is almost inevitable that younger generations will face a combination of sharp payroll tax increases and deep reductions in basic government services.

For these reasons, the Leadership BBA is highly inequitable to younger generations. Aggravating this problem, the Leadership version would undermine efforts to pass Social Security reforms in the near future. Why should Congress and the President bother to make hard choices now in Social Security that would build the surpluses to more ample levels if these surpluses can't be used when the boomers retire? Under the leadership BBA, there is no longer any reason to act now rather than to let Social Security's financing problems fester.

LEADERSHIP BBA ALSO POSES OTHER PROBLEMS FOR SOCIAL SECURITY

Under the Leadership version, reductions in Social Security could be used to help Congress and the President balance the budget when they faced a budget crunch. This could lead to too little being done to reduce or eliminate deficits in the non-Social Security part of the budget and unnecessary benefit cutbacks in Social Security.

At first blush, that may sound implausible politically. But the balanced budget amendment is likely to lead to periodic mid-year crises, when budgets thought to be balanced at the start of a fiscal year fall out of balance during the year, as a result of factors such as slower-than-expected economic growth. When sizable deficits emerge with only part of the year remaining, they will often be very difficult to address. Congress and the President may be unable to agree on a package of budget cuts of the magnitude needed to restore balance in the remaining months of the year. Congress also may be unable to amass three-fifths majorities in both chambers to raise the debt limit and allow a deficit.

In such circumstances, the President or possibly the courts may feel compelled to act to uphold the Constitutional requirement for budget balance. In documents circulated in November 1996 explaining how the amendment would work, the House co-authors of the amendment—Reps. Dan Schaefer and Charles Stenholm—write that in such circumstances, "The President would be bound, at the point at which the 'Government runs out of money' to stop issuing checks." This would place Social Security benefits at risk.

THE WYDEN/FEINSTEIN APPROACH

The Wyden/Feinstein approach resolves the problems the Leadership version creates in the Social Security area. It reinforces the 1983 Social Security legislation rather than undermining that legislation. It does so both by requiring that the surpluses in the Social Security system contribute to national saving rather than be used to finance deficits in the rest of the budget and by enabling the surpluses to be drawn down when the baby boomers retire.

The Wyden/Feinstein amendment thus improves intergenerational equity rather than undermining it. It ensures the surpluses will be intact when they are needed, rather than lent to the government for other purposes in the interim.

The amendment also ensures that Social Security benefits will not be cut—and Social Security checks not placed in jeopardy—if the balanced budget amendment leads to future budget crises and showdowns. However those crises would be resolved, Social Security would not be involved, because cuts in

Social Security would not count toward achieving budget balance.

Mr. HOLLINGS. I will read just one paragraph from this report and then my statement will be complete.

Unfortunately, the balanced budget amendment pushed by the leadership would undermine the approach to protect Social Security in promoting generational equity. Under this version of the balanced budget amendment, total Government expenditures in any year, including expenditures for Social Security benefits, could not exceed total revenues collected in the same year. The implications of this requirement for Social Security are profound. It would mean that Social Security surpluses could not be used to cover the benefit costs of the baby boom generation when it retires. The benefits for the baby boom generation would, instead, have to be financed in full by the taxes of those working in those years. The leadership version thus would eviscerate the central achievement of the Greenspan Commission.

Mr. President, we have some 33 cosponsors to Senate Joint Resolution 1, who now want to eviscerate the Social Security protections they voted for earlier. I have counted them. The majority of these cosponsors were here in 1990 when we voted to take it off budget—the others were not here in 1990 when this vote was taken, but 33 of these cosponsors were here.

We wrote a letter just a few years ago to Senator Dole, some five Members on this side. It was a letter dated March 1, 1995.

I ask unanimous consent 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,
Washington, DC, March 1, 1995.

Hon. ROBERT J. DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: We have received from Senator Domenici's office a proposal to address our concerns about using the Social Security trust funds to balance the Federal budget. We have reviewed this proposal, and after consultations with legal counsel, believe that this statutory approach does not adequately protect Social Security. Specifically, Constitutional experts from the Congressional Research Service advise us that the Constitutional language of the amendment will supersede any statutory constraint.

We want you to know that all of us have voted for, and are prepared to vote for again, a balanced budget amendment. In that spirit, we have attached a version of the balanced budget amendment that we believe can resolve the impasse over the Social Security issue.

To us, the fundamental question is whether the Federal Government will be able to raid the Social Security trust funds. Our proposal modifies those put forth by Senators Reid and Feinstein to address objections raised by some Members of the Majority. Specifically, our proposal prevents the Social Security trust funds from being used for deficit reduction, while still allowing Congress to make any warranted changes to protect the solvency of the funds. The prior language of the Reid and Feinstein amendments was not explicit that adjustments could be made to ensure the soundness of the trust funds.

If the Majority Party can support this solution, then we are confident that the Senate can pass the balanced budget amendment with more than 70 votes. If not, then we see no reason to delay further the vote on final passage of the amendment.

Sincerely,

BYRON L. DORGAN.
ERNEST F. HOLLINGS.
WENDELL H. FORD.
HARRY M. REID.
DIANNE FEINSTEIN.

Mr. HOLLINGS. Look, I have cosponsored a balanced budget amendment to the Constitution. I voted for a balanced budget amendment to the Constitution. But I am not going to, by gosh, play tricks with the Social Security trust fund and repeal the law that I worked so diligently to have enacted and signed, on November 5, 1990, by George Walker Herbert Bush into law. So we said: Not one vote of Senator HATFIELD from Oregon, here, Mr. Leader Dole, you can pick up five votes.

I cannot speak for the other four this morning. I have not checked with them. But he can get the vote of this particular Senator from South Carolina, if they write the constitutional amendment so as not to violate the trust that we so formally voted into law.

Mr. FORD. Mr. President, if there ever was a statement that the American people should listen to, that was just given by my distinguished colleague from South Carolina. He is here with institutional memory about what transpired and why—the intent. Now we find ourselves where this couple of words, balance the budget, supersedes all the work that has been done, cuts it off at its knees, so to speak, the Social Security trust fund. I think the people of this country, once they understand what the Senator from South Carolina, Mr. HOLLINGS, has just said, they will not be so interested in passing this particular balance the budget amendment.

I am one of those the other side criticized last time, I am one of the six. I changed my vote from balance the budget to against it. Why wouldn't I? Listen to Senator HOLLINGS, that is the reason I changed my vote. I have a responsibility to the seniors. We promised them we would not cut it or increase it to balance the budget, and we voted 83 to 16 last year saying that. That was just last year. Was that a political gimmick? Was that a campaign slogan? Or did we really mean it? I hope 83 of us really meant it. But we voted 83 to 16, saying we shall not raise or cut the Social Security in order to balance the budget.

I do not know where we are coming from. You may fool all of the people some of the time; you can even fool some of the people all the time; but you can't fool all of the people all the time. So what we are trying to do here now is fool the American people, saying to balance the budget it is going to give tax cuts, it is going to give interest rates cuts, it is going to do all these fabulous things. But we turn right around and break our word to the American people.

During the last debate on a balanced budget amendment, the other side of the aisle proposed not touching the Social Security trust fund until the year 2008. Don't touch it until 2008. That was a tacit admission that the Republicans planned to utilize the trust funds—and I make that plural—to balance the budget.

As my distinguished friend from South Carolina said, the money in the Social Security surplus, $71 billion in this year alone and accumulating to nearly $3 trillion by the year 2019, will be too tempting, Mr. President, for a Congress bound by the Constitution to balance the budget.

Once the Constitution is amended to require that, and I quote—and you heard it from the Senator from South Carolina—"total outlays for any fiscal year shall not exceed total receipts for that fiscal year."

Social Security, I say to my friends, is placed in imminent danger, and it is likely that any attempt to exclude Social Security trust funds by implementing legislation—statutory language, that is—would be deemed then unconstitutional.

So, protecting the Social Security trust fund is not just a seniors issue. We promised not to reduce benefits—voted here for current Social Security beneficiaries—in order to balance the budget. We are just not going to do it.

But what about future retirees? Using the trust fund to offset other spending undermines generational equity, because under this scenario, total Government expenditures in any year, including expenditures for Social Security benefits, could not exceed total revenues collected in the same year. That would mean that Social Security surpluses could not be used to cover the benefit costs of the baby-boom generation when it retires.

We raised the taxes in 1983. We made a difference, so we would be able to cover. So now we say we can't expend more than we take in, and the trust fund is there so we can do it. So, therefore, we break our word to generations yet to come, as the Senator from South Carolina said to the occupant of the chair. The benefits, instead, would have to be financed in full by the taxes of those working in those years.

Using the Social Security surplus to pay for other spending programs would not only bankrupt Social Security, but would leave a system that needs long-term reform in order to meet the

growth of future retirees virtually worthless. We need to reform and protect the Social Security trust fund in order to fulfill our contract of retirement security to working Americans.

You make a dollar and they take out your Social Security trust fund payments—all of it. Excluding the Social Security trust fund from a constitutional amendment to balance the budget is an important first step in fulfilling our contract with our working Americans and with those who want us to balance the budget.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, there are those in public service who feel that since posterity can do nothing for them, they see no reason to do anything for posterity. They look to the next election rather than the next generation, and this is the contrary for that.

We are not vying for the AARP or really the senior citizens. You don't get any letters on what we are talking about this morning from the AARP or any of those other seniors because they got their money. They know that surpluses are there right now. They are worried about Medicare, but they are not worried about this one.

The youngsters, the baby boomers that we are trying to look out for, the unborn that we are looking out for now have been told they are never going to get it, so they are all running around with IRAs and all these other kinds of things totally distorting a social insurance program.

Right to the point, and then I will sit down. We are doing this for the trust of the baby boomers, for the yet unborn in the next generation, not for the senior citizens right now. This is not a political thing for senior citizens or gimmick or tactic, as they call it in this morning's Washington Post. This is truth in budgeting and maintaining the trust that we all voted for 98 to 2.

Mr. REID. Mr. President, I say to all those within the sound of my voice that the two men whom you have just heard are people with an institutional memory, as Senator FORD has spoken. That is true. But also, these two Senators are gentlemen who have balanced budgets in their own States. They are Governors from two of the outstanding States in the Union, South Carolina and Kentucky. They know what they are talking about in truth in budgeting.

I am very happy to have been able to sit on the floor and listen to these two statements made by these two gentlemen who understand what we are talking about when we talk about balanced budgets. Of course, the three of us—the Senator from Kentucky, the Senator from South Carolina, the Senator from Nevada—support a balanced budget. We support a constitutional amendment to balance the budget, but we want to make sure it is a truth-in-budgeting balanced budget amendment, one that protects senior citizens and, most importantly, protects the real contract with America. That is the one that was developed some 50 years ago during the Great Depression when Social Security was first enacted.

We have an obligation to make sure that the moneys paid into that trust fund by the employers and employees is not used as a gimmick to balance the budget. Of course, it is easy to balance the budget if you use the hundreds of billions of dollars in the Social Security trust fund. But let's do it the hard way. Let's do it the right way. And that is why, Mr. President, I was so elated, felt so good about the fact that in the other body, there are Members of the House of Representatives in both parties who are talking about maybe those few straggling voices in the Senate who last year were able to talk about the importance of the Social Security trust fund had something. Maybe we should look at what has gone on in the House when they pell-mell voted for a constitutional amendment and, in the process, said that we are going to destroy Social Security.

I think it is good that the other body is talking about having a vote on a constitutional amendment that will protect Social Security. That is all that we are asking. That seems fair. It seems, if we are going to balance the budget, we should do it the right way.

Finally, let me say this. Our position has been strengthened during the past year. It has been strengthened because the bipartisan commission to study Social Security has reported back, and they have said a number of things, but for purposes of this statement, I think the most important they have said is that all 13 members believe that all or part of the Social Security trust fund moneys should be invested in the private sector in some way. I say, Mr. President, how can those moneys be invested if there are not any? It is impossible.

So, if the 13 members believe some of the Social Security trust fund moneys should be invested in the private sector, then our constitutional amendment, which we are going to introduce today, which says we want a balanced budget but we want to do it excluding Social Security, then I think we have the support of those 13 members of the bipartisan commission.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I have, in the last few minutes, secured what I observed last evening on television by a statement by the most distinguished of distinguished Senators—there is none more responsible—the distinguished Senator from Utah, Senator ORRIN HATCH.

I now have his news release, Judiciary Committee, dated January 21, 1997.

I ask unanimous consent that the statement be printed in its entirety in the RECORD.

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

BALANCED BUDGET AMENDMENT LEGISLATIVE PRIORITY FOR HATCH

Washington, D.C. Balancing the budget topped Sen. Orrin Hatch's legislative agenda for the 105th Congress as 61 senators joined him today in introducing a constitutional amendment requiring the President and Congress to balance the federal budget and put an end to the growing addiction to deficit spending.

"The Balanced Budget Amendment will again be S.J. Res. 1 and that is appropriate because it is the single most important piece of legislation that will be voted on this Congress," Hatch said. "The idea of a Balanced Budget Amendment is not new—unfortunately, neither is the problem it is designed to solve," Hatch said. "Since the balanced budget in 1969, Congress has promised balanced budgets and failed to deliver them. With our national debt at nearly $5.3 trillion, we still have people telling us we do not need the Balanced Budget Amendment. The truth is the only way to change Washington's addiction to spending other people's money is to use the pressure of a constitutional amendment requiring a balanced budget."

"Last Congress, when the Amendment fell a mere one vote short of passage in the Senate, I vowed that we would be back to try and pass this amendment and put America back on the course of fiscal responsibility," the senator added. "Every one of the 55 Republicans in the Senate are original cosponsors and we are joined by seven strong Democrats giving us 62 original cosponsors. If only five other senators join us we will have the votes necessary. If everyone keeps their promises to their constituents and votes as they said they would before the November elections, we will pass the balanced budget amendment."

Hatch noted that opponents to a constitutional amendment have tried and will continue to try to divert attention from the pressing issue of controlling our nation's debt. "The fact is, contrary to opponent's scare tactics, the balanced budget amendment would ensure the long term stability of social security and other retirement investments of every American, as well as long term growth of the U.S. economy."

The amendment introduced in the Senate today is the same as the one introduced in the last Congress. It requires a balanced federal budget by the year 2002. Any amendment to the Constitution needs a two-thirds approval in both houses of Congress as well as ratification by three-fourths of the states.

Hatch held hearings on the amendment Friday in the Senate Judiciary Committee and will convene a second hearing on the amendment Wednesday, January 22, 1997 at 10:00 a.m.

COSPONSORS OF S.J. RES. 1—THE BALANCED BUDGET AMENDMENT

Mr. Hatch (for himself and Mr. Lott, Thurmond, Craig, Nickles, Domenici, Stevens, Roth, Bryan, Kohl, Grassley, Graham, Specter, Baucus, Thompson, Breaux, Kyl, Moseley-Braun, DeWine, Robb, Abraham, Ashcroft, Sessions, D'Amato, Helms, Lugar, Chafee, McCain, Jeffords, Warner, Coverdell, Cochran, Hutchison, Mack, Gramm, Snowe,

Allard, Brownback, Collins, Enzi, Hagel, Hutchinson, Roberts, Smith (OR), Bennett, Bond, Burns, Campbell, Coats, Faircloth, Frist, Gorton, Grams, Gregg, Inhofe, Kempthorne, McConnell, Murkowski, Santorum, Shelby, Smith (NH), and Thomas.

TEXT OF THE BALANCED BUDGET AMENDMENT

"Section 1. Total outlays for any fiscal year shall not exceed total receipts for that year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"Section 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by rollcall vote.

"Section 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

"Section 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"Section 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"Section 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"Section 7. Total receipts shall include all receipts of the United States except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"Section 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

Mr. HOLLINGS. I quote from this release.

Hatch noted that opponents to a constitutional amendment have tried and will continue to try to divert attention from the pressing issue of controlling our Nation's debt. The fact is, contrary to the opponents' scare tactics, the balanced budget amendment would ensure the long-term stability of Social Security and other retirement investments of every American as well as long-term growth of the United States economy.

Absolutely the contrary is the case. You are not going to "ensure the long-term stability of Social Security" with this particular amendment.

This is the Senator that put it into the Budget Committee back in July 1990 where we voted 20 to 1 to protect Social Security. Thereupon, on the floor of this Senate, 98 Senators—the distinguished Presiding Officer was not present at that particular time—but 98 Senators voted in the affirmative, section 13-301 of the Budget Act signed into law by President Bush. That is what section 1 and section 7 of Senate Joint Resolution 1 does—vitiate, or to use the language that I included from the particular quote, "eviscerate the intent of the Greenspan Commission." All this, after I worked to put into the law a provision saying "Thou shalt not use Social Security trust funds to obscure the size of the deficit."

When you use that $107 billion deficit for last year's figure, that is exactly what you are doing. So this is not a scare tactic.

Unfortunately, the media has picked up on the diversion because, as you can see this morning's paper here, our friend Eric Pearman here says, "President Clinton intends to raise concerns about the potential impact of the amendment on the Social Security trust fund, a tactic Democrats used last time to defeat the amendment."

This is no tactic. I have not talked to President Clinton about it. In a way, I do not welcome his joining in because it tries to make it a partisan issue. It was bipartisan, 98 votes of 100 in this Senate when we put into law section 13-301. It was a Republican President that signed that into law. So it was not any Democratic tactic. It is truth in budgeting. And that is what we have a difficult time with.

You can see again in here—and I use the quote from our distinguished colleague from Utah:

Last Congress when the amendment failed by a mere one vote of passage in the Senate, I vowed that we would be back to try and pass this amendment and put America back on the course of fiscal responsibility,

the Senator added.

Every one of the 55 Republicans in the Senate are original cosponsors, and we are joined by 7 strong Democrats, giving us 62 original cosponsors. If only five other Senators join us, we will have the votes necessary. If everyone keeps their promises to their constituents and votes as they said they would before the November elections, we will pass a balanced budget amendment.

Mr. President, it wasn't one vote, it was five votes. And we had the five votes. We included it. I have that letter, Mr. President, for the CONGRESSIONAL RECORD. Here it is, dated March 1, 1995. We said at that particular time to Leader Dole, five Democratic Senators. It didn't fail by one vote, as they keep on saying. They had every opportunity to pass it, and they have every opportunity, I think, right at this moment to pass it. They say "If everyone keeps their promises to their constituents," but they want to eviscerate the commitment we have made to Social Security. When they voted in 1990, that was a promise to their constituents in law. It is formalized in law, section 13301 of the Budget Act. That is what we are trying to do, keep our promises to our constituents. That is what we are doing, trying to keep our promise to the Greenspan Commission. When we raised the taxes, we didn't raise the taxes for foreign aid and welfare and food stamps. We raised the taxes for the Social Security trust fund—not for the seniors today, but as the Greenspan Commission report says, for the baby boomers in the next century. That is what we are trying to do. That is why we are having such a difficult time.

The media is looking only at today's politics, and the seniors could not be less interested in today's politics. They are concentrating on Medicare and their health costs. They know there is a big surplus that is already built up. So they are going to get their Social Security checks. But it's the baby boomers who are now misled into IRA's and investments in the stock market and everything else, because they almost believe, to a man or woman, that they are never going to get that money. And we continue to make sure they don't get that money by passing Senate Joint Resolution 1.

Now, I have talked to the leadership and said, "Turn it around and make certain that we can carry out the trust that we instituted into law back in 1990." We voted for this again last year in another vote on the floor of the U.S. Senate by an overwhelming 86 votes. If we can carry out that promise to our constituents, you've got the Senator from South Carolina.

I believe in a balanced budget amendment to the Constitution. I have cosponsored it. I have introduced it. I have voted for it. But not with this situation here, where having passed it into law, I am supposed to vote to repeal my own trust and repeal my own law that I worked so hard on the Budget Committee to get.

We had a conscience in those days. We had a conscience. Now, it's all gimmickry, it's all pollster politics, unfortunately, on the floor of the National Government. Anything that is momentary, we fall. And right to the point, we are not really taking care of the needs of America.

I was on a panel—since we have a few moments—recently of 18 distinguished Senators and myself, and the question was, how could President Clinton make his mark now in history during the next 4 years? And the conventional wisdom right across the board with this particular panel, Mr. President, was that, look, there is not going to be any honeymoon. The Democrats are after GINGRICH, and GINGRICH was after GINGRICH. So any honeymoon would be short-lived. Very little would happen on the domestic front here in the next 4 years, just a little incremental adjustment perhaps on Medicare, a little bit on welfare. But the President's opportunity to make his mark in history was in foreign policy. They recommended—and it was a bipartisan group—what we ought to do is get computers to the third world, get technology to the emerging nations. That would make his mark in history.

When you drive home today, go down by Foggy Bottom, as I do, by the Watergate, and you will see the homeless lying on the streets of America. You

will find this city in crime. You will find the children on drugs. You will find that schools are down, illiteracy is up. You will find the infrastructure, roads and bridges, haven't been repaired in 20 years. And those who are lucky enough to have a job are making less than what they were making some 20 years ago. As we work on that NIH budget, the medical brains of America come with these research grants, but 80 percent of the grants which are approved go unfunded. Medical and other research is languishing in this land. And here during this 4 years, we don't have a war, inflation is down, and the deficit is coming down, to President Clinton's credit.

The economy, generally speaking—the stock market—is strong. So this is a beautiful opportunity. With the fall of the Berlin Wall, where we had to sacrifice our economy heretofore during that 50-year period, we can now rebuild that economy. We can come in now and flesh out the meaningful programs that save us money in the long run. There is no question that only 50 percent of those on Women, Infants, and Children, Head Start, and title I for the disadvantaged are funded here at the Federal level. Rather than Goals, let's flesh out monetarily those programs; let's get revenue sharing back rather than Goals 2000; give the communities the revenue sharing to rebuild our educational system, the roadbeds of our railroads, and the infrastructure of our highways and airports. Instead, the $50 billion is going to be frittered away with pollster politics: a little here on capital gains, a little bit here for families, a little bit over here for some higher education. We can do way more on Pell grants than tax cuts for higher education. We haven't fleshed that out for those eligible.

We have a wonderful opportunity, but instead I am afraid we are on track now to get ourselves reelected. We are using the Government to get ourselves reelected. We are not responding to the needs, and the kick-off of this particular measure is totally political—Senate Joint Resolution 1, the balanced budget amendment to the Constitution. I will cut the spending with you. We will withhold on programs with you. We will increase taxes, if you can get some votes around here. My plan would not only reduce the deficit, it would reduce the trade deficit.

We are not willing to pay for what we are getting. That is the truth here in America.

Mr. DASCHLE. Mr. President, today I join with Senator DORGAN and others in introducing a balanced budget amendment to the Constitution. The amendment we are offering is identical to the one scheduled for markup in Judiciary Committee with one essential difference: Our amendment would protect Social Security by prohibiting the counting of Social Security trust funds toward balancing the budget.

The amendment to be considered in Judiciary Committee is likely to be the same as the one offered last year. It simply requires a balanced budget by a date certain without any consideration of the effect that it would have on Social Security.

We offered the amendment we are introducing today as an alternative in the last Congress. If the proponents of the Republican leadership amendment had accepted this single change, the amendment would have been sent to the States 2 years ago with resounding bipartisan support. Instead, they insisted on an amendment that in the year it claims to balance the budget will actually have a $104 billion deficit, masked by Social Security trust funds.

We believe to enshrine the practice of using Social Security funds as a part of the calculation for a balanced budget is just wrong. So our amendment would simply delete the Social Security trust funds from the calculations in determining whether the budget is balanced. It would ensure that, for all perpetuity, Social Security will not be abused again to balance the budget. Therefore, again this year, we will offer a balanced budget amendment to the Constitution that maintains a firewall between Social Security and rest of budget.

Why must Congress exclude Social Security? Looking back on the history of the program, it becomes clear that to do otherwise would perpetuate a massive fraud on the American taxpayer. In 1977, and again in 1983, Congress took bold steps to shore up Social Security with major legislation to restore solvency to the program. The intention was to forward fund the anticipated retirement needs of future generations, especially the large cohort of so-called baby boomers.

The result was successful in terms of generating large surpluses. This year alone, the Government collects $72 billion more than it pays in benefits. Since 1983, the trust funds have developed reserves of over $550 billion.

This experiment has been far less successful than intended in terms of setting those surpluses aside. Instead of being saved to meet the retirement needs of future generations, the surplus revenues are being spent as soon as they are collected to finance the deficits being run up in the rest of the budget. In other words, Social Security payroll taxes of hard-working Americans are being used to pay for programs having absolutely nothing to do with Social Security.

Mr. President, this practice must end. Congress should balance the budget without counting Social Security so that those reserves will be there when they are needed. Consider the magnitude of this problem. Over the next 6 years, by 2002, surpluses will total $525 billion. In 2002, when the budget supposedly balances, Congress will rely on $104 billion in Social Security revenues.

Raiding the trust funds borrows from the future and places the burden on our children and grandchildren. Congress must not enshrine this practice in the Constitution.

If we adopt a balanced budget amendment without excluding Social Security, it would have the effect of reversing an earlier decision by Congress to take the program off-budget. In 1990, the Senate voted 98 to 2 for an amendment by the distinguished Senator from South Carolina [Mr. HOLLINGS] to take Social Security off-budget. The amendment proposed in the Judiciary Committee this year breaks that promise: Social Security could be used to pay for any other spending Congress chooses.

If we do not properly craft a balanced budget amendment, the retirement security of today's workers and future retirees will be at risk. By 2020, the trust fund reserves will total about $3 trillion. At that time, however, when those reserves are needed, two circumstances will make them unavailable. First, unless we balance the budget not counting Social Security and actually build real reserves, no funds will be available in the future to draw down. Second, and equally importantly, if Social Security outlays are counted under a balanced budget amendment, any funds that are paid out from a reserve will have to be offset in the same year with other tax increases or spending cuts.

Mr. President, this second point deserves emphasis. Unless Social Security is exempted from a balanced budget amendment, the reserves now accumulating through the tax contributions of America's work force will not be available as promised for retirees. The balanced budget amendment would make a mockery of the supposed reason for the high payroll taxes currently endured by today's workers. Even if those funds were saved as they should be, they could not be used to pay for Social Security benefits in the future.

Thus, the balanced budget amendment proposed in the Judiciary Committee condones the continued reliance on payroll taxes to finance general government expenditures. Keep in mind that Social Security is funded by a 12.4-percent payroll tax. It is collected only on the first $62,700 of income. This arrangement forces low- and moderate-income taxpayers to pay a larger share of their income than higher-income taxpayers. These taxes are justified by the progressive nature of Social Security benefits. However, this rationale would be eviscerated by enactment of the proposed balanced budget amendment. It would absolutely prevent these surplus payroll tax collections from being used for their intended purpose.

Mr. President, 58 percent of taxpayers pay more Social Security than

income taxes. These workers, and indeed all American taxpayers, reject the systematic abuse of dedicated payroll taxes for purposes other than Social Security.

We should stop playing with fire regarding the future of the Social Security system. Congress should not approve an amendment to the Constitution that threatens Social Security's future and makes a mockery of the financing system it has put in place.

If Congress votes on our version of the balanced budget amendment, it will be approved with overwhelming bipartisan support. That would be the appropriate note with which to begin the 105th Congress.

By Mr. SHELBY:

S.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States which requires—except during time of war and subject to suspension by the Congress—that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 per centum of the gross national product of the United States during the previous calendar year; to the Committee on the Judiciary.

BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

Mr. SHELBY. Mr. President, today I am introducing a balanced budget amendment to the Constitution. This is the same amendment which I have introduced in every Congress since the 97th Congress. Over the past 20 years, I have devoted much time and attention to promoting this idea because I believe that the single most important thing the Federal Government could do to enhance the lives of all Americans and future generations is to balance the Federal budget.

Mr. President, Alexander Hamilton once wrote that "* * * there is a general propensity in those who govern, founded in the constitution of man, to shift off the burden from the present to a future day.* * *"

History has proven Hamilton correct. We have seen over the past 27 years, that deficit spending has become a permanent way of life in Washington. During the past three decades, we have witnessed countless "budget summits" and "bipartisan budget deals," and we have heard, time and again, the promises of "deficit reduction." But despite all of these charades, the Federal budget has never been balanced, and it remains severely out of balance today. The truth is, Mr. President, it will never be balanced as long as the President and the Congress are allowed to shortchange the welfare of future generations to pay for current consumption.

A balanced budget amendment to the Constitution is the only way possible to break the cycle of deficit spending and ensure that the Government does not continue to saddle our children and grandchildren with this generation's debts.

Mr. President, everyone in America would benefit from a balanced Federal budget. The Congressional Budget Office has stated that a balanced Federal budget would lower interest rates by up to 2 full percentage points. That would save the average American family with a $75,000 mortgage on their home, about $2,400 per year. It would save the average student with an $11,000 student loan about $1,900. That is real money put in the pockets of hard-working Americans, simply by the Government balancing its books.

Moreover, if the Government demand for capital was reduced, that would increase the private sector's access to capital, which in turn, would generate substantial economic growth and create thousands of new jobs.

On the other hand, without a balanced budget amendment, the Government will continue to waste the taxpayers' money on unnecessary interest payments. In fiscal year 1996, the Federal Government spent about $241 billion just to pay the interest on the national debt. That is more than double the amount spent on all education, job training, crime, and transportation programs combined.

Mr. President, we might as well be taking these hard-earned tax dollars and pouring them down a rat hole. We could be putting this money toward improving education, developing new medical technologies, finding a cure for cancer, or even returning it to the people who earned it in the first place. But instead, about 15 percent of the Federal budget is being wasted on interest payments because advocates of big government continue to block all efforts to balance the budget.

Mr. President, a balanced budget amendment will change all of that. It will put us on the path to begin paying off our national debt, which is currently more than $5 trillion. This amendment will help ensure that taxpayers' money will not continue to be wasted on interest payments.

Opponents of a balanced budget amendment act like it is something extraordinary. Mr. President, a balanced budget amendment will only require the Government to do what every American already has to do: balance their checkbook. It is simply a promise to the American people that the Government will act responsibly.

Mr. President, we do not need any more budget deals. We do not need any more "bipartisan" summits resulting in huge tax increases. What we need is a hammer to force the Congress and the President to agree on a balanced budget, not just for this year, but forever. Mr. President, a constitutional amendment to balance the budget is the only such mechanism available.

ADDITIONAL SPONSORS

S. 2

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

S. 3

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 3, a bill to provide for fair and accurate criminal trials, reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 3, supra.

S. 4

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 6

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 6, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 7

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 7, a bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes.

S. 9

At the request of Mr. NICKLES, the names of the Senator from Oklahoma [Mr. INHOFE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 15

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 15, a bill to control youth violence, crime, and drug abuse, and for other purposes.

At the request of Mr. KERREY, his name was added as a cosponsor of S. 15, supra.

S. 29

At the request of Mr. LUGAR, the name of the Senator from Nebraska

[Mr. HAGEL] was added as a cosponsor of S. 29, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 30

At the request of Mr. LUGAR, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 30, a bill to increase the unified estate and gift tax credit to exempt small businesses and farmers from inheritance taxes.

S. 31

At the request of Mr. LUGAR, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 31, a bill to phase-out and repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 75

At the request of Mr. KYL, the names of the Senator from Montana [Mr. BURNS] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 94

At the request of Mr. BRYAN, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 94, a bill to provide for the orderly disposal of Federal lands in Nevada, and for the acquisition of certain environmentally sensitive lands in Nevada, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 104

At the request of Mr. MURKOWSKI, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Virginia [Mr. ROBB], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 104, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 139

At the request of Mr. FAIRCLOTH, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 139, a bill to amend titles II and XVIII of the Social Security Act to prohibit the use of Social Security and Medicare trust funds for certain expenditures relating to union representatives at the Social Security Administration and the Department of Health and Human Services.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 181

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Colorado [Mr. ALLARD], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S.J. RES. 2

At the request of Mr. HOLLINGS, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Joint Resolution 2, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 6

At the request of Mr. KYL, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S.J. RES. 9

At the request of Mr. KYL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of Senate Joint Resolution 9, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for increasing taxes.

S. RES. 15

At the request of Mr. MACK, the names of the Senator from Ohio [Mr. DEWINE], the Senator from Maine [Ms. SNOWE], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of Senate Resolution 15, a resolution expressing the sense of the Senate that the Federal commitment to biomedical research should be increased substantially over the next 5 years.

SENATE RESOLUTION 26—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHAFEE, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 26

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion——

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $2,431,871, of which amount——

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $2,494,014, of which amount——

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required——

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate; or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 27—ORIGINAL RESOLUTION REPORT AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. ROTH, from the Committee on Finance, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 27

Resolved. That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reinbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $3,329,727, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $3,416,328, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1997, and February 28, 1998, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery, supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 28—ORIGINAL RESOLUTION REPORT AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1997 through February 28, 1998, and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period of March 1, 1997, through February 28, 1998, under this resolution shall not exceed $2,853,725 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $2,928,278 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations.

SENATE RESOLUTION 29—ORIGINAL RESOLUTION REPORT AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 29

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 1997, through February 28, 1998, and from March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period from March 1, 1997, through February 28, 1998, under this resolution shall not exceed $3,448,034, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $3,539,226, of which amount (1) not to exceed $14,572 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $15,600 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j)

of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1998, and February 28, 1999, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1997, through February 28, 1998, and from March 1, 1998, through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 30—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. SHELBY, from the Select Committee on Intelligence, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Intelligence is authorized from March 1, 1997 through February 28, 1998 and March 1, 1998, through February 28, 1999, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 1997, through February 28, 1998, under this resolution shall not exceed $2,506,182, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

(b) For the period March 1, 1998, through February 28, 1999, expenses of the committee under this resolution shall not exceed $2,574,036, of which amount not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1997 and February 28, 1998, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 1997, through February 28, 1998, and March 1, 1998 through February 28, 1999, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 31—ORIGINAL RESOLUTION REPORTED BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER, from the Committee on Committee on Rules and Administration, reported the following original resolution:

S. RES. 31

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees on Congress:

Joint Committee on Printing: John Warner, Thad Cochran, Mitch McConnell, Wendell H. Ford, Daniel K. Inouye.

Joint Committee on the Library of Congress: Ted Stevens, John Warner, Thad Cochran, Daniel Patrick Moynihan, Dianne Feinstein.

SENATE RESOLUTION 32—ORIGINAL RESOLUTION REPORTED BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER, from the Committee on Rules and Administration, reported the following original resolution:

S. RES. 32

Resolved, That a collection of the rules of the committees of the Senate, together with related materials, be printed as a Senate document, and that there be printed 600 additional copies of such document for the use of the use of the Committee on Rules and Administration.

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, January 30, 1997, at 9:30 a.m. to hold a hearing on FEC authorization and campaign finance reform.

For further information regarding the hearing, please contact Bruce Kasold of the committee staff on 224-3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Federico F. Peña to be Secretary of Energy.

The hearing will take place Thursday, January 30, 1997, at 10 a.m. in room SE-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger Flint at (202) 224-5070.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Thursday, January 30, 1997, at 2:30 p.m. to approve the committee budget for the 105th Congress. The business meeting will be held in room 485 of the Russell Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that the hearing scheduled before the full Energy and Natural Resources Committee to receive testimony regarding S. 104, the Nuclear Waste Policy Act of 1997 will take place on Wednesday, February 5, 1997, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel (202) 224-3543 or Betty Nevitt, staff assistant at (202) 224-0765.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Women-Owned and Home-Based Businesses." The hearing will be held on Thursday, February 6, 1997, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224-5175.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee

hearing on Tuesday, February 11, 1997, at 9 a.m. in SR–328A. The purpose of the hearing will be to discuss reform to the Commodity Exchange Act.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing on Thursday, February 13, 1997, at 9 a.m. in SR–328A. The purpose of the hearing will be to discuss reform to the Commodity Exchange Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, January 28, 1997, to conduct a markup of the following nominee: Mr. Andrew M. Cuomo, of New York, to be the Secretary of Housing and Urban Development. In addition the committee will consider certain organizational matters.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to organize and adopt committee rules, Tuesday, January 28, at 9:30 a.m., hearing room (SD–406).

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, January 28, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing and markup session.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, January 28, 1997, at 2:30 p.m. to hold a closed business meeting.

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

ADDITIONAL STATEMENTS

LAWRENCE B. LINDSEY'S DEPARTURE FROM THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE

• Mr. ABRAHAM. Mr. President, I rise today to note the departure of Lawrence B. Lindsey, member of the Board of Governors of the Federal Reserve System, from that body. Mr. Lindsey's departure is a great loss for the Federal Reserve, and the nation. His tenure on the Board of Governors has been invaluable. His service as chairman of the Board's Consumer and Community Affairs Committee and as chairman of the Neighborhood Reinvestment Corporation, as well as his participation in the general business of the Board, have played a vital role in sustaining economic growth and price stability in this country. He will be missed.

One can hardly blame Mr. Lindsey, however, for seizing the exciting and well-deserved opportunities that have come his way. As the Arthur F. Burns Chair in Economics at the American Enterprise Institute and as managing director of economic strategies, an economic advisory service based in New York City, Mr. Lindsey will be in a position to participate in both the intellectual and practical sides of global economic life during an exciting time. I am confident that all of us will benefit from the work he will be doing in both positions.

I am certain that the economic community will be hearing from Mr. Lindsey more than ever in his new capacities. I would like to take this opportunity to wish him the best of luck and offer him my heart-felt congratulations.•

ROBERT A. DEMARS

• Mr. LEVIN. Mr. President, I rise today to honor the life of State Representative Robert A. DeMars of Michigan's 25th District, who passed away on October 21, 1996 while campaigning for an 8th term in office.

Robert DeMars was a teacher by profession. For 26 years, he taught in the Lincoln Park Public School system. He served as local president of the Michigan Education Association and as local president, State vice president and National vice president of the American Federation of Teachers. Robert also served Lincoln Park as mayor, councilman and treasurer.

Robert DeMars was a proud veteran who served during World War II in the U.S. Navy's Submarine Service. Protecting and improving the status of veterans was a cause that was very close to Robert's heart. As a State Representative, he introduced legislation to provide special license plates for veterans of WW I, WW II, the Korean and Vietnam wars to honor their service to the Nation. He was the chairman of the House Veterans' Affairs Committee from 1982 to 1994.

Despite Robert's numerous professional accomplishments during his lifetime, he never lost touch with his constituents. His down-to-earth style was a large part of his political success. Robert was a member of several charitable organizations as well as a sponsor of Little League baseball teams. His passing is a dramatic loss to many different segments of the community. Robert is survived by his wife Deanie and their daughter Maeann.

On February 8, 1997, a Robert DeMars Memorial Charity Ball will be held to honor Robert's legacy and to raise money for the Make-A-Wish Foundation. This is a fitting tribute to Robert DeMars's life of public service and one I believe he would wholeheartedly approve of. I know my Senate colleagues join me in honoring the life of Robert A. DeMars.•

PARTIAL BIRTH ABORTION BAN

• Mr. ABRAHAM. Mr. President, I rise today to cosponsor Senate bill 6. In doing so I add my voice to the chorus calling for an end to partial birth abortion. The bill we are considering is designed to outlaw medical procedures "in which the person performing the abortion partially delivers a living fetus before killing the fetus and completing the delivery." It is a narrowly drafted bill which specifically and effectively targets a rare but grisly and unnecessary practice.

I understand, Mr. President, that the American people are divided on many issues within the abortion debate. I am firmly pro-life. But in my view one need not resort to broad, ideological arguments in this case. Partial birth abortions occur in the second or third trimester of pregnancy. They are never required to save the life, health or child-bearing ability of the mother. They are unnecessary and regrettable.

We in this Chamber failed to override the President's veto of this legislation during the last Congress. But I remain convinced that all of us can agree that this Nation can do without this particular grisly procedure. I urge my colleagues to support this legislation.•

TRIBUTE TO PROCTOR JONES

• Mr. DORGAN. Mr. President, I rise to pay tribute to Proctor Jones for his outstanding service and dedication to the U.S. Senate since 1960. While his Senate employment was interrupted for 2 years for service in the U.S. Marine Corps, I don't believe any staffer has served in the Senate longer than Proctor. Certainly, no one has served this institution more honorably or with greater dedication.

During my tenure in the Senate, I have had the pleasure of working with Proctor on numerous occasions in his capacity as the staff director for the Democrats on the Energy and Water Subcommittee of Appropriations. Unfortunately, my State of North Dakota seems to be plagued with too little water or too much. Proctor was fully conversant with and sensitive to the unique needs of North Dakota and was

always ready to assist us with our water problems. He was especially helpful to me over the past 3 years in finding additional funding to help the citizens of Devils Lake, ND, who have been devastated by flooding for 4 consecutive years.

Proctor represents the finest there is in public service. He was dedicated to the institution he so honorably served under a succession of outstanding chairmen of the Appropriations Committee. He was ever the student of the budget and appropriation processes. He was the master of the art of politics—forging compromises. He was the protector of the purse—evaluating Federal programs under a microscope to ensure that they were necessary, effective, responsible, and responsive. He was the ultimate professional. And he was a true gentleman.

During his more than 35 years in the Senate, Proctor earned the respect of Members and colleagues alike. His expertise, sound judgment, political skills and professional talents will be sorely missed in the Senate. But I want to join my colleagues in wishing Proctor good health and every success as he joins his former boss, Senator Bennett Johnston of Louisiana, in pursuing new challenges and opportunities in the private sector.•

BURT BARR

• Mr. MCCAIN. Mr. President, when a good man dies, heaven profits at humanity's expense. My friend, Burt Barr, was a good man whose loss we can scarce afford lest our society further succumbs to the cynicism and distrust that cheapens our times. He was a man whose virtues were so exemplary and so apparent that he won the admiration and affection of all he encountered. He was the kind of man whom fathers hope their sons will become.

He grew to manhood in a time when Americans believed to sacrifice for your country was an ennobling experience. He took up arms in his country's defense, risked death and grave harm, endured enormous deprivation for a cause he knew was greater than his own life. He marched across Europe to liberate the peoples of that continent from tyranny; to protect America's freedoms, and to keep alive in this world the prospect that our freedoms and prosperity might someday flourish in all societies.

Burt's service in the Second World War, as it was for most of his generation, was the defining event of his life. The experience of shared hardship, of complete faith in and devotion to the men who fought beside you engendered in him an enduring love and respect for the men and women who have worn the uniform of the United States. But his experiences in war affected more than his regard for the military. They inspired in him an abiding love for and desire to remain of service to his country, and to distinguish his public service with an unflagging belief that we are all part of a cause more noble than self-interest, and that, as such, we deserve each other's respect and admiration.

No one who worked with Burt Barr ever suspected his purposes or doubted his decency. Republican and Democrat alike knew that in Burt the State of Arizona had found a model public servant whose sole public ambition was to work with any willing partner to help Arizona grow and prosper.

As is obvious by the presence here of so many Arizonans of different political affiliations, Burt was a man who kept his priorities straight. He never set the price of partisan advantage so high that it cheapened his regard for personal friendships. He knew by instinct, by instruction and by experience that political success is such an inconsequential thing when weighed against the love and trust of your neighbors and friends. When our days begin to run out there will be little solace found in the prideful recollection that we advanced our professional ambitions at the expense of others. That solace abides only in our family's love, God's grace, and the satisfaction of a life well-lived in the service of others, and not to the detriment of anyone.

As Bruce Babbitt and Art Hamilton can attest, as anyone who worked with Burt in the service of our beautiful State can attest, Burt won his share of political contests, but never at the cost of a friend. He presided as majority leader in the Arizona House for many years, and worked with many Governors. He did not exult in the perquisites of power, but only in the opportunity to be of use to his community. Under his patient, inclusive leadership, the legislature never functioned more smoothly or productively. He considered Bruce and Art and everyone who labored with him on behalf of Arizona to be comrades-in-arms, not enemies. War had taught him that such relationships were to be cherished as indispensable to a good life.

Burt's good life, his decency to others was of inestimable value to Arizona. Together with former Governor Babbitt, with Art, with all his Republican and Democratic colleagues, Burt helped to make this State the wonderful place to live it remains today. Arizona's extraordinary growth was not just coincident with, but was, in large part, a consequence of his public service, and the comity and trust that distinguished his relationships with his colleagues.

Burt was the first person whose advice I sought when I first considered a political career. I placed a high value on his counsel then and in all the following years of our friendship. That I continue my public career in a time of growing incivility and cynicism, in a time when partisan opponents seek to criminalize our political differences is a source of deep disappointment to me, as I'm sure it was to Burt, although he was always too kind to say so.

I am part of a system that has grown too coarse and venal, and I bear my share of responsibility for that decline. The memory of Burt Barr shames me, as it should shame all of us when we reduce public service to anything other than a noble calling to make our times a moment of hope and opportunity, of decency and unity. All the blessings of his friendship, all the wisdom of his counsel—though I cherish them greatly—will not make of me as good a man as Burt Barr. Only the shame that his memory will visit on me when I stray from his example gives me hope that when my days are near an end, I might know—as Burt knew—the great solace of a life well-lived in the service of something greater than self-interest.

Life will be less pleasant absent the company of this good man. His cheerful nature, his enormous generosity to me, his patience and kindness as he tried to help me become the kind of public servant that not just he, but that I could be proud of, make his loss indescribably profound. But he goes to a reward he so surely deserves, and we cannot begrudge him that.

He will rest now in the field where America buries her heroes. He well-earned his place there, and the place in God's presence we are all promised should we love our fellow man as well as Burt Barr loved us.

Louise, Stephanie, Michael, and Suzanne, there are no words to dull the pain of a loss felt so keenly as you feel that loss of Burt. But I know he wanted for you all the happiness that life affords. He would want you now to live happy and fulfilling lives until the time when by the grace of a loving God you will see him again.•

THE RETIREMENT OF PROCTOR JONES

• Mr. CONRAD. Mr. President, I rise today to salute Proctor Jones on his retirement from the Senate Appropriations Committee and to thank him for his many years of service to the Senate and the Nation. When Proctor retires at the end of this month after an amazing 35 years of public service, the Senate will lose one of its most distinguished staff members. Proctor will be remembered for his professionalism, dedication, and good judgment while working for the Appropriations Committee, and for his work as staff director for the Energy and Water Development Subcommittee for the past 23 years.

Mr. President, I have greatly appreciated all the help Proctor has given my office since I came to the Senate in 1987. North Dakota has many water development needs, and the work Proctor

has done on the Energy and Water Development Subcommittee has been critical to helping meet those needs. The Garrison Diversion Project was first authorized in 1965 and was reformulated in 1986 to ensure my State an adequate supply of quality water for municipal, rural, and industrial uses. Water development in North Dakota is also essential for economic development, agriculture, recreation, and tourism. The Federal Government promised the Garrison project to North Dakota to compensate my State for the permanent flood of over 550,000 acres due to the construction of the Garrison and Oahe Dams. Proctor has played an instrumental role in funding this essential project to meet North Dakota's unmet water development needs and fulfill the Federal Government's promise to my State.

Mr. President, Proctor will be greatly missed by all who worked with him. I know we in the Senate will get our work done without Proctor's talent and ability, but filling his shoes will be a tremendous challenge for those who follow him. I am pleased to know that Proctor will remain in Washington, working with my good friend Senator Bennett Johnston.

Mr. President, I am delighted to wish Proctor all the best upon his departure from the Senate. I thank the Chair and yield the floor.•

HONORING DR. GORDON GUYER

• Mr. ABRAHAM. Mr. President, I rise to pay tribute to a great man and a great teacher: Dr. Gordon Guyer. Those who have followed Dr. Guyer's career see a man who has accepted challenge after challenge and built a reputation for success.

Dr. Guyer began attending college as a fisheries and wildlife major at Michigan State University in 1947. Dr. Guyer established the foundation for his lifelong work when he shifted his studies to entomology and earned three degrees. In 1954, he became an instructor of entomology at M.S.U., and only 10 years later was named professor and chairman of the Department of Entomology and director of M.S.U.'s Pesticide Research Center.

Dr. Guyer's achievements at Michigan State University have been remarkable. He has served as administrator and director of M.S.U.'s Cooperative Extension Service for 11 years, associate dean of the College of Agriculture and Natural Resources, associate dean of the College of Natural Science, director of the W.K. Kellogg Biological Station, and special assistant to the senior consultant to the president of M.S.U.

After retiring from Michigan State in 1986, Dr. Guyer was quickly named director of the Michigan Department of Natural Resources. However, he was destined to return to the University he loved after only 2 years as professor emeritus and vice president for governmental affairs.

In September 1992 he became president of Michigan State University and served in that capacity for over a year. Shortly after leaving the university, he was appointed director of the Michigan Department of Agriculture, from which position he retired in October 1996.

Dr. Guyer's success, while well known in Michigan, has spanned the globe. He is an internationally known entomologist and author of more than 70 scientific papers on aquatic ecology, insect control technology, integrated pest management, public policy and international agriculture.

Finally, throughout his extraordinary career, Dr. Guyer has been blessed by the companionship of his wife Norma Guyer. She is well known for her many activities in support of M.S.U. and its boosters as well as the cooperative extension service.

To honor Dr. Guyer and thank him for his decades of service, Michigan State University is working to establish the Gordon and Norma Guyer Endowed Internship Program. This endowment will provide M.S.U. students a variety of public policy internship opportunities and impart first-hand experience in potential career areas. The Gordon and Norma Guyer Endowed Internship Program will serve young individuals who seek to continue Dr. Guyer's work in agriculture and natural resources. I cannot think of a more fitting tribute to two wonderful people.

Dr. Guyer's dedication to Michigan, his contributions in the field of entomology, his focus and determination, and his integrity are an inspiration, and I am proud to call him a friend.•

THE FORUM MAGAZINE'S SEVENTH ANNUAL AFRICAN-AMERICAN PIONEER AWARDS

• Mr. LEVIN. Mr. President, I rise today to honor the recipients of the Seventh Annual African-American Pioneer Awards, hosted by the Forum magazine. In 1991, the Forum magazine began the African-American Pioneer Awards to "document, honor, and celebrate the little-known accomplishments of African-Americans from the Flint community and other parts of Michigan."

I am pleased to congratulate the following recipients of the 1997 African-American Pioneer Award:

Mr. Darwin Davis, a successful businessman and senior vice president of the Equitable. In a 1988 issue of Black Enterprise, Mr. Davis was listed as one of America's 25 most important black executives.

The Velvelettes, one of three Motown bands still performing with its original members. The group is comprised of Flint natives Norma Barbee-Fairhurst, Bertha Barbee-Fairhurst and Kalamazoo natives Mildred Gill-Arbor and Carolyn Gill-Street.

Creative Expressions Dance Studio, founded in 1990, which operates under the city of Flint's Parks and Recreation Department. The studio specializes in tap and ballet and has had great success in national and local competitions.

Mr. Mario J. Daniels, founding member of Mario J. Daniels & Associates, P.C., the first African-American certified public accounting firm in Flint-Genesee County.

Mr. Michael Shumpert, president-CEO of WOWE radio station, the only African-American owned and operated FM radio station in the Flint-Saginaw communities.

Mr. Gregory Jackson, currently the only African-American GM dealer in the Flint-Genesee County area.

Dr. Charlie Roberts, the first African-American to be appointed vice president at Mott Community College.

The Pioneer Awards recognize the great contributions African-Americans have made and are making in the community. I know my Senate colleagues will join me in honoring the achievements of these outstanding Americans.•

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

• Mr. CHAFEE. Mr. President, in accordance with the rules of the Senate, I ask that the rules of the Committee on Environment and Public Works, adopted by the committee January 28, 1997, be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 A.M. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chairman may call additional meetings, after consulting with the ranking minority member. Subcommittee chairmen may call meetings, with the concurrence of the chairman of the committee, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chairman shall preside at all meetings of the committee. If the chairman is not present, the ranking majority member who is present shall preside.

(2) Subcommittee chairmen shall preside at all meetings of their subcommittees. If the subcommittee chairman is not present, the Ranking Majority Member of the subcommittee who is present shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the

public. A portion of a meeting may be closed to the public if the committee determines by rollcall vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chairman of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chairman of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chairman of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting.

(b) AMENDMENTS: First-degree amendments must be filed with the chairman of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chairman shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chairman of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5: BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chairman shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6: SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Wetlands, Private Property, and Nuclear Safety; Superfund, Waste Control, and Risk Assessment; and Drinking Water, Fisheries and Wildlife.

(b) MEMBERSHIP: The committee chairman shall select members of the subcommittees, after consulting with the ranking minority member.

RULE 7: STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted. A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the GSA and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.●

ORDERS FOR WEDNESDAY, JANUARY 29, 1997

Mr. LOTT. 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., Wednesday, January 29; further, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately proceed to executive session as under the previous order.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, at 9:30 tomorrow morning the Senate will begin

30 minutes of debate on the nomination of Andrew Cuomo to be Secretary of the Department of Housing and Urban Development. Therefore, all Senators should expect the rollcall vote on the nomination to begin at approximately 10 a.m., on Wednesday.

Following the vote, I expect a period for the transaction of morning business to allow Senators to make statements and to introduce legislation.

It is also possible on Wednesday that the Senate will debate the nomination, at least for a while, of William Daley to be Secretary of Commerce. However, the vote on the nomination may occur on Thursday of this week, and it will not occur tomorrow. Once again, all Members will be notified when this vote is scheduled for a time certain.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:59 p.m., adjourned until Wednesday, January 29, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 28, 1997:

DEPARTMENT OF ENERGY

FEDERICO PENA, OF COLORADO, TO BE SECRETARY OF ENERGY, VICE HAZEL ROLLINS O'LEARY, RETIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

JOHN C. KORNBLUM, OF MICHIGAN
EDWARD S. WALKER, JR., OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

MARSHALL P. ADAIR, OF FLORIDA
JEFFREY A. BADER, OF FLORIDA
LAWRENCE REA BAER, OF CALIFORNIA
DONALD KEITH BANDLER, OF PENNSYLVANIA
JAMES W. BAYUK, OF ILLINOIS
ELDON E. BELL, OF SOUTH DAKOTA
JAMES D. BINDENAGEL, OF CALIFORNIA
RALPH L. BOOYCE, JR., OF VIRGINIA
PRUDENCE BUSHNELL, OF VIRGINIA
WENDY JEAN CHAMBERLIN, OF VIRGINIA
LYNWOOD M. DENT, JR., OF VIRGINIA
C. LAWRENCE GREENWOOD, JR., OF FLORIDA
JOHN RANDLE HAMILTON, OF VIRGINIA
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
CHARLES KARTMAN, OF VIRGINIA
KATHRYN DEE ROBINSON, OF TENNESSEE
PETER F. ROMERO, OF FLORIDA
WAYNE S. RYCHAK, OF MARYLAND
EARL A. WAYNE, OF CALIFORNIA
R. SUSAN WOOD, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

WARRINGTON E. BROWN, OF NEW JERSEY
LAWRENCE E. BUTLER, OF MAINE
JAMES PHILIP CALLAHAN, OF FLORIDA
JAMES J. CARRAGHER, OF CALIFORNIA
JOHN R. DINGER, OF IOWA
BEN FLOYD FAIRFAX, OF VIRGINIA
NICK HAHN, OF CALIFORNIA
WILLIAM THOMAS HARRIS, JR., OF FLORIDA
ANN KELLY KORKY, OF NEW JERSEY
RICHARD E. KRAMER, OF TENNESSEE
RICHARD BURDETTE LEBARON, OF VIRGINIA
ANTOINETTE S. MARWITZ, OF VIRGINIA
ROBERT JOHN MC ANNENY, OF CONNECTICUT
EDWARD MC KEON, OF THE DISTRICT OF COLUMBIA
WILLIAM T. MONROE, OF CONNECTICUT
LAUREN MORIARTY, OF HAWAII
MICHAEL C. MOZUR, OF VIRGINIA
STEPHEN D. MULL, OF PENNSYLVANIA
MICHAEL ELEAZAR PARMLY, OF FLORIDA
JO ELLEN POWELL, OF THE DISTRICT OF COLUMBIA
DAVID E. RANDOLPH, OF ARIZONA
VICTOR MANUEL ROCHA, OF CALIFORNIA
ANTHONY FRANCIS ROCK, OF NEW HAMPSHIRE
LAWRENCE GEORGE ROSSIN, OF CALIFORNIA
JOHN M. SALAZAR, OF NEW MEXICO
SANDRA J. SALMON, OF FLORIDA
JANET A. SANDERSON, OF ARIZONA
RONALD LEWIS SCHLICHER, OF TENNESSEE
JOSEPH B. SCHREIBER, OF MICHIGAN
RICHARD HENRY SMYTH, OF CALIFORNIA
WILLIAM A. STANTON, OF CALIFORNIA
GREGORY MICHAEL SUCHAN, OF OHIO
LAURIE TRACY, OF VIRGINIA
FRANK CHARLES URBANCIC, JR., OF INDIANA
HARRY E. YOUNG, JR., OF MISSOURI

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JOHN R. BAINBRIDGE, OF MARYLAND
BERNARD W. BIES, OF SOUTH DAKOTA
MELVIN L. HARRISON, OF VIRGINIA
LAWRENCE N. HILL, OF CALIFORNIA
BERNARDO SEGURA-GURON, OF VIRGINIA
MARK STEVENS, OF FLORIDA
FREDERICK J. SUMMERS, OF CALIFORNIA
BROOKS A. TAYLOR, OF NEW HAMPSHIRE
WILLIAM L. YOUNG, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 531:

To be colonel

RICHARD COOPER, x...
NEIL DENNINGTON, x...
HUGH L. DUKES, x...
JANET Y. HORTON, x...
KENNETH LEINWAND, x...
LAWRENCE R. MACK, x...
DAVID E. MCLEAN, x...
*OWEN J. MULLEN, x...
GREGORY SCHANNEP, x...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

NEAL A. ANDREN, x...
DAVID R. ARBUTINA, x...
JOSEPH A. BARTOLONI, JR., x...
GEORGE V. BLACKWOOD, xx...
STEVEN B. BLANCHARD, x...
JAMES E. BLOOD, x...
VICTOR P. BRADFORD, x...
RAYMOND J. BYRON, JR., x...
CHARLES W. CAMPBELL, JR., x...
GERARD A. CARON, x...
JON M. CASBON, x...
JAMES D. COLLIER, x...
DAVID E. CORMAN, x...
CHARLES W. COTTA, x...
EDWARD R. CUNNINGHAM, x...
JOSEPH A. DEERING, x...
STEPHEN DERDAK, x...
KENNETH F. DESROSIER, x...
WILLIAM E. DICKERSON, x...
PHILIP J. DUCHAMP, x...
JAMES R. EBERT, x...
SAMUEL B. ECHAURE, x...
MARK A. EDIGER, x...
MICHAEL F. EYOLFSON, x...
*JOSEPH C. FARMER, x...
MICHAEL L. FARRELL, x...
CESARIO F. FERRER, JR., x...
THOMAS J. FOGARTY, x...
CRAIG B. FOWLER, x...
DONALD S. GEEZE, x...
DAVID E. GEYER, x...
PENNY M. GIOVANETTI, x...
DENNIS N. GRAHAM, x...
RICHARD G. GRIFFITH, x...
DAVID L. GUERRA, x...
DALE C. GULLICKSON, x...
LYNN F. HAINES, x...
MOLLY J. HALL, x...
RAYMOND H. HANCOCK, x...
LEO M. HATTRUP, x...
PAUL A. HEIDEL, x...
JAY B. HIGGS, x...
DANIEL T. HINKIN, x...
GEORGE M. HORSLEY, x...
DAVID E. HRNCIR, x...
LOREN M. JOHNSON, x...
ALBERT L. KLINE, x...
PHILIP A. LAKIER, x...
JOHN A. LEVON, x...
KATHLEEN A. LINDELL, x...
CHRISTIAN L. MAEDER, x...
CHARLES T. MORTON, x...
MICHAEL F. NEUBAUER, x...
JERRY B. OWEN, x...
JOSEPH M. PALMA, x...
NANCY G. PERRY, x...
RONALD C. PRATT, x...
ROMIE N. RICHARDSON, x...
JOHN C. RIGILANO, x...
DOUGLAS P. ROCKWOOD, x...
MELISSA ROSADODECHRISTENSON, x...
RUDOLF R. ROTH, x...
FREDERICK W. RUDGE, x...
DAVID C. RUPP, x...
KEVIN P. RYAN, x...
ARLEEN M. SAENGER, x...
MAURICE R. SALAMANDER, x...
ALAN C. SCHOLD, x...
COURTNEY D. SCOTT, JR., x...
STEPHEN J. SHARP, x...
MICHAEL F. SHEDLOSKY, x...
LESLIE M. SHIGETANI, x...
STEPHEN M. SILVERS, x...
RICK M. SMITH, x...
LAWRENCE SPENCE, x...
RICHARD L. STAHLMAN, x...
WILLIAM E. STRAMPE, x...
DONALD J. SWIERENGA, x...
JOE R. TAYLOR, x...
CYNTHIA P. THIEL, x...
THOMAS W. TOWNSEND, x...
THOMAS W. TRAVIS, x...
DANIEL L. VAN SYOC, x...
ROBERT L. VANHOUSE, x...
JUDITH A. VARNAU, x...
RONALD G. VERRETT, x...
KEVIN H. VOSS, x...
JANE B. WARD, x...
KEVIN B. WEST, x...
MARIE Y.A. WILLIAMS, x...
DAVID T. WOFFORD, x...
ROBERT C. ZALME, x...
PAUL R. ZIAYA, x...
BENTON P. ZWART, x...

To be lieutenant colonel

ROOSEVELT ALLEN, JR., x...
THOMAS E. APPLEGATE, x...
TOMMY J. ATTAWAY, x...
TREVOR C. AXFORD, x...
PETER A. BAUER, x...
DIANE M. BEECHER, x...
CHRISTIAN R. BENJAMIN, x...
MARK H. BENTELE, x...
JAMES H. BERRO, x...
RONALD L. BERRY, x...
MARK C. BIDWELL, x...
WILLIAM E. BOLGER, x...
RICHARD P. BOYLE III, x...
CHARLES F. BOTTI, x...
JOSEPH A. BRENNAN, x...
CRAIG A. BUTLER, x...
WILBERT CAIN, x...
WILLIAM M. CAMPBELL, x...
BRICE B. CHOI, x...
THOMAS M. CHOPP, x...
MICHAEL P. COLLINS, x...
GARY D. CROUCH, x...
MICHAEL P. CUNNINGHAM, x...
LOUIS A. DAGOSTINO, x...
JEFFERY R. DENTON, x...
ROBERT W. DODSON, x...
MATTHEW J. DOLAN, x...
WAYNE H. DUDLEY, x...
DANIEL M. DUFFY, x...
DANIEL G. DUPONT, x...
BLAKE J. EDINGER, x...
CHARLES R. ELLIS, x...
EARL B. ELLIS, x...
GEORGE W. ESTES, x...
CRAIG A. FLICKINGER, x...
WILLIAM J. FLYNN, x...
GARY S. FRIES, x...
DAVID W. GALE, x...
STEPHEN E. GARNER, x...
WILLIAM A. GIBSON, x...
JAMES M. GLOVER, x...
RICHARD M. GODDARD, x...
MICHAEL C. GORDON, x...
MICHAEL W. GORUM, x...
MICHAEL K. GOWESKY, x...
JOYCE R. GRISSOM, x...
THOMAS E. GRISSOM, x...
PHILLIP W. HALCUM, x...
DAVID C. HALL, x...
TIMOTHY J. HALLIGAN, x...
DANIEL C. HAMAN, x...
MARK S. HARBER, x...
DIANNE Y. HARRIS, x...
ROBERT M. HAWS, x...
PETER J. HEATH, x...
LORI J. HEIM, x...
MICHAEL J. HERRMANN, x...
RICHARD F. HOWARD, x...
JOSE E. IBANEZPABON, x...
JON D. IGELMAN, x...

WILLIAM F. JENNINGS, x...
TIMOTHY T. JEX, x...
MARTIN L. JOHNSON, x...
MICHAEL P. JONES, x...
BARBARA B. KING, x...
STEPHEN A. KNYCH, x...
JON D. KUNSCH, x...
DENNIS P. LAWLOR, x...
JACK H. LINCKS, x...
RUSSELL M. LINMAN, x...
STEVEN C. LYNCH, x...
ERIC A. MAIR, x...
ANDREW C. MARCHIANDO, x...
*GEORGE A. MARTIN, x...
MICHAEL W. MARTIN, x...
JOHN A. MASON, JR., x...
*BRIAN J. MASTERSON, x...
PAGE W. MCNALL, x...
ROBERT J. MEDELL, x...
DONALD M. MEDUNA, x...
PATRICIA MERRILLWILSON, x...
GREGG S. MEYER, x...
*VINCENT J. MICHAUD, x...
JAMES S. MOELLER, x...
SUSAN W. MONGEAU, x...
MICHAEL A. MOSUR, x...
THOMAS A. NEAL II, x...
WILLIAM E. NELSON, x...
BRENT E. NIKOLAUS, x...
DANIEL S. NOYES, x...
KELLY P. O'KEEFE, x...
MICHAEL J. OPATOWSKY, x...
MICHAEL W. PALUZZI, x...
MICHAEL S. PANOSIAN, x...
THEODORE W. PARSONS, III, x...
PHYLLIDA M. PATERSON, x...
JAMES L. PAUKERT, x...
MARY M. PELSZYNSKI, x...
MARCUS L. PETERSON, x...
*BRIAN D. PEYTON, x...
MORIA C. PFEIFER, x...
RONALD D. POOLE, x...
*ELISHA T. POWELL, IV, x...
WILLIAMS S. POWELL, JR., x...
ADIN T. PUTNAM, II, x...
DANIEL J. QUENNEVILLE, x...
ROBERT D. RAKOV, x...
RAUL E. RAMIREZACEVEDO, x...
*BRIAN V. REAMY, x...
DAVID A. RIGGS, xx...
*DIANE C. RITTER, x...
MARK P. ROBBINS, x...
*MARC S. ROBINS, x...
JAMES L. RUSHFORD, x...
BRADLEY S. RUST, x...
CHRISTOPHER SARTORI, x...
JANE E. SASAKI, x...
ANDREW J. SATIN, x...
ROBERT P. SCHIERMEYER, x...
FRANK J. SHELTON, x...
PHILIP D. SHELTON, x...
JODI L. SISKIN, x...
THOMAS M. SLYTER, x...
ROBERT E. SMITH, II, x...
WILLIAM N. SNEARLY, x...
WILLIAM H. SNEEDER, JR., x...
MARK J. SNELL, x...
JILL L. STERLING, x...
JAMES R. STEWART, x...
PATRICK R. STORMS, x...
ALAN J. SUTTON, xx...
JEFFREY M. SWARTZ, x...
CHARLES A. SYMS, x...
KATHLEEN S. TAJIRI, x...
DONALD F. THOMPSON, x...
ERIC R. TOMPKINS, x...
STEVEN M. TOMSKI, x...
STEVEN M. TOPPER, x...
ARJEN L. VANDEVOORDE, x...
KAREN E. WARSCHAW, x...
RONALD S. WATTS, x...
GREGORY M. WICKERN, x...
STEPHEN D. WINEGARDNER, x...
PHILLIP A. WOLFE, x...
GROVER K. YAMANE, x...
MATHEW F. YETTER, x...
PAUL A. YOUNG,* x...
CHRISTOPHER M. ZAHN, x...

To be major

GREGORY A. ABRAHAMIAN, x...
ALAA Y. AFIFI, x...
JON W. AHLSTROM, x...
FRANK W. ALLARA, JR., x...
SUZANNE M. ALLEN, x...
PETER J. ALMQUIST, x...
LAURA A. ANDERS, x...
CHERRIE A.A. ANDERSEN, x...
PAUL J. ANDREWS, x...
ALAN K. ANZAI, x...
GARY L. ARAGON, x...
THEODORE V. AREVALO, x...
JOSEPH M. ARMOTRADING, x...
RICHARD D. BAKER, x...
MICHAEL W. BAILEY, x...
TIMOTHY D. BALLARD, x...
BRUCE D. BANWART, x...
LEV L. BARATS, x...
SHAWN A. BARRETT, x...
GORDON W. BATES, JR., x...
SCOTT L. BEALS, x...
BRIAN M. BEARD, x...
ENRIQUE R. BEDIA, x...
PETER F. BERGLAR, x...
RONALD J. BERKA, x...
ARACELIA BERNIER, x...
CHARLES P. BIEDIGER, x...
DAVID A. BILLINGS x...
NATALY M. BILYK, x...
CHRISTOPHER W. BLANK, x...
DAN W. BODILY, x...
JERRY D. BOGGS, x...
KENNETH J. BOONE, x...
JAMES J. BORDERS, x...
PAUL J. BOTELHO, x...
SANDRA J. BOXELLDUCKWORTH, x...
JAMES E. BOYD, x...
DAVID L. BOYER, x...
JOHN E. BRADY, x...
DAREN J. BRAGET, x...
BLAINE A. BRECHT, x...
RONALD E. BREININGER, x...
DAVID A. BRICKEY, x...
CHARLES D. BRICKNER, x...
ELIZABETH PRICE BRIGGS, x...
JONTHAN W. BRIGGS, x...
DONALD A. BRIGHT, x...
BRIAN C. BROST, x...
DANIEL M. BRUDNAK, x...
LAWRENCE T. BURD, x...
ANN E. BURKE, x...
JAMES A. BURNS, x...
KIMBERLY L. BURNS, x...
MARK P. BURTON, x...
LEANDRO T. CABANILLA, x...
JEFFREY S. CALDER, x...
RANDY W. CALICOTT, x...
STEFFEN S. CAMERON, x...
CHRISTOPHER CAMPBELL, x...
DANIEL S. CAPLIN, x...
THOMAS A. CARLSON, x...
DAVID B. CARMACK, x...
LORAINE L. CARROLL, x...
PAUL M. CARTER, x...
RONALD C. CARVER, x...
JON C. CASTER, x...
WILLIAM F. CATELLI, x...
LAMONT E. CAVANAGH, x...
GEORGE J. CEREMUGA, x...
JOHN B. CHACE, x...
MICHELE K. CHAI, x...
GEORGE L. CHANG, x...
ALBERT C.M. CHEN, x...
ANN M. CHILDERS, x...
DARWIN B. CHILDS, x...
NISHAN H. CHOBANIAN, JR., x...
SCOTT L. CHRISTENSEN, x...
WILLIAM A. CHRISTMAS, x...
JOSEPH D. CLARK, x...
THOMAS F. CLARKE, x...
KEVIN E. CLEGG, x...
RUSSELL T. COLEMAN, x...
ANDREW J. COLLINS, x...
ALBERTO M. COLON, x...
PAUL B. CONDIT, x...
FOY D. CONNELL, x...
ROBERT R. COOPE, x...
DAVID D. COPP, x...
TERRY L. CORRELL, x...
DANIEL L. COURNEYA, x...
DANIEL J. COVERDELL, x...
STEPHEN D. CRAIG, x...
KENNETH E. CRAMER, x...
GERALD E. CRITES, x...
MARK T. CUCUZZELLA, x...
DAVID L. CUNNINGHAM, x...
RICHARD B. CURD, x...
JOSEPH L. CVANCARA, x...
PAUL CZERWINSKI, x...
JOHN E. DAVINE, x...
ERNEST B. DE BOURBON, x...
MELANIE A. DEHART, x...
DONNE E. P. DELLE, x...
BRUCE J. DENENNY, x...
RAJIV H. DESAI, x...
JOSEPH V. DESANTI, x...
KENDALL P. DESELMS, x...
HEIKE DEUBNER, x...
PAUL J. DICKINSON, x...
LEE H. DIEHL, x...
TUAN A. DOAN, x...
STEPHEN M. DONAHUE, x...
CHRISTEN MCINTYRE DOUCET, x...
BRIAN B. DURSTELER, x...
MARK E. DWINELL, x...
DONALD T. EAGLE, x...
GREGORY M. EBERHART, x...
ROBERT J. ECKERSON, x...
THOMAS F. ECKERT, x...
THOMAS A. EDELL, x...
PETER T. ENDER, x...
JOANNA L. ENGLISH, x...
MILTON E. ERHART JR., x...
MARK A. ERICKSON, x...
MARK D. ERVIN, x...
VALERIE A. EVERHART, x...
DAVID E. FARNIE, x...
KENNETH D. FARR, x...
DANIEL J. FEENEY, x...
GREGG A. FERRERO, x...
SEAN D. FINK, x...
RONALD M. FIRTH, x...
ADAM R. FISHER, x...
DANIEL K. FLOOD, x...
THEODORE J. FOONDOS, x...
FREDRICK L. FOX, x...
JAMES A. FRENCH, x...
IMRE GAAL, JR., x...
JILL A. GABRIELSEN, x...
JOHN V. GANDY, x...
PATRICIA L. GANNON, x...
MONICA C. GAVIN, x...
GARY J. GERACCI, x...
JOHN S. GERAGHTY, x...
TAMI GERSTNER, x...
GEORGE E. GIBBONS, x...
ANN M. GILBERT, x...
JOHN M. GOOCH, x...
STEVEN J. GRAF, x...
KENNETH J. GRAHAM, x...
PAUL B. GREENBERG, x...
RICHARD L. GREENO, x...
CLARK J. GREGOR, x...
GEORGE B. GRIFFIN, x...
PETER H. GRUBB, x...
TODD D. HABEL, x...
E. RONALD HALE, x...
LISA V. HAMILL, x...
ERIC H. HANSON, x...
JOHN H. HARDY, JR., x...
DONOVAN R. HARE, x...
THOMAS W. HARRELL, x...
BENJAMIN A. HARRIS, x...
MARK D. HARRIS, x...
VANESSA M. HART, x...
CLAUDE A. HAWKINS, x...
JOHN L. HAWS, x...
ALLEN J. HEBERT, JR., x...
DAVID P. HERNANDEZ, x...
JAMES R. HERZOG, x...
MARC A. HESTER, x...
PATRICK V. HICKLE, x...
STEPHEN V. HINGSON, x...
PAUL D. HINRICHS, x...
GRETCHEN NMN HINSON, x...
DAVID E. HIPP, x...
JOHN E. HO, x...
FRANCIS T. HOLLAND, x...
SCOTT A. HOLLINGTON, x...
ERIC G. HOOVER, x...
JAN HESTER HOPKINS, x...
ELIZABETH C. HORENKAMP, x...
ANN L. HOYNIAKBECKER, x...
LORI B. HUDSON, x...
PETER A. HUDSON, x...
MARGARET M. HUFF, xx...
TIMOTHY W. HUISKEN, x...
KRISTINE A. HUNTER, x...
MYLENE P. HUYNH, x...
DANIEL M. IHNAT, x...
RICHARD D. INGLESE, x...
EDWARD W. IRICK, x...
CHRISTINA V. JACOBS, x...
MICHAEL S. JAFFEE, x...
JOEL K. JAGER, x...
GORDON W. JAMES, x...
GEORGE V. JANKU, x...
RONALD W. JARL, x...
DAVID J. JASKIERNY, x...
JAMES E. JENNINGS, x...
PAUL C. JOHNSON IV, x...
MICHELE M. JOINES, x...
KARA K. JORVE, x...
ERIC L. KEAN, x...
KRISTOPHER A. KECK, x...
INEZ M. KELLEHER, x...
AMIR I. KENDE, x...
JOHN B. KERRISON, x...
MICHAEL P. KEZMOH, x...
MICHAEL KIM, x...
RUSSEL F. KING II, x...
TIFFANI L. KING, x...
TAMMY L. KITCHENS, x...
ALFRED L. KNABLE, x...
LEANN K. KOCHER, x...
PETER B. KOVATS, x...
PAUL R. KOWALSKI, x...
DAVID M. KUHLMANN, x...
DAVID L. KUTZ, x...
GIAEVITA, LANZANO, x...
LARA INGA LARSON, x...
DEREK B. LAURITZEN, x...
KEITH W. LAWHORN, x...
MARK E. LAWLOR, x...
ROSE MARIE LEARY, x...
THOMAS R. LECHNER, x...
THOMAS J. LEYTHAM, x...
ARLENE L. LIBBY, x...
CHERYL A. LINN, x...
ELIAHU A. LITMAN, x...
RICHARD M. LITTLE, x...
DARREN K. LOKKESMOE, x...
FRANK E. LORCH IV, x...
JACOB K. LUDER, x...
WILLIAM B. LUJAN, x...
KIRSTEN E. LYKE, x...
WILLIAM R. LYMAN, x...
MICHELE S. LYNCH, x...
ROBERT MACDONALD IV, x...
ZACHARY N. MALACHIAS, x...
DARRYL E. MALAK, x...
STEVEN C. MALLER, x...
KENNETH E. MANN, x...
TIMOTHY P. MANSON, x...
ROBIN M. MANTOOTH, x...
JENNIFER L. MARKLEY, x...

ROY C. MARLOW, X...
BARBARA MARTIN, X...
TRACY L. MARTIN, X...
SCOTT C. MASSIOS, X...
ANDREW L. MATTHEWS, X...
MICHAEL F. MAZZONE, X...
BRIAN J. MCCALLIE, X...
GEORGETTE J. MCCANCE, X...
JOHN F. MCGUIRE, X...
MARK B. MCHANEY, X...
JOHN P. MCKENNA, JR., X...
JAMES R. MCWILLIAM, X...
CHRISTINE A. MEECE, X...
JONATHAN F. MERCER, X...
COLIN A. MIHALIK, X...
SHANNON C. MILLER, X...
JAMES A. MIRAZITA, X...
JANE B. MIZENER, X...
STEVEN A. MONTAGUE, X...
SCOTT R. MOOSE, X...
KEITH H. MORITA, X...
KAREN L. MORRISSETTE, X...
DAVID L. MORROW, X...
KEVIN L. MORTARA, X...
DEBORAH L. MUELLER, X...
ERIC J. MUNN, X...
MARCUS E. MURPHY, X...
JULIO NARVAEZ, X...
STEVEN M. NEEDLEMAN, X...
TERESA A. NEENO, X...
ERIK J. NELSON, X...
LAURENCE M. NELSON, JR., X...
THOMAS S. NEUHAUSER, X...
HOA V. NGUYEN, X...
SIMONE L. NORRIS, X...
MONICA L. NORWICK, X...
WILLIAM N. ODURO, X...
JAMES R. OGBURN, JR., X...
JEFFREY M. OSWALD, X...
MICHAEL G. OLDROYD, X...
NATHAN R. OLSEN, X...
STEPHEN W. ORVILLE, X...
JAMES M. OSBORN, X...
D. CHASE OWENS, X...
CAMILO H. PALACIO, X...
MARK L. PALMERI, X...
GREGORY C. PARK, X...
DAVID P. PARKER, X...
PHILLIP E. PARKER, X...
VINCENT J. PASQUARELLO, JR., X...
CRAIG P. PATTEN, X...
ROBERT A. PATTERSON, X...
JOSEPH P.R. PELLETIER, X...
WILBUR D. PERALTA, X...
JON F. PETERSEN, X...
TAMARA JOY PFEILER, X...
DONALD G. PHILLIPS, X...
KORRI L. PHILLIPS, X...
BRIAN R. PIERCE, X...
MICHAEL R. PIERSON, X...
AJIT V. PILLAI, X...
SHARON R. PLAMP, X...
TRACY L. POPEY, X...
DAVID M. POWELL, X...
DOUGLAS L. POWELL, X...
JERRY W. PRATT, X...
TODD G. PREWITT, X...
ANTHONY M. PROPST, X...
DOUGLAS M. RADMAN, X...
RONALD T. RAKOWSKI, X...
JONATHAN C. REBOTON, X...
PATRICK R. REDDAN, X...
JAMES E. REESE, X...
CATHERINE A. REGAN, X...
RONALD S. RENZEMA, X...
JOHN E. REYNOLDS, X...
MARK M. REYNOLDS, X...
MARLAN L. RHAME III, X...
ROBERT W. RHO, X...
MICHAEL G. RHODE, X...
GLORIA RIBAS SCHULTZ, X...
JAMES R. RICK, X...
SARA L.S. RICKMAN, X...
WALTER P. RISLEY III, X...
DAMIAN M. RISPOLI, X...
ERIC R. RITCHIE, X...
CAREY A. ROBAR, X...
SANFORD E. ROBERTS II, X...
COLETTE M. ROBERTSON, X...
DAVID L. ROBINSON, X...
NOEL K. ROBINSON, X...
PAUL G. ROLINCIK III, X...
JAVIER, ROMAN GONZALEZ, X...
DOUGLAS M. ROUSE, X...
ELIZABETH A. ROUSE, X...
CHRISTOPHER J. RYAN, X...
MALIN A. SADLER, X...
JAY G. SAILER, X...
MARIA SANTOS, X...
DAVID S. SAPERSTEIN, X...
DAVID C. SASSER, X...
MARK T. SAVARISE, X...
DAVID P. SCHAMMEL, X...
CHRISTOPHER G. SCHARENBROCK, X...
LOUIS M. SCHLICKMAN, X...
WILLIAM E. SCHMIDT III, X...
MICHAEL J. SCHNEIDER, X...
PHILIP A. SCHOENFELD, X...
WALTER W. SCHOUTOKO, X...
SONIA J. SCHUEMANN, X...
KIRK L. SCOFIELD, X...
CAROLYN L. SCOTT, X...
WILLIAM D. SEFTON, X...
PETER C. SELINE, X...
PATRICIA A. SERIO, X...
KENNETH M. SHAFFER, X...
LINDA G. SHAFFER, X...
CATHERINE A. SHANAHAN, X...
JANET C. SHAW, X...
JACK B. SHELTON, JR., X...
LORI H. SHILT, X...
MICHAEL S. SIELING, X...
AMY JO SILLIMAN, X...
PETER R. SILVERO, X...
STACEY A. SIMONSON, X...
DAVID W. SIMPSON, X...
JOSEPH P. SIMPSON, X...
PAUL J. SIMS, X...
BRIAN P. SKOP, X...
ARNOLD SMALLS, X...
ALICE B. SMITH, X...
BARTON E. SMITH, X...
BRYAN C. SMITH, X...
ERIC W. SMITH, X...
JESUS L. SOJO, X...
THERESA M. SOTO, X...
MICHELLE SPECTOR, X...
NATHAN O. SPELL III, X...
JENNIFER L. SPERANDIO, X...
PATRICK R. SPIERING, X...
BRYNNE B. STANDAERT, X...
JULIE A. STARK, X...
ANTHONY G. STEELE, X...
JOEL W. STEELMAN, X...
CHRISTOPHER C. STEFFY, X...
STEVEN J. STEIN, X...
THERESA L. STEWART, X...
KANTHA R.K. STOLL, X...
CHARLES A. STRICKLAND, X...
DAVID L. STROBEL, X...
IVAN J. SUNER, X...
DAVID A. SVETEC, X...
ROBERT G. SWANSON, X...
HAROLD TATE, X...
TODD A. TEGTMEIER, X...
DAN E. THOMAS, X...
PAUL C. THORNTON, X...
DAVID C. THORNTON, X...
PAUL H. TING, X...
RICHARD J. TOM, X...
ANDREA C. TRADER, X...
CRAIG L. TREPTOW, X...
DONALD E. TRUMMEL, X...
DANIEL C. TUBBESING, X...
TIMOTHY R. TUEL, X...
JOHN D. TURNER, X...
FREDERICK P. VANDUSEN, X...
SARA E.G. VANSCOY, X...
WILLIAM R. VANSCOY JR., X...
EILEEN F. VENABLE, X...
FELIPE L.G. VIDELA, X...
HEATHER R. VIESSELMAN, X...
ANTHONY VITALI, X...
DALE A. VOLQUARTSEN, X...
ROBERT B. WADE, X...
MICHAEL N. WAJDOWICZ, X...
JOHN K. WALL, X...
APRIL C. WALTON, X...
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