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SENATE—*Tuesday, July 8, 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:

As we watch the movements of Sojourner from Pathfinder on Mars, we exclaim with the Psalmist, "When I consider Your heavens, the work of Your fingers, the moon and the stars, which You have ordained, what is man that You are mindful of him and the son of man that You visit him? For You have made him a little lower than the angels and You have crowned him with glory and honor. You have made him to have dominion over the works of Your hands".—Psalm 8:3–6.

O Yahweh, our Adonai, how excellent is Your name in all the Earth and the farthest reaches of the Earth's universe. You are Sovereign of universes within universes. We praise You that You have enabled us to reach out into space to behold Your majesty and come to grips with the magnitude of the realm of dominion You have entrusted to us. Our eyes have been glued to our television sets to witness the awesome achievement of landing Pathfinder on Mars and we have seen the venture of rover Sojourner on Martian rock after a 309-million-mile, 7-month journey from Earth. Guide our space scientists as they gather information about Mars and we are reminded of the reaches of Your Lordship.

And meanwhile, back to the planet Earth, back to the problems and potentials we face, and back to the U.S. Senate where You empower the leaders of humankind to grapple with the challenges, and grasp the opportunities in our time and in our space. As we work today, remind us that You created Mars and the Earth and will direct us to solutions to the complex problems we face. We bless and praise You for the privilege, Creator, Redeemer, and Lord of Lords. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. THOMAS. Thank you, Mr. President. Today following morning business, the Senate will resume consideration of S. 936, the defense authorization bill. As previously ordered, from 12:30 until 2:15 p.m., the Senate will stand in recess for the weekly policy luncheons. At 2:15, the Senate will proceed to a cloture vote on the defense authorization bill. The majority leader is hopeful that cloture can be invoked so that the Senate can complete action on the defense bill this week.

As a reminder, Senators have until 12:30 today to file second-degree amendments on the defense bill. On behalf of the majority leader, I remind all Senators that we are now in a busy legislative period prior to the August recess. The appropriations process has begun and Senators should now expect rollcall votes occurring Monday through Friday of each week. I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent to speak as in morning business for 15 minutes.

Mr. THOMAS. Mr. President, reserving the right to object, what is the time allocation?

The PRESIDING OFFICER. The time allocation is for not to exceed 5 minutes each. The Senator from Wisconsin does have, under the previous order, 15 minutes.

The Senator from Wisconsin [Mr. FEINGOLD] is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

THE NEED FOR CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. It was just about 1 year ago, Mr. President, last June, when I stood here on the Senate floor with the senior Senator from Arizona, Senator MCCAIN, and others, and participated in a somewhat abbreviated debate on the need for meaningful, bipartisan campaign reform.

We discussed several issues during that debate, Mr. President. We talked about the 1994 elections and the resulting record amount of campaign spending in that election.

We had a chance to talk briefly about how one candidate for the U.S. Senate had spent $30 million of his own money to try and win a California Senate seat.

We talked about how the average amount of money spent by a winning 1994 Senate candidate had, unfortunately, reached over $4.6 million. We talked about the damaging effect that the unabated flow of campaign cash had on our political system as well as on the public perceptions of this institution.

In response to all of that, interestingly, we were told by opponents of reform that all was well, that spiraling campaign spending would somehow strengthen our democracy, and that our system was far from crying out for reform.

And then, on a quiet Tuesday afternoon, after a few paltry hours of debate and absolutely no opportunity for Senators to offer amendments, the bipartisan McCain-Feingold reform bill fell six votes short of breaking a filibuster, and that was done effectively by the guardians of the status quo.

That was a year ago, Mr. President. Although our opponents continue to proclaim that all is well and reform is not a priority, the evidence from the 1996 campaign stands in stark contrast to the declarations of those who are trying to defend the indefensible.

Last year, according to the Washington Post, candidates and parties

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

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spent a record amount of money on Federal elections—$2.7 billion. Mr. President, $2.7 billion was spent on those elections, which is an all-time record. This record amount of campaign spending, I assume, is exactly what the opponents of reform, including the Speaker of the other body and the junior Senator from Kentucky had really hoped would happen.

Recall Speaker GINGRICH's words from the last Congress:

> One of the greatest myths in modern politics is that campaigns are too expensive. The political process, in fact, is not overfunded, but underfunded.

My distinguished colleague from Kentucky, referring to the 1996 election said:

> I look on all that election activity as a healthy sign of a vibrant democracy.

Well, Mr. President, back here on planet Earth, and back home in my State of Wisconsin, the American people have a very different view. They are disgusted by our current campaign finance system. They are appalled at the insane amount of money that is being spent on democratic elections. And not surprisingly, they told us how appalled they are by staying home in huge numbers last November. In fact, fewer Americans turned out to vote in 1996 than in any Presidential election year in the last 72 years.

There are mountains of evidence demonstrating the failure of current election laws. Poll after poll demonstrates the mistrust and cynicism the public feels toward this institution as a result of large campaign contributions.

The newspapers and nightly news programs are brimming with reports of election scandals, with charges and countercharges of abuse and illegality filling the headlines every day.

Scores of candidates—including many current officeholders—are choosing not to run for office principally because of the millions of dollars needed for a campaign for the U.S. Senate. In fact, the theory that unlimited campaign spending produces competitive elections has been completely discredited, as the average margin of victory in Senate elections last year was 17 percent.

Let me repeat that, Mr. President. Not only did 95 percent of incumbent Senators win reelection last November, most of these elections weren't even close. On average, 17 percentage points separated the winners from the losers.

Mr. President, while Rome burns and our campaign finance system crumbles all around us, the junior Senator from Kentucky characterizes the chaos of the 1996 elections as a healthy sign of a vibrant democracy.

Mr. President, as the U.S. Senate continues to duck and weave and dodge around the issue of campaign finance reform, the American people are becoming more and more convinced that we here in this body do not have the courage or the will to reform a system that has provided Members of this institution with a consistent reelection rate of well over 90 percent.

As we all know, Mr. President, this week hearings will begin in the Governmental Affairs Committee on the abuses and possible illegalities that occurred in the last election. I can think of no better time for us to make a major step forward to fundamentally overhaul our failed election laws.

Opponents of reform will surely assert that we should wait until the conclusion of these hearings before we consider reform legislation, so we can adequately identify the loopholes and the gaps and holes in our campaign finance system. But, Mr. President, in the last 10 years on this issue alone, we have had 15 reports by 6 different congressional committees, over 1,000 pages of committee reports, 29 sets of hearings, 49 days of testimony, over 6,700 pages of hearings, 522 witnesses, 446 different legislative proposals, more than 3,300 floor speeches, 76 CRS reports, 113 Senate votes, and 17 different filibusters.

So I think it is safe to assume that we have probably reviewed this issue more than almost any other issue pending before this body.

So, Mr. President, it is time now for serious consideration of reform legislation. I have joined with the senior Senator from Arizona, and others, in authoring the only comprehensive, bipartisan plan to be introduced in the Senate this year.

Mr. President, we are very aware that this bill is not perfect. Some have voiced their concerns or objections about this or that provision, or have criticized the legislation for not addressing particular areas. As we have said—and I think as we have shown all along—this legislation is primarily a vehicle for reform, and we are more than willing to consider additions, deletions, or modifications to the package.

We do have some bottom lines, though. First, we should have a full and robust debate on the issue, with all Senators having the opportunity both to debate the many complicated issues involved here and, also, to have the opportunity they didn't have last year to offer amendments.

Second, it is imperative that any legislative vehicle ban on so-called party soft money. These are the monstrous, unlimited and unregulated contributions that have poured in from labor unions, corporations, and wealthy individuals to the political parties.

It is these multihundred-thousand-dollar campaign contributions that were, more than anything else, at the root of the abuses and outrage stemming from the 1996 elections. Individuals and organizations certainly should have the opportunity to contribute to their parties with funds that can be used for Federal elections. But all of those funds, Mr. President, should be raised and spent within the scope and context of Federal election law.

Finally, Mr. President, we must have provisions in this reform legislation that encourage candidates to spend less money on their campaigns and, if we can, to encourage them to raise most of their campaign funds from the people they intend to represent in their district or State.

We have to provide candidates, and particularly challengers who have less access to large financial resources, with the tools and means to effectively convey their message, without having to raise and spend millions of dollars.

Unless we take fundamental steps to change the 90 to 95 percent reelection rates for incumbents that are seemingly enshrined under current election laws, the American people will justifiably perceive such reform as little more than one more incumbent protection plan.

Mr. President, the senior Senator from Arizona and I have waited quite patiently for the opportunity to have this historic debate. It is my hope that we can sit down with the majority leader in the coming days and begin the process of bringing such a meaningful discussion to the Senate floor in the next few weeks.

I look forward to that discussion, and I hope that it will eventually lead to passage of bipartisan reform legislation that will result in what I like to call moderate, mutual disarmament.

I thank the Chair and I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think we have 30 minutes set aside.

The PRESIDING OFFICER. The Senator from Wyoming is recognized. Under a previous order, the majority leader or his designee is to be recognized to speak for 30 minutes.

The Senator from Wyoming is recognized.

Mr. THOMAS. Thank you, Mr. President.

ORDER FOR CLOTURE VOTE AT 3 P.M.

Mr. THOMAS. Mr. President, may I first, in behalf of the leader, ask unanimous consent that the previously ordered cloture vote now occur at 3 p.m. today.

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

Mr. THOMAS. For the information of all Senators, the cloture vote earlier scheduled at 2:15 will now occur at 3 p.m.

Thank you, Mr. President.

TAX RELIEF

Mr. THOMAS. Mr. President, I want to take this time—and I am sure some

of my colleagues will join me—to talk a little bit about one of the items that has been before us and will continue to be before us that I think is probably the premier legislature, and that is tax relief.

I hope, as we move toward the conference committee agreement and as we move toward voting again in the Senate and in the House on tax relief, that we will keep in mind the big picture; the idea that American taxpayers are working harder than ever before, and the concept and the fact that the typical family is now paying more in taxes than they do for food, shelter, and clothing. Too many families have to rely on two incomes, partially because of the burden of taxes. The typical worker faces nearly 3 hours of an 8-hour day to pay their taxes.

So that is what we are talking about. Of course, it is appropriate to talk about and of course it is appropriate to debate how this tax relief is designed. But we ought to keep in mind that we are talking about for the first time in 10 years significant reductions in taxes—tax relief for American families.

What are we talking about? First of all, a child tax credit; $500 per child tax credit, so the families can use their own money to spend in their own way to support their own children.

We are talking about educational tax incentives; tax credits so that tuition for higher education can be offset with tax credits. We are talking about the reduction so that families can send their kids to college.

We are talking about retirement savings; IRA's to encourage savings to cause people to prepare for their old age, to be able to put away money and have incentive to do that by the incentive of providing for tax-free savings.

Capital gains reduction; taxes on capital gains to be reduced in order to encourage investment so that we could create jobs and so we create an economy that is healthy and robust.

Estate and gift tax relief. I happen to come from a State where there are a large number of small businesses, where we have lots of farmers and ranches, and families work their entire lives to put together a business or put together a farm or ranch, and when the time comes when there is a death in the family, they often have to sell these assets to pay 50 percent in taxes. That ought to be changed.

So I hope we can focus on those things that are beneficial and those things that are useful. I hope we don't allow this idea to be politicized. I hope we don't allow ourselves to enter into this political class conflict which, frankly, the administration is moving toward.

I was disappointed that the Secretary of the Treasury has gotten into sort of political class warfare. It seems to me if there is one office in the Cabinet that ought to be one that you can sort of depend on for facts, that it ought to be the person who is in charge of monetary policy, who is in charge of our money. Unfortunately, that has not been the case. I hope that it changes. The idea that some opposition, those who really do not want tax relief has been to make it a class warfare thing. And indeed it isn't.

According to Robert Novak, in his article, economist Gary Robbins showed that 75 percent of the tax cuts go to people who make $57,000 or less in adjusted income. I think that is interesting. Those are the people who pay 38 percent of the total taxes. Taxpayers who get more than $200,000 in income would get but one dime of relief for every $100 in total taxes.

This is not a tax break for the rich. Interestingly enough, in the same article he indicates—this is a congressional Joint Economic Committee using Treasury data—that the upper fifth of income now pays 63 percent of all income taxes. After the proposed tax cuts, the figure remains exactly 63 percent.

Similarly, the share paid by the bottom two-fifths of the income earners remains unchanged.

This is not a tax break for the rich.

We will hear some things about the tax cuts for the rich. Actually, 75 percent of the taxes, as I said, go to families who make less than $75,000. Families with two kids making $30,000 a year, their tax bill will be cut in half; less than half.

So, Mr. President, we have the first opportunity since early in the 1980's to have some tax relief for people who are heavily burdened with taxes.

If in fact the era of big Government is over, then we need to have big taxes to be over as well. We have the highest percentage of gross national product paid now in taxes in history —the highest percentage.

So, as we move away from big Government, we ought to allow American families to spend more of their own money.

Mr. President, I yield to my friend from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I thank my friend and colleague from Wyoming for an opportunity to speak this morning about something that is rather important to Americans, all Americans, Americans who pay the bill, the forgotten American, I think, as we enter this next phase of debate in this country about tax relief. Make no mistake, Mr. President, this is what it is about. This is not about social tinkering. It is not about environmental policy. It is about tax relief—tax relief for those people who pay taxes, those people who have been footing the bill in this country for a long time. So, let's first of all put this in perspective.

I say that especially in light of the news conference that I saw yesterday and again this morning held by the Vice President and Secretary Rubin. I have the highest regard for Vice President Gore and Secretary Rubin, but I was astounded that much of the focus in that news conference was not about tax relief for the average middle-class American. It was about brownfields. It was about inner cities. It was about other policies.

This policy is about providing Americans tax relief, providing relief for the forgotten American.

The bill that we passed in this body 2 weeks ago, and the bill that was passed in the House 2 weeks ago, is not perfect, but it is a very significant first step. As my friend and colleague from Wyoming just said, it is the first significant tax relief legislation in 16 years.

We are here to do the Nation's business. We are here to focus on the average man and woman who pay their taxes, raise their family, and need to keep more of their income. You heard all of the numbers. You heard the statistics. But I think it is worth noting that we talk a little bit about what is in fact—in fact, not theory, not fabrication, not imputed income, not phony economic tax models that we are hearing from some corners—but in fact what is in this bill. Let's just take a moment to review some of this.

This is about helping the 6 in 10 Americans who must file Federal tax returns, the people who work hard to make a good life for themselves, their families, and their communities.

It is about helping the 3 in 4 Americans who file tax returns and earn less than $50,000 a year. Three-fourths of all taxpayers make less than $50,000 a year. In fact, three-fourths of all the tax cuts in the Taxpayer Relief Act that the Senate and the House passed overwhelmingly in a very strong, bipartisan way go to people making less than $75,000 a year.

This act has a number of provisions that will help families, small businesses, students, farmers, ranchers, and single parents who earn less than $75,000 a year. Couples earning less than $110,000 will get the full benefit of the family tax relief in this bill.

Parents with children age 12 and under get a $500 per child tax credit against their taxes—keeping more of their money. Parents with children ages 13 to 16 also get a tax credit. The Taxpayer Relief Act allows parents to set up special tax-deferred savings accounts to help with their children's education. It allows single people with incomes under $50,000 and couples with incomes under a $100,000 a tax credit for part of their children's college expenses.

Mr. President, come on. This is not a rich person's tax bill. This is a middle-class, average-American tax bill. And anyone who says to the contrary doesn't understand what we are doing here.

This also allows recent college graduates who are struggling to get established to deduct up to $2,500 in student loan interest payments during each of their first few years after graduation.

Capital gains tax cuts will help anyone who owns property—not rich people. Come on. Anyone who owns property is affected by the capital gains tax in this country. A capital gains tax cut helps middle-class Americans. Fifty-six percent of all tax returns reporting capital gains come from taxpayers with total incomes below $50,000. We move in this bill capital gains taxes from 28 percent to 20 percent.

Estate tax cuts will help millions of Americans. Both the House and Senate bills raised the estate tax exemptions to $1 million. It is not perfect. We need more. Of course, we do. But it is a good, strong beginning. It is a start. We need to phase these out. These estate taxes are not only unfair but they are un-American. You work all of your life. You work hard. You pay taxes. And at the end automatically the Government comes in and takes half of your estate.

You tell me, Mr. President, where that is fair. Some people think it is. I don't. I don't think most Americans think it is fair.

There are many, many other tax provisions in this bill to help farmers with livestock killed by severe weather and farmers hurt by unwarranted IRS rulings regarding the alternative minimum tax. Truckers are restored with the business meal deduction to 80 percent.

These are not rich people.

This bill helps small businesses by delaying a new, burdensome requirement that they file their income tax returns on anything other than electronic payroll tax means.

It helps universities and other researchers by extending the research and experimentation tax credit.

It helps people suffering from rare diseases by permanently extending the orphan drug tax credit.

This is real America. This is for real Americans.

We need to pass this tax relief bill. None of us likes everything in this bill. But we can either squabble ourselves into total stalemate or we can pass this bill and get the first real tax cuts since 1981.

Congress needs to reconcile this, move ahead in our conference, and send it to the President. He needs to sign it. America expects us to do this business. Mr. President, we have a responsibility and an obligation to do America's business.

I encourage my colleagues in the U.S. Senate and in the House to do the right thing and vote for a conference report and bring real tax relief to the American public.

Mr. President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I think it is interesting that new Members, such as the Senator from Nebraska, who come from the private sector come here and feel very passionate about this and come more recently talking in behalf of people who are paying taxes. That is great. I appreciate it.

Another Senator who has worked most diligently on tax relief since he has been in the Senate is the Senator from Minnesota. I yield 5 minutes to him.

The PRESIDING OFFICER. The Senator from Minnesota is recognized to speak for 5 minutes.

Mr. GRAMS. Thank you, Mr. President.

Mr. President, Washington has undergone a remarkable transformation since the people of Minnesota first sent me here in 1993. Back then, no one was talking about tax relief. Certainly no one was talking about family tax relief. And with both the White House and Congress under Democratic control, the chances were slim that we would ever have an opportunity to give working Americans the tax relief they so desperately need.

My good friend and colleague from Arkansas, Senator HUTCHINSON, and I were freshman Members of the House in 1993 when we came together to develop a budget proposal that could serve as the taxpayers' alternative to the higher taxes and bigger government plan offered by President Clinton. The key component of our legislation at that time was family tax relief, and that was through the $500-per-child tax credit.

We were able to convince the House and the Senate leadership to make our families-first bill—with the $500-per-child tax credit as its centerpiece—the Republican budget alternative back in 1994. That November it became known as the crown jewel of the Contract With America. The Washington crowd was finally beginning to listen to the people and to talk about tax relief. In 1995, the $500-per-child tax credit seemed certain to finally be passed into law, with a Republican congressional majority and a President who had campaigned at that time on family tax relief. Unfortunately, however, it never made it past the President's desk.

In 1996, the voters again asked us to enact the taxpayers' agenda, but this time they wanted Congress and the President to come together to complete the work that we started in the 104th Congress. So this May, both President Clinton and the congressional leadership agreed on a number of tax-cutting measures built around the $500-per-child tax credit. The House and Senate passed them in a reconciliation package just before the Fourth of July recess.

Mr. President, working families need tax relief today more than ever, and Minnesotans have asked me to make it a top priority because taxes dominate the family budget. In fact, a survey just released in Minnesota last week showed that the main concern of Minnesota families was taxes.

Now, you factor in State and local taxes and also those hidden taxes that result from the high cost of Government regulation, and a family today gives up more than 50 percent—50 percent—of its annual income to the Government.

So all we are saying is let us allow the working people of this Nation to keep a little bit more of their own money in their pockets.

It is hard to believe that there are some who say we are offering too much in the way of tax relief in our Senate budget plan, and that is just plain wrong. Working families are not getting nearly the amount of tax relief we promised them.

Over the next 5 years, as we know, the Federal Government will take in about $8.7 trillion in taxes from the American people. What we are asking in this bill is just that 1 cent of every dollar the Government plans to take from the taxpayer be left in their hands.

That is what the $500-per-child tax credit and other tax cuts are all about, and that is making sure that a penny earned by working Americans would be a penny kept.

Unfortunately, by imposing severe restrictions on who can receive it, the $500-per-child tax credit proposal passed by the Senate falls still well short of delivering meaningful tax relief to working families that are trying to raise children.

The $500-per-child tax credit that I introduced originally says families are eligible for the credit as long as their children are under the age of 18. The bill passed by the Senate, however, cuts the tax credit once a child reaches the age of 13. If your children are between the ages of 13 and 16, the Senate bill says we will give you a tax credit but only if you spend it the way Washington thinks it should be spent. In this case, it would have to be spent on education.

I applaud the parents who take the $500-per-child tax credit and dedicate it to their child's college education fund, but that is a decision that belongs with parents, not with Washington.

It is not our place to tell families what they can and what they cannot do with their own money. Some may elect to spend that $500 on braces for their child or groceries or maybe health insurance, and that is fine because it is their money. An unrestricted $500-per-child tax credit takes the power out of the hands of Washington's big spenders, and it would put it back where it could do the most good, and that is with families.

The second unreasonable restriction in the Senate bill was to deny the child tax credit to families with children at the age of 17. According to the Agriculture Department, this age group is the most expensive one in the typical middle-income household, and it makes no sense to cut off the tax relief just when working families need it most.

The hard-working families of Minnesota and the Nation have been waiting far too long since Congress last cut their taxes—16 years ago. And we have yet to prove to them that we understand and, more importantly, we appreciate the hardships they face every day. I know we cannot increase the level of tax relief we are offering in the fiscal 1998 budget, but I urge my colleagues, the conferees, to take whatever steps they can to repair the $500-per-child tax credit so that it benefits the maximum number of Americans.

This debate will be revisited many times in the months ahead and the years ahead, and I look forward to working again with my fellow Senators to finally deliver on the tax relief promise that we made to the people.

I thank the Chair. I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, I wish to thank you and those who are participating in this discussion for bringing this up. This is a very difficult and frustrating time for all of us, and I think the Senator from Nebraska, Mr. HAGEL, gave a pretty good outline of what this is all about, what we want to accomplish, and what we have offered. And when I say "we," I am not talking about the Republican Party. I am talking about Congress.

To put it in perspective, the House passed the tax cut bill on June 26—just June 26—and it passed by a fairly substantial margin, 253 to 179. There was a substitute that was offered by Congressman RANGEL that has come in the nature of what the President is announcing now, and it was rejected by 197 to 235. Then the Senate, on the following day, June 27, passed a tax cut bill 80 to 18. When the minority leader, Senator DASCHLE, offered a substitute, it was rejected 38 to 61.

So we went through a long and arduous process of having 29 amendments. We finally came up with a product, and we went out for the Fourth of July recess. And after we were out, the President announced a different, totally different tax cut plan while Congress was out of town, when we did not have any chance to react to it, and now he is saying that he wants his plan. His plan doesn't really provide tax cuts that are meaningful and will have a positive effect on our economy.

I have to ask the question, Mr. President, what has happened to the Democrats in their philosophy? The whole idea that we can cut taxes and increase revenue is not a Republican idea, and yet it is totally rejected by this administration. I can remember when President Clinton was first elected. His chief financial adviser, Laura Tyson, was quoted as having said there is no relationship between the level of taxes that a country pays and its economic productivity.

I suggest that if that is true, if you carry that to its logical extreme, you could tax everybody 100 percent and they will work just as hard, but we know that does not happen. And up until this administration, the Democrats knew that that could not happen.

I have to credit a Democrat with the whole idea that you can increase revenue by cutting taxes, exactly what we are trying to do, looking at taxes in general. President Kennedy said in 1962, and this is a direct quote:

> It is a paradoxical truth that tax rates are too high today and tax revenues are too low, and the soundest way to raise the revenues in the long run is to cut rates now.

The soundest way to raise revenues is to cut rates now. That is exactly what we are trying to do. And we remember what happened during the Kennedy administration. The first year he was in office, the total revenues that came in to support government, that we used to spend on government, amounted to $79 billion. After he went through his series of tax reductions, it had grown to $112 billion. We remember what happened during the Reagan administration. And we always hear from the other side that the Reagan administration came up with tax cuts and the deficits went up.

Well, sure, the deficits went up—not because of the tax cuts but because the liberals who dominated the Congress at that time voted for more government spending. And so in 1980, the total revenues that came in to run Government amounted to $517 billion. In 1990, the total revenues that came in were $1.03 trillion. It exactly doubled during that 10-year period.

Now, what happened during that 10-year period? During that 10-year period, we had the largest tax reductions in contemporary history. It has been shown—in fact, if you look at marginal tax rates, the revenues developed in 1980 were $244 billion; in 1990, it was $466 billion. And that happened during the time the tax rates were cut. So we know that we can increase revenues by reducing taxes and also relieve the burden on the American people to allow them to have more money—and not the rich. We know better than that. We have been playing that game and demagoging it for so long now that I think the American people are aware we are not talking about the rich.

With just a couple minutes remaining, I want to be more specific as to one of the particular tax cuts I feel very strongly about. In fact, Mr. President, you had made a comment about some of the farms in Wyoming. I had the same experience over the break. I was down in Lawton, OK, and I had a guy come up to me saying they were selling their family farm to a corporate farm because they could not get the price for some of their acreage in order to pay the estate taxes, and that's happening all over the country. They say, what is happening to the family-owned farm? That is what is happening.

I remember in our history, when this country was first founded and the pilgrims came over here and risked their lives—half of them did die—they came over for economic and for religious freedom. When they got over here, they established a system where each one had a plot of land to do with as he wanted and to be able to pass that wealth on from generation to generation. And it was so great, the wealth that was accumulated as a result of that, that in one of his letters back home John Smith said, now 1 farmer can grow more corn than 10 could before—because of that freedom that they had to be able to pass it on. It is called productivity, motivation, knowing the Government is not going to come in and take the money away from you that you have worked so hard to pass on to future generations.

Mr. President, I have six grandchildren, four children. I quit working for me. The motivation is for the future generations. When the estate tax was first formed, it was formed as a temporary tax. The maximum rate was 10 percent, and it was supposed to be dropped down.

I conclude by reading something that I found, an excerpt from a 1996 Heritage Foundation study that said if the estate tax were repealed, over the next 9 years the Nation's economy would average as much as $1.1 billion per year in extra output and an average of 145,000 additional jobs would be created, personal income would rise by an average of $8 billion per year above current projections, and the deficit would actually decline due to the growth generated by its abolishment.

So I think we need to reject the failed notion that has been proposed and stated over and over again by members of this administration, including Laura Tyson and the President himself, that we need to raise taxes and not lower taxes. We could actually raise revenues by lowering tax rates, and that is exactly what we intend to do and should do for ourselves, for the American people and for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized to speak for up to 10 minutes.

Mrs. MURRAY. I thank the Chair.

FUNDING ENVIRONMENTAL CLEANUP

Mrs. MURRAY. Mr. President, as a country we have congratulated ourselves time and time again on our enormous victory in winning the cold war. But today I want to remind my colleagues that the cold war was won at a cost, a very steep cost, and one of the biggest debts owed remains unpaid: the environmental devastation created at places like Hanford Nuclear Reservation in south-central Washington State.

Later today, the Energy and Water Development Appropriations Subcommittee will mark up its fiscal year 1998 appropriations bill. We will have a lot of work to do to make up the shortfalls found in both the Senate Armed Services defense authorization bill and the House national defense authorization bill. Rather than funding the cleanup bills, the authorizing committees have taken nearly $1 billion—billion—from the defense environmental management accounts of the Department of Energy and moved them into procurement and other Department of Defense accounts.

Let me tell you the effect this move will have on one place in my State. Probably the single biggest environmental problem on any of our former defense nuclear weapons sites is the 177 storage tanks filled with chemical and high-level radioactive waste at Hanford. Each of these tanks contains from a half million to a million gallons of toxic waste. Some of that waste is rock solid, some of it is soupy sludge, some of it is liquid, and some is poisonous gas. Several tanks have "burped" their noxious gases.

We have only recently begun making real progress in learning what chemicals and radioactive waste were put into these tanks and what substances have now been created through indiscriminate mixing of wastes.

The most troubling aspect of these tanks is that they are leaking, moving these vile substances into ground water and toward the Columbia River.

Let me say it again. These tanks are leaking, and they are located next to one of this Nation's greatest rivers. They are upstream from Richland, Kennewick, Pasco, Portland, and many smaller communities in Washington and Oregon. And their toxic waste is slowly migrating toward the Columbia River, which many view as the lifeblood of the Pacific Northwest because it provides fish, irrigation, power generation, recreation, and much more.

In this year's budget, the Department of Energy requested $427 million in budget authority to continue a privatization initiative, called the tank waste remediation system, and another $500 million plus for other environmental management privatization efforts. My colleague in the Washington delegation, Representative ADAM SMITH, was successful in getting the House National Security Committee to place $70 million in the defense authorization bill for tank waste, nearly $350 million short of the budget request, but the House gave no other sites any funds. Our Senate Armed Services Committee bill provides $215 million for four privatization projects, including $109 million targeted to tank waste. This is simply not adequate.

Yesterday, I submitted an amendment to the Department of Defense authorization bill that would increase these privatization accounts by about $250 million. Most of that money goes toward solving the tank waste problem which almost everyone familiar with this issue agrees must be our top priority, but money is also added at Savannah River, Oak Ridge, Idaho Falls, and Fernald.

In addition, my amendment would facilitate the riskiest part of this privatization venture by helping to ensure DOE is able to meet its time lines for delivery of this toxic waste to a private company for vitrification or immobilization. I added $50 million for this initial stage of characterization and remediation of the tank waste. The offsets come from noncleanup programs and another privatization effort within the Departments of Energy and Defense.

Mr. President, I am talking about deadly risks to human health and the environment, and so far, this Congress is choosing to ignore them. Simply wishing that these enormously costly projects will go away will not make them disappear. It will only make them worse and more costly to clean up later.

The Department of Energy has proposed an innovative method of solving these problems by privatizing them and letting some of the best, most established companies in the world use their expertise to clean up these sites. In order for industry to succeed, this Congress must demonstrate its commitment to the privatization program by funding it. Going from a Presidential request of $1 billion to $70 million in the House and $215 million in the Senate will not give the capital markets or private industry the confidence they need to make this work.

We need more money for the tank waste remediation system and other cleanup priorities. Let me remind my colleagues that even if my amendment prevails, this authorization bill will still contain about $500 million less than was agreed upon by the President and Congress in the recent historic budget agreement. The President finds this funding shortfall so serious that he has issued veto threats on both defense authorization bills, citing this as one of his primary concerns.

I urge my colleagues to stand with me as we work to get our former defense nuclear weapons sites restored or at least stop them from causing further harm to our rivers, our air and our land. We cannot turn our backs on the nearby communities that have sacrificed so much for this Nation in the past. Let's make our victory of the cold war complete by leaving our children and our grandchildren a safe, healthy environment, not a contaminated wasteland that sites, like Hanford, will become without sufficient Federal cleanup dollars.

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

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

The legislative clerk proceeded to call the roll.

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

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 7, 1997, the Federal debt stood at $5,355,915,100,573.58. (Five trillion, three hundred fifty-five billion, nine hundred fifteen million, one hundred thousand, five hundred seventy-three dollars and fifty-eight cents)

Five years ago, July 7, 1992, the Federal debt stood at $3,970,574,000,000. (Three trillion, nine hundred seventy billion, five hundred seventy-four million)

Ten years ago, July 7, 1987, the Federal debt stood at $2,326,212,000,000. (Two trillion, three hundred twenty-six billion, two hundred twelve million)

Fifteen years ago, July 7, 1982, the Federal debt stood at $1,071,078,000,000. (One trillion, seventy-one billion, seventy-eight million)

Twenty-five years ago, July 7, 1972, the Federal debt stood at $429,537,000,000. (Four hundred twenty-nine billion, five hundred thirty-seven million) which reflects a debt increase of nearly $5 trillion—$4,926,378,100,573.58 (Four trillion, nine hundred twenty-six billion, three hundred seventy-eight million, one hundred thousand, five hundred seventy-three dollars and fifty-eight cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Cochran/Durbin amendment No. 420, to require a license to export computers with composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to Amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Lugar Modified amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs.

Mr. GORTON addressed the Chair.

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

AMENDMENT NO. 645

Mr. GORTON. Mr. President, I call up amendment No. 645 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes amendment numbered 645.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Page 217, after line 15, insert the following new subtitle heading:

SUBTITLE A—HEALTH CARE SERVICES

Page 226, after line 2, insert the following new subtitle:

SUBTITLE B—UNIFORMED SERVICES TREATMENT FACILITIES

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

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

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.".

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: ", including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date of such agreement shall be not more than six months after the date on which the agreement is executed.".

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contracted physicians or groups of physicians.".

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104–201, 10 USC 1073 note) is amended—

(1) in subsection (1) by inserting before the period at the end the following: ", subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: ", or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.".

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 if title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).".

Mr. GORTON. Mr. President, I ask unanimous consent that Senators HUTCHISON of Texas, D'AMATO, and MURRAY be added as cosponsors to the amendment.

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

Mr. GORTON. Mr. President, this amendment refines legislation enacted last year to transition the uniformed services treatment facilities [USTF's] into the DOD's new health care program called TRICARE.

I hope that the managers of the bill, Senator THURMOND, chairman of the committee, and Senator KEMPTHORNE, chairman of the operative subcommittee, will accept it.

Mr. President, I am proud to have been associated with the USTF's since the program's inception over 15 years ago. I was an original cosponsor of the amendment offered on this floor in 1981 by the late Senator Henry M. "Scoop" Jackson that transitioned these former public health service hospitals and clinics to facilities of the uniformed services to provide health care to dependents of active duty personnel as well as military retirees and their dependents. Most recently last summer on this floor, I sponsored the amendment that provided the future authority for the USTF's to continue providing care to military beneficiaries through the integration of their facilities into DOD's military health care delivery system.

The USTF's currently serve about 120,000 beneficiaries at facilities located in seven States: Maine, Maryland, Massachusetts, New York, Ohio, Texas, and Washington. The facilities provide high-quality care that has been judged by every major study done to date as cost-effective when compared to CHAMPUS and other DOD health care alternatives. The USTF's pioneered managed care principles such as enrollment and capitation that have become the hallmarks of the new TRICARE program.

The USTF's are very popular with the beneficiaries, many of whom would never consider receiving their health care from any other provider. Satisfaction surveys just completed by an independent firm conclude that the USTF's

as a whole have a 91 percent satisfaction rate, 7 percentage points higher than the norm for civilian HMO's. The USTF in my State, Pacific Medical Center, enjoys the highest overall satisfaction rate of nearly 95 percent. I doubt that any DOD health care provider program can match the USTF's for satisfying the medical needs of military personnel and their families.

The introduction of TRICARE, however, has brought the USTF program to a crossroads. TRICARE has been operating in my State of Washington for over 2 years and started in Texas in November 1995. Its introduction has heightened interest within DOD to integrate the USTF's into TRICARE to ensure consistent application of the so-called uniform benefit. The amendment I offered last year which was enacted as part of the fiscal year 1997 National Defense Authorization Act set out the process for this integration of the USTF's into TRICARE to protect the beneficiary interests as well as to preserve the separate designated status of the USTF's. My amendment, which reflected the position passed by the House, called for an orderly process for negotiation of new agreements so Pacific Medical Center and the other USTF's could continue offering high-quality and cost-effective health care to military beneficiaries.

Despite my earlier amendment's good intentions, unforeseen problems have developed, largely because of institutional delays and the Defense Department's unconventional interpretation of some of the key provisions. Accordingly, I feel compelled to offer an amendment today that updates and perfects last year's language.

In a similar fashion to last year, my amendment today includes four straight-forward provisions already contained in the House-passed fiscal year 1998 Defense authorization bill. It is important to note that these four provisions are in every way substantively identical to subtitle C of title VII of the House-passed bill.

The first House-passed provision provides authority for a 6-month transition period in the implementation of the new USTF program to allow adequate time to educate the beneficiaries. The 6-month transition is entirely reasonable given that new TRICARE contracts provide at least 7 months for a proper transition. As we learned from the TRICARE transition in Washington, a compressed time period for transition will cause confusion and frustration for the beneficiaries.

The second House-passed provision provides authority to continue the existing USTF agreements during the transition period. The Seattle and Texas USTF's technically lose their statutory designation effective October 1 unless they have new agreements executed. But because of delays in commencing the negotiations with DOD, these two USTF's will not have new agreements implemented by October. An extension of the current agreement and all its provisions until the transition period is complete seems fair and appropriate.

The third House provision clarifies that the ceiling for capitation payments provided to the USTF's takes into account the health status of the enrolled beneficiaries who are under age 65. This reflects last year's clear intent that the actuarial benchmark for developing rates to reimburse the USTF's should be the health status of the actual USTF enrollees, not a national average of military health care patients.

The fourth and final House provision clarifies last year's provision so that USTF's still qualify to purchase pharmaceuticals under the preferred pricing levels applicable to military health care providers. All parties agree that last year's legislation was not intended to take away the right to continued acquisition of these reduced-cost drugs.

In addition to these four House-passed provisions, my amendment includes three other items to ensure that DOD negotiates fairly with the USTF's on the new agreements. These provisions would not be necessary if the Defense Department were earnestly negotiating in good faith with Pacific Medical Center and the Houston, TX, USTF. These two facilities are on the firing line because TRICARE is already in their regions and they are therefore required by law to have a new agreement executed by October 1, 1997. DOD, however, has chosen to negotiate first with three other USTF's that will not see TRICARE in their regions until mid-1998 at the earliest and consequently do not face the same immediacy faced by Seattle and Texas.

The first new provision tries to prod the negotiations with DOD with a requirement for binding arbitration for up to 90 days if DOD and the Washington and Texas USTF's do not reach an agreement with DOD by October 1, 1997. This arbitration amendment encourages both sides to work out their differences without giving extra leverage to either side. Without arbitration, DOD has no incentive to negotiate because it can literally run the clock out and present the Washington and Texas USTF's with a "take-or-leave-it" contract in late September just before the October 1 deadline arrives.

Binding arbitration is an eminently fair device to break an impasse and push the negotiations to completion by a date certain. The Seattle and Houston USTF's are fully prepared to accept the judgment of an independent arbiter. If DOD wants to avoid arbitration, the Department's Health Affairs Division should commence immediately good-faith negotiations with Seattle and Houston leading toward a fair agreement.

This was the result the last time Congress threatened to impose arbitration to push DOD and the USTF to an agreement. The conference report language accompanying the fiscal year 1991 National Defense Authorization Act stressed that Congress was prepared to require mandatory arbitration if the managed care model was not negotiated by DOD and the USTF's by a statutory deadline. This threat of arbitration was instrumental in pushing DOD back to the negotiating table.

The second new provision contained in my amendment clarifies how the USTF's can contract out their physician services. The clarification permits contracting out to primary care physicians provided the USTF's retain all risk and don't exceed their enrollment cap and their historical service area. The provision serves the beneficiary interest by allowing the USTF's to place primary care physicians where they are needed to enhance the convenience and accessibility of care. This change will also level the playing field with the TRICARE contractors that can contract out their primary care services.

The third and last new provision in my amendment is a conforming change that applies to the uniform benefit, with the accompanying higher enrollment fee and higher cost shares, when the new USTF agreements are fully implemented. This clarification is needed to ensure consistency with the 6-month transition of the arbitration period.

Finally, Mr. President, I implore DOD to respond favorably to the request of Pacific Medical Center and the other USTF's for open enrollment season so that military retirees can sign up this summer for the USTF program. Since DOD did not permit Pacific Medical Center to conduct an open season last year, if there is no open enrollment this summer the effect will be to deny military retirees a chance to enroll in this program for 2 consecutive years. The result is substantial pent-up demand and frustration by retirees who are simply looking for another choice in meeting their military health care needs. I urge DOD to adhere to the request in a recent Washington State congressional delegation letter to permit an open season, as clearly provided for in the USTF contracts.

Overall, Mr. President, this set of legislative refinements, as well as providing for an open season, should enable the USTF program to continue to serve the health care needs of its military beneficiaries. I appreciate the committee's understanding and hope it will soon be able to accept this amendment. Of course, I urge the full Senate to pass it.

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. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent we lay aside the pending amendment.

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

AMENDMENT NO. 669

(Purpose: To provide $500,000 for the bioassay testing of veterans exposed to ionizing radiation during military service)

Mr. WELLSTONE. Mr. President, I have two amendments I will discuss. The first is an amendment numbered 669.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. ROCKEFELLER, proposes an amendment numbered 669.

Mr. WELLSTONE. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $50,000 shall be available for testing described in subsection (b) at the Brookhaven National Laboratory in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

Mr. WELLSTONE. Mr. President, I will be relatively brief and take just several hours—just take a few minutes to speak about this. I wanted to see if everyone was awake today.

This is an amendment that would assist atomic veterans. Mr. President, I actually could talk for several hours about the atomic veterans. But I would just say that I think the most moving and most emotional times for me as a Senator has been time spent with atomic veterans in Minnesota. These are veterans who were asked to go to ground zero during the atomic testing in States like Nevada and were put in harm's way by our Government, and no one told them what they might be facing, and no one gave them protective gear.

For many of these atomic veterans it has been a nightmare. This all started in the 1950's, and for decades many of them have had a pattern of illness in their families. I could go on for hours talking about what has happened to them, including high incidences of cancer for the atomic veterans themselves, and all sorts of problems of cancer and deformities with children and grandchildren.

And to this day they still wait for adequate compensation. They wait for justice. I think it is one of the most shameful things that has happened in our country. These are veterans.

I actually want to focus on just one small piece of this amendment. I am hoping to be able to receive good support from both Democrats and Republicans, and I am hoping this amendment may indeed be accepted. I know Congressman LANE EVANS has worked on this in the House, and I believe this provision has been accepted in the House of Representatives.

This amendment would authorize $500,000 for the third and final phase of a Defense Special Weapons Agency program at Brookhaven National Laboratory to conduct—this will sound technical, Mr. President, but it is actually pretty important—to conduct internal dose reconstructions of veterans exposed to ionizing radiation while serving in the Armed Forces. DSWA is responsible for providing dose reconstructions for most atomic veterans filing claims with the VA. Out of the funding provided to DSWA—this, again, is the Defense Special Weapons Agency—for R&D under section 201(4), $500,000 would be available for bioassay testing at Brookhaven National Laboratory for the purpose of conducting internal dose reconstructions of atomic veterans to find out what has happened to them.

That is what this is all about. This program is crucial to atomic veterans because it provides the means, I say to my colleague from South Carolina, who has been so supportive of veterans, for more accurate reconstruction of radiation dosage. This is a vital step in ensuring that atomic veterans receive the compensation they deserve and in reassuring veterans who did not inhale or ingest radioactive particles in quantities sufficient to cause cancer. In other words, they need to know where they stand. This is a terribly important test. We do not want to eliminate the funding for this. Many veterans who have radiogenic diseases have been denied compensation often based on flawed dose reconstructions.

Mr. President, out of the hundreds of thousands of atomic veterans—I would like my colleagues to hear this, even if they are not on the floor now as they consider how to vote on this—out of the hundreds of thousands of atomic veterans, merely 15,000 have filed claims for service-connected compensation with the VA based on disability stemming from radiogenic diseases. Of these, only 1,438 have been approved, or less than 10 percent. Just imagine this, hundreds of thousands of atomic veterans, only 15,000 claims, and only a little over 1,000 have been approved. Of this low percentage, an indeterminate percentage may have had their claims granted for diseases unrelated to radiation exposure.

Mr. President, we have to make sure that we provide funding, a small amount of funding within the Department of Defense—that is where we have been doing this funding—to make sure that we continue this very critical test undertaken for atomic veterans.

The White House Advisory Committee on Human Radiation Experiments found "that the Government did not create or maintain adequate records regarding the exposure of all participants [in nuclear weapons tests and] the identity and test locales of all participants." This finding calls into question the current capability of the Government to come up with accurate dose reconstructions on which the approval of claims for VA compensation for many atomic veterans depend. Again, the advisory committee has said we do not have adequate data. We have not been able to keep the records. If we do not have this dose reconstruction done well, then a lot of the atomic veterans who deserve compensation for the terrible illnesses that have been inflicted upon them or their family members are not going to have the chance to get the compensation.

The DSWA program at Brookhaven uses a technology called fission tracking analysis. It analyzes the results of urine samples from atomic veterans to arrive at internal dose reconstructions. The program seeks to improve the technique first used to establish the Marshall Islanders' exposure to ionizing radiation from atmospheric nuclear testing, the same tests that we have been using with Marshall Islanders. During the third and final phase of the program, Brookhaven plans to conduct bioassays of atomic veterans and provide technical assistance to DSWA in internal dose reconstruction.

Here is what has happened, here is the reason for this amendment, colleagues. Unfortunately, a conflict has now taken place between DOD and VA, and it has developed on funding the final phase of the program. DSWA declines to continue funding the program because it contends that it is not in the business of medical testing, even though the agency has performed medical testing for Marshall Islanders. The VA simply claims it lacks the necessary funding. In the interests of the atomic veterans who served this country bravely and unquestionably, we need to end the bickering and ensure the program is carried out to fruition. The VFW, the National Association of Atomic Veterans, and the Disabled American Veterans agree and strongly back this amendment. It is a little bit outrageous that we have this bickering going on and at the same time you have these veterans for whom this test is the only way that they are ever

going to be able to get any compensation.

Mr. President, in closing, I note that for many years the cover of the Atomic Veterans Newsletter, the official publication of the National Association of Atomic Veterans, contained the simple but eloquent statement: "The atomic veteran seeks no special favor, simply justice." Their fight for justice has been too long, it has been too hard, and it has been too frustrating. But these patriotic and deserving veterans have persevered and they retain their faith in America.

I urge all of my colleagues to join me in helping atomic veterans with their struggle for justice and supporting my amendment. It is a matter of simple justice. Mr. President, Congressman LANE EVANS, who has been such a strong advocate for atomic veterans, has done this on the House side. I think the Senate should join in this effort. I think it would be absolutely unconscionable if we eliminated this funding for this small but very, very important program where we can have adequate data as to what kind of radiation dosage these atomic veterans were, in fact, vulnerable to, affected by, and what this means for them now. That, Mr. President, is the meaning of this amendment.

I ask unanimous consent this amendment be set aside.

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

AMENDMENT NO. 668

(Purpose: To require the Secretary of Defense to transfer $400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes)

Mr. WELLSTONE. Mr. President, I call up amendment number 668.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 668.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purpose of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

Mr. WELLSTONE. Mr. President, this amendment would not be subject to any point of order. It authorizes the Secretary of Defense to transfer some $400 million to the VA budget for the health care for veterans.

Mr. President, this amendment is an effort to ameliorate some damage that was done in the budget resolution that—I say to my colleagues, I do not think any Senator was really familiar with—made significant cuts in VA health care.

My amendment to the Department of Defense authorization bill would, again, authorize the Secretary of Defense to transfer $400 million from the DOD budget to restore cuts in VA discretionary health care spending. This amendment responds to the health care needs of veterans by restoring some badly needed funding for programs to the fiscal year 1997 level.

Mr. President, even with this restoration, chances are remote that the VA health care funding for fiscal year 1998 will exceed fiscal year 1997. We all know—I just want to make this clear to my colleagues—that we have an aging veteran population. We all know that as more veterans live to be over 65 and over 85, there is more of a strain on the health care budget. We want to be sure that the cut that took place in the budget resolution—which I don't think hardly any Senator was aware of, although all of the veterans organizations were aware, and there is a fair amount of indignation around the country on this question—we want to make sure that these cuts in veterans health care don't end up forcing veterans who were either disabled, ill, or poor to have to shift from VA health care to other health care. That would be a travesty for the veterans and their families, and it would also have negative consequences for VA health care in our country.

Mr. President, it has become clear that the cuts in the veterans' discretionary programs that were agreed to as part of the budget resolution are going to have some severe, if not devastating, consequences on the quality and availability of VA health care for disabled and needy veterans. The fiscal year 1998 cuts will limit VA's ability to serve all patients entitled to VA health care. If veterans health care benefits are delayed because of reduced staffing—you have to make your cuts somewhere—or a longer waiting period, then we are going to be shortchanging men and women who have risked their lives for our country.

Let me give you some sense of the impact of the $400 million reduction in VA discretionary spending in fiscal year 1998. Mr. President, to give you some idea about it, a $400 million reduction in VA discretionary spending in fiscal year 1998 is roughly equivalent to the cost of operating one of the smaller of the VA's 22 integrated service networks.

I held a forum, I say to my colleagues, in May. It was unbelievable. We had a huge turnout of veterans representing, I think, all of the veterans organizations that I can think of—Vietnam Veterans of America, Disabled Americans, Paralyzed Veterans, Military for the Purple Heart, American Legion, Veterans of Foreign Wars, atomic veterans, you name it.

The Minnesota veterans were unanimous in denouncing the cuts in some really essential VA health care resources. Like my colleagues, I supported the sense-of-the-Senate amendment that was introduced by Senators DASCHLE, DOMENICI and ROCKEFELLER on May 21, which called for full funding of the VA discretionary programs, including medical care for fiscal year 1998. I supported it for two reasons. First, I don't think many of us were aware that in the budget resolution there were going to be cuts in our investment in resources for VA health care. Second, I think it is simply the wrong thing to do. I think there is a sacred contract with our veterans, and if we are going to be making cuts and do deficit reduction, we ought not to be doing it on their backs.

So, Mr. President, I am convinced that this amendment is appropriate. I am convinced that it is really quite appropriate to pass an amendment that gives the Secretary of Defense the authorization to authorize this transfer of funding because, after all, these veterans were fighting for the defense of the Nation. That is what it was all about. I think it is critically important that we live up to this commitment.

Mr. President, let me just finish up again and say to colleagues that I am just introducing these amendments because, as I understand this process, we are going to have a cloture vote this afternoon and we may not have votes for about a day and there will be more time to discuss these amendments. At least, that is my understanding. I do want colleagues to be familiar with each of them.

I think that the atomic veterans, unfortunately, have been out of sight and out of mind for all too many people in the country. This is a critically important amendment to those veterans so that they can know what happened to them. That is the very least we can do for those veterans, their children and grandchildren.

On the second amendment, I am absolutely convinced that very few Senators were aware of the fact that the budget resolution made these cuts. It was all done in good conscience. Some of my closest friends worked on the budget resolution and supported it. My amendment simply says that we should take $400 million and heal these cuts. My amendment authorizes the Secretary of Defense to do that. I know Dr. Ken Kaiser came out to Minnesota and met with veterans, and he wasn't aware

of these cuts. I have not met one person in charge of delivering health care for veterans who believes that this can be done in such a way that it will not seriously damage the quality of health care. I am not just giving some kind of trump speech on the floor of the Senate. This is very important. We ought to, at the very least, be able to transfer this small amount of money and restore this funding for our VA health care.

With that, Mr. President, I yield the floor. I see my colleague from Georgia.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I ask unanimous consent to lay aside the pending amendment.

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

AMENDMENT NO. 712

(Purpose: To express the sense of Congress reaffirming the commitment of the United States to provide quality health care for military retirees)

Mr. CLELAND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND] proposes an amendment numbered 712.

Mr. CLELAND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VII, add the following:

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

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

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

Mr. CLELAND. Mr. President, one of the reasons I sought membership on the Senate Armed Services Committee is my commitment to supporting our men and women in the Armed Forces. I am particularly pleased to be the ranking Democratic member of the Personnel Subcommittee.

My focus on that committee has been and will be to improve the overall quality of life of our military personnel. Where possible, the level of the compensation they receive, improve military health care, and expand access to educational benefits.

One of the areas that I am most concerned about is the availability and adequacy of military health care. In particular, I believe this Nation has incurred a fundamental responsibility to provide for the health care of military retirees. We must adhere to this commitment.

I am especially concerned about what happens to retirees when they reach the age of 65. They are ineligible to participate in TRICARE. In addition, as the military begins to close and downsize its military treatment facilities, retirees over 65 are unable to seek and obtain treatment on a space available basis. Medicare does not currently reimburse the Department of Defense for health care services. The retirees over 65 are, in effect, being shut out of the medical facilities promised to them.

I am reminded of the quote from one of Wellington's troops: "In time of war and not before, God and soldier men a adore. But in time of peace with all things righted, God is forgotten and the soldier slighted."

I know we live in an environment in which resources are constrained. We are going to have to make some tough choices between people, modernization, and procurement while maintaining readiness. We are going to have to strike a balance between these competing priorities. But we must not allow budget constraints to force us to slight our soldiers. This is morally wrong. We have a sacred responsibility to take care of those who took care of us. We have incurred a moral obligation to attempt to provide health care to military retirees who believed they were promised lifetime health care in exchange for a lifetime of military service.

One alternative is Medicare subvention. It would appear that subvention would be fiscally beneficial to Medicare and would improve the ability of the Department to provide health care to military retirees over 65. However, I have several questions regarding possible shortcomings of subvention:

First, does subvention meet the needs of military retirees over 65 who do not live near military treatment facilities?

Second, as the Department continues to reduce its health care infrastructure, will maintaining access to all beneficiaries increase in difficulty?

I understand the Department has expressed concern that, under certain circumstances, Medicare subvention could result in diminished access to military treatment facilities for other DOD health care beneficiaries. That raises my third question. Will subvention increase access to some beneficiaries at the expense of others? If so, is this what we really want?

Another option that has been discussed is the idea of allowing retirees over 65 the option of enrolling in the Federal Employees Health Benefit Program [FEHBP].

The Congressional Budget Office has estimated that the cost of enrolling Medicare-eligible military retirees in the FEHBP is between $3.7 and $4.2 billion. The primary advantage to FEHBP enrollment is the ability of beneficiaries to seek and obtain healthcare anywhere in the Nation that insurers in the FEHBP provide service. I am concerned about additional cost this program would incur especially if offered in addition to the benefits currently available to retirees over 65. My question: Is there a better way to provide similar levels of service while not adding significantly high levels of cost to the Department of Defense?

A third option would be to allow military retirees over 65 to enroll in TRICARE. This would require additional resources to be made available to military treatment facilities to ensure that all TRICARE beneficiaries were guaranteed access. The Armed Services Committee was presented with an estimated $274 million shortfall in the budget request to fund the Military Health Service System. Frankly, without corresponding changes in the TRICARE system, continued enrollment in TRICARE will only exacerbate the current difficulties TRICARE faces in meeting all the needs of Military Health Service System beneficiaries. Under this option, we might also face the prospect of providing new access to some at the expense of those presently in the system.

Mr. President, I know there are significant difficulties involved with choosing the optimal approach to addressing military health care concerns. We have to deal with this problem. It is one of the highest priorities listed by the men and women in the armed forces. It is also the highest priority of those who represent the retired military population in this nation.

I believe that a comprehensive approach to reforming the DOD health care system is required. In addition to ensuring access to health care coverage, it is also necessary to ensure that health care is available to beneficiaries wherever they serve or retire.

In 1995, the Congressional Budget Office prepared a report entitled "Restructuring Military Medical Care." The report estimated that the total cost to the Department of Defense of providing the Federal Employees Health Benefit Program for all non-active duty personnel ranged between $5.9 billion and $10.7 billion annually depending upon the percentage the Government pays for the average premium. The report also estimated the total cost of maintaining a wartime combat medicine capability for active duty personnel at $6.5 billion. Some have asked if it would be feasible to replace the bulk of the Department of Defense Health service system with FEHBP while maintaining a combat medicine capability given that the Department of Defense spends approximately $16 billion per year for health care.

I sponsored language in the Senate Armed Services Committee report that directed the Department of Defense to conduct a study of this issue. I believe this is an important step toward gathering the necessary information we need to make an intelligent decision which honors our commitment to the personnel in the military. We need to know what impact this would have on the entire medical infrastructure in the military. I hope we can begin to find the answers that will allow us to resolve this matter. Our men and women in uniform and those who have served deserve nothing less.

I look forward to working with my colleagues here in the Senate, especially my good friend Senator KEMPTHORNE, who is the chairman of the Personnel Subcommittee, on this most important matter.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, we are on the defense authorization bill. I have been privileged to listen to a number of presentations. They deal with, in many instances, very significant and very important issues for the future of this country.

Mr. President, I rise today to talk about two issues. One is an amendment that I intend to offer later in the consideration of this bill. The second is to support an amendment that is to be offered by Senator LUGAR and, I believe, cosponsored by Senator BINGAMAN and a group of others, dealing with the Cooperative Threat Reduction Program and the funding for it.

Before I discuss those two, let me indicate, however, that it is curious to see a cloture motion filed on a bill like the defense authorization bill this early in the process. A cloture motion suggests somehow that we should have a vote cutting off debate when debate has hardly begun on this defense authorization bill. This is a very significant piece of legislation. There needs to be time for significant debate on issues that are very substantial.

I hope this is not going to be habit forming—filing cloture motions virtually at the same pace when a piece of legislation like this comes to the floor of the Senate. A desire to shut off debate ought not be initiated before there is some demonstration that debate is going to go on forever. If a bill is moving at a reasonable pace, there is no reason, in my judgment, for anyone to be offering cloture motions or shut off debate. I just say that is a curious thing to have happen on this bill right at the start of the legislation. I hope that won't be a habit.

Now to the issue of the Cooperative Threat Reduction Program, Mr. President, folks in my hometown, in most cases, won't know much about this program because the American people have not been given much information about the Cooperative Threat Reduction Program. It is kind of a foreign title to a program that in most cases benefits the lives of every American citizen.

I want to describe what it is and why it is important and why I support the amendment that was offered, I believe, by Senator LUGAR, along with many other distinguished colleagues, and is now pending before the Senate.

The Cooperative Threat Reduction Program is a program by which we engage with our resources under an arms control agreement to help a former adversary, the former Soviet Union, now Russia, and its surrounding States to reduce the number of nuclear weapons and warheads that were previously in place aimed at the United States of America. Doing so reduces the threat against our country. I think it makes eminent good sense to see a missile destroyed in its silo rather than having a missile fired and have to deal with a missile that is flying toward a target of the United States.

Obviously, things have changed dramatically with the Soviet Union now being gone, and we now have Russia and other independent States. We are dealing with a new world, and we have a cold war that is largely ended. We have a circumstance in which we want to work with what had been a former adversary to reduce the amount of nuclear weapons that that adversary now possesses in concert with the arms control agreements that we have already had with them and that we have negotiated and signed with that former adversary.

Mr. President, let me ask unanimous consent to have an object on the floor that I might use to demonstrate to my colleagues that this, in fact, works.

Mr. President, I want to show my colleagues a picture. This is a picture of some workers in Russia with power saws sawing the wings off Russian bombers. These folks are bent over a wing of a bomber sawing the wings off Russian bombers. Why are they sawing the wings off Russian bombers and sending these bombers, now unable to fly, to the boneyard? Because of arms control agreements. They are required under arms control agreements to reduce the number of bombers they possess in their arsenal.

A smaller picture shows former Secretary of Defense Perry inspecting an SS-24 silo. This is a missile silo in the Ukraine. This silo had 550-kiloton warheads on top of a missile—nuclear warheads capable of being delivered over 6,200 miles. This silo is now empty of warheads. There are no nuclear warheads in that silo. And our former Secretary of Defense Perry is inspecting a silo that is now cleared of its missile and its nuclear warheads.

Finally, this picture. This is a picture of silo No. 110 near Pervomaisk in the Ukraine which held an SS-19 missile. As you can see, it is now only a hole. And, in fact, if you saw a later picture you would see sunflowers planted where missiles were previously planted poised and aimed at the United States of America. This is a hole. The hole is now covered up. There is no missile, no warhead. And, in fact, sunflowers are now planted there.

Mr. President, this piece of metal comes from that missile and the missile silo. This piece of metal was removed from this missile silo in the Ukraine. This little piece of metal is a demonstration of the success of the Cooperative Threat Reduction Program. This was part of an armament in the ground on an intercontinental ballistic missile with nuclear warheads aimed at the United States of America. Now it is here in this Chamber. And where this silo and missile with a warhead used to sit there is now planted sunflowers.

Why? Why at silo 110 near Pervomaisk in the Ukraine is there now a planting of sunflowers rather than a nuclear missile or an intercontinental ballistic missile with a nuclear warhead aimed at the United States? Because this program works. This program makes sense. This program reduces the number of missiles, the number of bombers, and the number of nuclear warheads in an arms control agreement. It reduces the number of those weapons that previously had been poised to strike at the United States of America.

Let me describe the facts about how this program has worked. We have seen the elimination of 212 submarine launchers, 378 intercontinental ballistic missile silos, 25 heavy bombers, more than 500 ICBM's.

Fiscal year 1997: 131 additional ICBM silos—70 of them in Russia, 61 of them Kazakhstan—and 43 heavy bombers gone under this program; and 80 submarine launchers, all in Russia, gone; 84 missiles—48 in Ukraine, 36 in Russia—gone under this program. In effect, we helped a former adversary destroy weapons that had previously been poised and aimed at us.

I can't think of anything that makes more sense than to destroy a missile by dismantling its silo, the missile and the warhead, and it is gone.

That is exactly what the Cooperative Threat Reduction Program has done. Senators LUGAR and Nunn were the authors of this program. Many others in the Chamber have worked hard on this program.

There is an amendment pending that will restore the money for this program which is necessary to continue the progress to reduce the number of nuclear arms in Russia and the independent states under this program. It is a bargain by any stretch. It makes eminent good sense for this country to do it.

I am proud to say that I support the amendment. I commend Senator LUGAR, Senator BINGAMAN, and so many others for offering the amendment today.

Mr. President, let me turn then to one other item. We will in the context of debating this piece of legislation also discuss whether we wish to authorize two additional rounds of military base closings or whether we want, to say it another way, create a base realignment and closing commission that would recommend, in two rounds, closing certain military installations in our country.

I am not here to support having more capability in military bases than we need. That would be wasteful. I understand that. On the other hand, we have had three full rounds of base closings and one abbreviated round. In the three rounds of closing military installations, we have ordered the closure of over 100 military installations in this country. My understanding is that only 50 of them have been finally and completely closed. We have no accounting at all—none—of what the costs and the benefits have been from the closings that have occurred so far.

I think it is far better for us to decide that we should finish the job on the previous rounds of base closings before we authorize two additional rounds.

I have another motive, obviously. I am concerned about what the rounds of base closings that are authorized do to communities in our country. We have had a couple of Air Force bases put on the list and taken off the list, put on the list and taken off the list. What happens in communities when you have a base closing round is that the minute your community or your facility is remotely involved in that round of base closings, economic growth is stunted and new investment is stopped.

There isn't anyone who will come to Cheyenne, WY, or to Grand Forks, ND, or Minot, ND, or Rapid City, SD, or you name it, where they have military installations, and say, "Oh, by the way, there are going to be new rounds of base closings here."

So what we want to do is make a new investment in the community of apartment buildings or commercial property, or a plant here or a plant there. That is not the way it works. What they say is, "Gee, we do not know what the future is going to bring." You might have 30 percent unemployment in that region 2 years from now because they might close that military installation, and if they do, the last thing I want to have done is to have made an investment in that community and find that investment going belly up. It terribly stunts economic growth in these communities while you have these base closing rounds.

In fact, at the Defense Appropriations Subcommittee hearing, the subcommittee of which I am a member, General Fogleman, who indicated in response to a question of mine that he would not likely be here when we have additional base closing rounds and said he would not recommend that we have two additional rounds. If we have additional rounds, and he indicated that he felt there would be some overcapacity, we should have only one, he said. That would be his recommendation. But I believe very strongly that we should not authorize two additional base closing rounds in this defense authorization bill for a number of reasons.

The Congressional Budget Office stated the following. The Congressional Budget Office said:

> The Congress could consider authorizing an additional round of base closures if DOD believes there are surplus military capacity after all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of measures that have been taken thus far. Such a pause would allow DOD to collect the data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and savings achieved.

The Congressional Budget Office thinks it would be unwise to initiate additional base closing rounds without having the information available about what have been the costs and the benefits of the previous three rounds. I think we would be wise to heed the admonition of the Congressional Budget Office on this issue.

A good many Senators have expressed an interest in this amendment on both sides of the aisle—Senator DASCHLE, Senator CONRAD, Senator LOTT, Senator DOMENICI, Senator FEINSTEIN, Senator DODD, and others. I know we will likely have a significant and robust debate when this occurs.

I simply wanted to alert my colleagues that some of us feel very strongly that we should not initiate additional base closing rounds in this defense authorization bill until we receive the information that we think we should have about costs and benefits on previous rounds.

Let me close with a word about the subject that I originally discussed; that is, the Cooperative Threat Reduction Program.

There are those who are critical of the political process, and I suppose in many cases justifiably, because there are a lot of things that are done in the democratic process that are not efficient, some not effective. It is not a very efficient form of government—the best form of government but not the most efficient form of government. But I say to all of those who question the effectiveness or the efficiency of Government that the program called the Cooperative Threat Reduction Program in which we help finance the destruction of weapons—bombers, missiles, and nuclear warheads—that previously were aimed at the United States of America is a program that is a bargain by any standard of measure. That makes this world safer; it makes it a better world; and to the extent that we can continue this program and fund it the way it should be funded, I want to be a part of that. I hope very much we can get a vote on the amendment that is now pending, and when we do I hope very much the amendment will prevail.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. I would ask unanimous consent that the pending amendment be laid aside.

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

AMENDMENT NO. 670

(Purpose: To require the Secretary of Defense to transfer $5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program)

Mr. WELLSTONE. Mr. President, I call up amendment 670.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

> The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 670.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

> At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.

(a) TRANSFER REQUIRED.—In each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall transfer to the Secretary of Agriculture—

(1) $5,000,000 of the funds appropriated for the Department of Defense for that fiscal year; and

(2) any additional amount that the Secretary of Agriculture determines necessary to pay any increase in the cost of the meals provided to children under the school breakfast program as a result of the amendment made by subsection (b).

(b) USE OF TRANSFERRED FUNDS.—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

"(f) STARTUP AND EXPANSION COSTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

"(i) attended by children, a significant percentage of whom are members of low-income families;

"(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

"(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

"(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

"(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(2) USE OF FUNDS.—Out of any amounts made available under section (a)(1) of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Agriculture shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

"(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

"(i) initiating a school breakfast program under this section; or

"(ii) expanding a school breakfast program; and

"(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

"(i) initiating a summer food service program for children; or

"(ii) expanding a summer food service program for children.

"(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

"(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary of Agriculture a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

"(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

"(A) have in effect a State law that requires the expansion of the programs during the year;

"(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

"(C) do not have a school breakfast program available to a large number of low-income children in the State; or

"(D) serve an unmet need among low-income children, as determined by the Secretary.

"(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

"(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

"(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

"(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

"(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

"(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

"(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

"(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

"(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.".

Mr. WELLSTONE. Mr. President, before I go any further, I ask unanimous consent that Justin Page, who is an intern, be allowed to be in the Chamber during the duration of this debate.

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

Mr. WELLSTONE. I thank the Chair.

Mr. President, I rise today to introduce some amendments so that my colleagues have some knowledge of them. We will get back to them when there is more time to debate these amendments.

The School Breakfast Program was established back in 1966 as a pilot program. It was primarily located in rural districts. The idea was that children who lived in rural areas with long bus rides might not be able to have time to eat breakfast at home. Since then, the School Breakfast Program has really become a wonderful program upon which parents and students heavily rely. In many families, a single parent is working or both parents are working, and school breakfasts are recognized as one of the most beneficial nutrition programs we have.

Let me make it clear that a hungry child cannot learn and will likely grow up to be an adult who cannot earn. We are talking about a very wise investment. One more time. Sometimes we debate in this Chamber and we make issues out to be so complex. This is simple. A hungry child cannot learn and later on that child is quite likely to end up being an adult who cannot earn.

To give some context, we still have some 27,000 schools that are not able to make breakfast available or that do not make breakfast available to eligible students, and 8 million low-income children who need breakfast but do not participate. What my amendment does is correct an action that we as Congress took which was egregious. In the welfare bill that we passed, we eliminated a $5 million fund which was an outreach and start-up grant for school breakfast programs. It was created in 1990, and it was made permanent in 1994. These outreach grants are one-time grants that help States develop school breakfast programs.

Let me be crystal clear as to what is going on here. Every low-income student who is eligible for a free lunch is eligible for breakfast as well but only 40 percent of those students are able to get the assistance they need for a healthy and nutritious breakfast. The $5 million grant program was eliminated because it was an effective catalyst toward school districts expanding both their School Breakfast Programs. The welfare bill eliminated it because it was a success.

Now, why in the world do we want to eliminate a small grant program which was such an important tool in providing a nutritious breakfast for low-income children in America? What this amendment does is to point out that in the budget plan we have $2.6 billion for the Pentagon above and beyond what the President requested. Can we not authorize the Secretary of Defense to

take $5 million out of $2.6 billion more than the President even requested and put that into a grant program for States and local school districts so they can start up school breakfast programs?

I submit that part of our definition of national security has to be the security of local communities—where every child is able to reach her and his full potential—because when our children do well, we do well. It is unconscionable that we eliminated an effective, crucial $5 million grant program when so many low-income children who need a nutritious and healthy breakfast are not able to have it.

So this is an amendment which gives the Secretary of Defense the authority to transfer to the Secretary of Agriculture $5 million from the $2.6 billion above and beyond what the President requested for the Pentagon. Is that too much to ask, $5 million to help State and local school districts expand the School Breakfast Program so more of the vulnerable children in this country can at least have a nutritious breakfast? That is what this amendment speaks to. This is amendment 670.

Mr. President, I now would ask unanimous consent that this amendment be laid aside.

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

AMENDMENT NO. 666

(Purpose: To increase funding for Federal Pell Grants)

Mr. WELLSTONE. I call up amendment 666.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 666.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER OF FUNDS FOR FEDERAL PELL GRANTS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Education $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Education pursuant to subsection (a) shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for fiscal year 1998.

Mr. WELLSTONE. Mr. President, we have a budget plan that provides an excess $2.6 billion to the Pentagon above and beyond what the President requested. This amendment would authorize the Secretary of Defense to invest that $2.6 billion in Pell grants instead of $2.6 billion into the Pentagon budget.

If this amendment passes, we would see the maximum Pell grant go up to $3,800, and Pell grants stretch to reach 4,278,000 students.

This would make a huge difference. There was an excellent piece by Larry Gladieux in Monday's New York Times. Gladieux made the argument that what is now being proposed—and by the way, I am trying to provide a rigorous, if you will, critique of both Republicans' and Democrats' plans on this—both the President's plan and what is being done here in the Congress through tax deductions and tax credits does not reach those families for whom higher education really has not been attainable. He pointed out, for example, that if a tax credit program is not refundable, many families with incomes under $28,000 and many community college students are not going to benefit at all.

Talk to your financial aid offices. Talk to your students. Talk to people in your States. I know this is the case in New Mexico as well. I know that Senator BINGAMAN has been a huge advocate of the Pell Grant Program. You talk to many in these community college programs, many of whom are older and going back to school, and they will tell you that the Pell Grant Program is the most effective, efficient way of meeting their needs.

Mr. President, I do not remember exactly the statistics, but there has been something like a flat 8 percent graduation rate for women and men coming from families with incomes under $20,000 a year since the late 1970's. That is a disgrace. We know higher education is key to economic success. All of us wish that higher education will be there for our children and our grandchildren, but still we have a lot of families for whom it is not affordable. The best way to make sure they have the assistance they need, the best way to make sure the Pell Grant Program can help working families, moderate-income families, even reach into the middle-income range, is to expand the Pell Grant Program. I suggest that when we have all sorts of reports that there are tens of billions of dollars the Pentagon cannot even account for in its expenditures—Senator GRASSLEY from Iowa has done an excellent job in continuing to focus on this issue—and when you have a situation where the Pentagon in the budget resolution receives more money than the President even requested, it would seem to me we could take that $2.6 billion in excess of what is needed or has been requested and instead put it into a very successful higher education program which is all about our national defense.

We do not do well as a nation unless we have a skilled work force. As we look to the next millennium, when so many of the industries are going to be womenmade and manmade—and many of them, Mr. President, since you are a strong advocate of small business, are small businesses—let us make sure that higher education is affordable. Let us do something that will make a huge difference. And one of the things we do is take a small amount of money—it is a small amount of money in the context of the Pentagon budget—and put it into expanding the Pell Grant Program.

There is not one of my colleagues, Democrat or Republican, who is going to hear from the higher education community, the students or their families that more of an investment in the Pell Grant Program is not extremely important to them. It is very important to the families we represent. It is very important to the future of our States. It is very important to the future of our country. I look forward to a full debate about our priorities as we go forward with this defense authorization bill and get back to debate on each of these amendments.

With that, Mr. President, I thank my colleagues for their graciousness in letting me introduce these amendments today and I will yield the floor.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment offered by Senator WELLSTONE to reduce defense spending. The budget agreement represents what is available for defense spending, not what is required. This amendment reduces defense funding below the amount that was agreed to by both the congressional and administrative budget negotiators.

Mr. President, we have been down this road before, but it seems that some of my colleagues have forgotten where it leads. Those who oppose a strong defense often attempt to justify their position by reminding us that the cold war is over. They conclude that defense spending should be lower because we do not face an obvious danger from a threat like the Soviet Union. They make a simple argument. This argument is appealing because it provides an easy solution to our funding problems—but the argument is wrong and dangerous.

While our Nation no longer faces a cold war danger, the world is still a dangerous place. The belief that continual reductions to defense are in order is not only ignoring reality, it also overlooks requirements for both present and future force readiness. We ask our men and women in uniform to respond to crises all over the world every day. Right now, we have United States troops on duty in Bosnia, in the skies over Iraq, and on ships at sea near any actual or potential trouble spot in the world.

The Chief of Staff of the Army, General Reimer, testified that,

Requirements have risen 300 percent. . . . Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home . . . for 140, 160 or 190 days of this past year.

The Secretary of the Air Force, Dr. Widnall, testified that,

Since Desert Storm, we have averaged three to four times the level of overseas deployment as we did during the Cold War.

The problem remains that we will not require less of our servicemen and women. At the same time, some of my colleagues seek to continue to reduce defense spending. This is not right. Deployments to trouble spots have not slowed down. We have not stopped sending our young service people all over the world.

Arguments are made that the Pentagon could find all the money it needs by eliminating wasteful spending. Mr. President, this is probably true of many programs, not just defense. No one supports wasteful spending. But concerning the Defense Department, Secretary Cohen is taking action. He has just finished and delivered the Department's report on the Quadrennial Defense Review [QDR], a review of the national military strategy, force structure, and assets necessary to carry out it out. He has recently established another panel to push the Defense Department toward more business-like operations. The Armed Services Committee has already held one hearing concerning the QDR. More hearings will be held.

Mr. President we must remember that the QDR is an attempt to define our military requirements for our future military security, but we must deter wars with ships, planes, and tanks today. There is a price for freedom. This is the price for world leadership. As Secretary Cohen stated:

Having highly ready forces that can go anywhere at any time really spells the difference between victory and defeat and it also spells the difference between being a superpower and not being one.

Mr. President, I strongly urge all of my colleagues to oppose this amendment that would intend to cut defense spending. It is absolutely necessary that we maintain defense for the security of this Nation. I yield the floor.

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. Mr. President, just a very brief response. I appreciate the comments of my colleague from South Carolina. I always appreciate what he has to say.

I do want to point out that one of my amendments—and I am hoping we can have some agreement on it—just says we should really follow the action of the House and do not eliminate a program within DOD which is a critical testing program for atomic veterans to find out what happened to them.

The second amendment I have has a lot to do with defense. It has to do with veterans who found out after the fact that in the budget resolution we essentially put into effect cuts in veterans' health care. I just have to say to all my colleagues, these veterans are very much about our national defense. I don't think it is too much out of a $2.6 billion excess of what the President and Pentagon even asked for to say, look, let's take $400 million and put that into the VA health care budget. These veterans are all about our national defense. I think this is going to be a critically important vote, and I look forward to the debate on it.

The third amendment I offered was an amendment which dealt with the School Breakfast Program. I again have to say, it would seem to me when we are talking about $2.6 billion more than what the President asked for, it is not so much to take $5 million which is so critical to enabling States to start up school breakfast programs and put it towards making sure that children have a nutritious breakfast before they go to school. This is all about priorities. It is not a question, I say to other Senators, of not wanting a strong defense. This is a small amount of money we are saying the Secretary might be authorized to transfer, a small amount of money with a very big bang.

I just finished talking about how my Pell grant amendment, too, impacts our national defense.

So, again, these amendments all focus on the $2.6 billion above and beyond what the President requested for the Pentagon. These amendments say we ought to at least give the Secretary the authority to transfer some of the small amount of funding to make sure veterans get the health care that they need or to make sure that we re-establish startup grants for the School Breakfast Program, to make sure we keep the program that we have had for the atomic veterans, and, finally, I have raised questions about an investment in education, but it is all done within the framework of an excess $2.6 billion. This is a debate about priorities, it is not a debate about who is for a strong defense.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. 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. BINGAMAN. Mr. President, since there is no other Senator wishing to speak right now, let me say a word about the procedure that we seem to be agreed upon of having a cloture vote this afternoon at 3 o'clock. I know the majority leader has requested unanimous consent to do that and has been granted unanimous consent to do that. I certainly did not object. But I have to say, Mr. President, that the procedures in the Senate, as is said in Alice in Wonderland, get curiouser and curiouser. Having a cloture vote at this stage in our deliberations on this Defense authorization bill seems to me the most curious of any procedure I can recall.

We are, as I understand it, being advised by the leadership, the majority leadership, Senator LOTT, that we do not want any votes on this bill until at least 6 o'clock tomorrow evening when the absent Members who are in Madrid with the President attending the meeting on NATO return. I understand that is a very important meeting, and I certainly commend them for being there to attend that. I do not object to postponing votes on this important defense authorization bill until they return.

But for us to be, on one hand, being told that we should not vote because Members are absent and, on the other hand, being told that we should invoke cloture because someone is delaying the Senate in concluding action on this bill, the only people delaying the Senate in concluding action are the absent Senators or the leadership in trying to protect them from votes. So I have great difficulty understanding why we are having this cloture vote today.

Obviously, if that is the majority leader's will or desire, he has that right under Senate rules. But for people who try to understand the proceedings around the Senate, I think they need to understand that invoking cloture does cut off debate. That is the purpose of it. It limits the number of amendments each Senator can offer. It limits the length of time each Senator can speak. It prevents us from seriously considering legitimate proposals that may be made to improve or alter this bill.

So I think it would be a big mistake for us to invoke cloture. As I said in my early comment, I think it is really very confusing to this Senator to understand why we are having the vote at all. I hope that the majority leader will reconsider and vitiate the yeas and nays and put off any votes on cloture until such time as there is some evidence at least that some Senator is trying to delay action on the bill. I see no evidence of that at the present time. I think all of the Senators who have come to the floor this morning to offer amendments have had those amendments set aside because of their agreement with the majority leader's position that we should postpone votes until tomorrow evening after our colleagues return from Madrid.

Mr. President, I wanted to make that statement because I have great difficulty understanding myself the procedure that is being followed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. LOTT. Mr. President, for the information of all Senators, the cloture vote scheduled for today will occur at 3 p.m. It is my hope that cloture will be invoked so that the Senate can complete action on this very important Department of Defense authorization bill this week.

It is my understanding that perhaps as many as 150 first-degree amendments have been filed to the bill. Needless to say, there remains a tremendous amount of work to be done in order to complete action this week.

SENATOR ENZI RECEIVES GOLDEN GAVEL AWARD

Mr. LOTT. Mr. President, today, the Senate pauses to recognize a colleague who has now presided over the Senate for 100 hours during this session of Congress. It has been a longstanding tradition in the U.S. Senate to honor those Senators who preside 100 hours in a single session. To those individuals who achieve this height, we bestow the Golden Gavel Award.

While many Senators have won this prestigious honor, few have done so as swiftly as Senator MIKE ENZI of Wyoming. Indeed, Senator ENZI has surpassed all other records that have been set by Republican Senators in the history of the Golden Gavel Award. Today he completes his 100th presiding hour. The Senate has been in session this year for approximately 615 hours, and the freshman Senator from Wyoming, as Presiding Officer, has filled 100 of those hours with matchless enthusiasm and dedication.

So, on behalf of my colleagues, I extend my congratulations to the first Golden Gavel recipient of the 105th Congress, Senator MIKE ENZI, who is presiding at this time.

Congratulations, Senator ENZI. Thank you for all the time that you have spent in the chair. The week before the Fourth of July recess period I had noted what an excellent job you had been doing as a Presiding Officer, having been in the chair late, I think it was, on Thursday night and back in the chair through a long, extended period of time on Friday morning.

We appreciate your good work. Now that you have reached this milestone, we hope you will continue on. You are doing such a good job we will just keep this pattern going in the future.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, Senators should be on notice that the Senate will begin having rollcall votes on Mondays and Fridays in order to make substantial progress on appropriations bills prior to the August recess. I have discussed this with the Democratic leader. He understands and agrees we should be prepared to have these votes on Mondays and Fridays so that we can make substantial progress on appropriations bills.

We hope to do a minimum of five appropriations bills as well as the balanced budget and the tax fairness conference reports before the Senate adjourns for the August recess.

Consequently, Senators need to be aware that votes should be anticipated on Mondays and Fridays, at least up until noon on Fridays. We will need the cooperation of all Senators.

We also, of course, could have some Executive Calendar nominations that would be required to either get clearance or to actually have them called up and have votes on them. We will be providing more information on that as the week goes forward.

I yield the floor, Mr. President.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

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

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

MORNING BUSINESS

Mr. COCHRAN. Mr. President, I ask unanimous consent there now be a period for morning business during which Senators may speak for up to 5 minutes each, lasting until the hour of 3 p.m.

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

HONORING THE GIBSONS ON THEIR 60TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Clarence and Rena Gibson of Independence, Missouri, who on August 7, 1997, will celebrate their 60th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Gibsons' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MICHIGAN TRAGEDIES

Mr. ABRAHAM. Mr. President, late on Wednesday, July 2, the State of Michigan was the recipient of an uninvited guest for the holiday weekend: Namely, a series of intense thunderstorms which ripped through the south-central and south-eastern portions of our State.

Heavy rains, accompanied by 13 confirmed tornado touchdowns, and powerful straight line winds in excess of 70 to 100 miles per hour caused extensive damage, injury and some deaths in our State. I have had the chance since then to tour a number of the damaged sites in our State, and I know that Senator LEVIN has likewise been visiting some of these communities. I can attest to the level of destruction which has taken place in Michigan.

Just to put some statistics to the descriptions, all told we had 13 people who were killed as a result of the storms, approximately 117 others as of this morning who were injured, and some 1,482 people are homeless today as a result of the storm. Public damage estimates at this point are now close to $135 million, and are expected to rise.

To put it in even a more personal perspective, in Grosse Pointe Farms, MI, winds in excess of 75 miles per hour caused the collapse of an occupied picnic pavilion gazebo. It actually swept the gazebo across the park, lifted it and those in it through a fence and into Lake St. Clair. Five people, including several very young children, were killed as a result. In Wayne and Macomb, Counties, flooding caused by the intense rainfalls resulted in nearly 52 million dollars' worth of damage to the public water and sewer systems. In the city of Detroit, the headquarters of Focus:HOPE, a volunteer organization that feeds over 50,000 people a month in Michigan, sustained $10 million in damages when a tornado tore the roof off several of its buildings and blew out dozens of windows. In the city of Hamtramck, another community I visited, the scene was reminiscent of a Hollywood set, with cars up-ended, houses destroyed, and roofs ripped off buildings. It was an incredible act of nature which, at one point, left approximately 325,000 people in our State without power.

I appear today, really, just to give the Senate an update. Michigan is a resilient place and the people in all of

these communities have risen to this challenge. People have been volunteering, helping neighbors, and coming from all over our State to lend a hand in places such as Chesaning, a city in Saginaw County, and in Genesee, Wayne, Macomb, and Oakland Counties. I am very proud of those people, Mr. President. I appear today to thank all of those who have stepped up to this challenge.

Government officials, led by our Governor John Engler, Detroit Mayor Dennis Archer, Mayor Kozaren of Hamtramck, Mayor Danaher of Grosse Pointe Farms, Supervisor Kirsh of Washington Township, Supervisor DePalma of Groveland Township, Supervisor Walls of Springfield Township, Mayor Jester of East Lansing, Supervisor Miesle of Cohoctah Township, Supervisor Kingsley of Conway Township, Supervisor Wendling of Maple Grove Township, Village President Mahoney of Chesaning and numerous other local officials have pulled together the State and local resource teams to get out and help distressed folks. The Michigan State emergency personnel, the State police, and FEMA have already begun the public damage assessments and they have been stalwarts in addressing these problems. I want to commend them, but I especially want to commend the volunteers from all over our State who have joined together to provide these first few days the kind of neighbor-to-neighbor help that truly makes the difference when crises of this type occur.

Our office is very actively involved, along with the other congressional offices, in trying to provide assistance. We have made it clear to those in need, if there is anything we can do we will be there to help. We also intend to continue the efforts to work with our State and with FEMA to provide whatever assistance we can, and if a decision to seek Federal aid is made, certainly I urge the President to move quickly to approve it. My wife, today, in fact, is in the State working with the Red Cross in a number of the shelters that have been provided. People from our staff and other congressional staffs, I know, are likewise performing various volunteer services.

So, Mr. President, I want to send a heartfelt thanks to those in our State who have donated their time and energy. To the families of those who have lost loved ones, we send our prayers and condolences. And to the many others who have been affected by this, we want you to know that people are committed to working to do everything we can to return things to normal and to overcome this tragedy. It was an incredible storm, but Michigan is an incredible State, and I know we will successfully rebuild and put things back on track in a very short period of time.

I yield the floor.

ARE POLITICAL CONTRIBUTIONS VOLUNTARY?

Mr. NICKLES. Mr. President, on behalf of Mr. David Stewart and millions of workers like him, who hold their political freedoms in this country in the highest regard, I send the June 25, 1997 Rules Committee testimony of Mr. David Stewart of Owasso, Oklahoma to the desk and ask unanimous consent that it be printed in the RECORD.

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

TESTIMONY OF DAVID STEWART, TRANSPORT WORKERS UNION OF AMERICA-LOCAL 514, REGARDING SENATE BILL S. 9, THE PAYCHECK PROTECTION ACT

My name is David Stewart, I am a member of the Transport Workers Union of America, Local 514 located in Tulsa, Oklahoma. I am here today to support changes in legislation that will protect the hard earned money of myself, and my co-workers. We are tired of funding political agendas and/or candidates that we do not endorse or vote for. I want to first make the point that I am not anti-union, I have received decent wages and benefits as a result of my membership with the T.W.U. and believe that union membership is beneficial and would recommend that all working men and women of the United States join in a union.

Let me submit a brief overview of my history in Organized Labor. I became a union member (Transport Workers Union of America) in September 1983, when I was hired as a welder at American Airlines Inc. I was very interested in the affairs of the union and attended all union meetings and quickly became a Shop Steward around December 1983. As my interest continued, I was offered Labor Study classes in the evenings at Tulsa Junior College in 1984. I accepted and attended the following courses: History, Organization, and Functions of Unions, Labor and Politics, Labor Laws, and Grievance Handling and Arbitration.

In 1985–86 I was elected Vice-President of the Northeastern Oklahoma Labor Council. This was a very short lived position as I am the father of three boys and the time needed to perform these duties conflicted with my requirements as a father and resigned this position after about eight months. In any event, my involvement with the union continued as a member. I continued my duties as Shop Steward and was very involved with the Political Wing of the Union. This Political Wing has a "sign factory" behind the Union Hall where volunteers print, assemble, and distribute yard signs for political campaigns. I spent many hours in this building learning of political issues and candidates that the union supported.

In 1991, I transferred to a newly created local in Fort Worth, Texas. As I spent time away from Tulsa and the strong political wing of the Tulsa local union, my personal political views began to change toward a more conservative position and I began to realize that I really do not agree with some of the agendas and the candidates that the union endorses. Yet, we are all required to fund these agendas and campaigns just by virtue of our membership in the union. As I searched for relief from this unjust requirement, I found out about the "Beck Supreme Court Decision" which in effect gives a union member the right to a refund of the non-bargaining expenditures of the union. The problem is, I must relinquish my union membership and the rights associated with that membership to seek this refund. It is absurd to require me to fund the contract bargaining, contract enforcement and administration of the Local, yet require me to forfeit my rights to a voice in these affairs, only because I oppose the political expenditures of the union. I still attend the union meetings and enjoy having a voice in the affairs of the union and my career, I am not willing to give up this activity to receive the refund afforded me by the "Beck Decision."

In September of 1996, I transferred back to Tulsa as a Crew Chief. I have duties and responsibilities covering the assignments of 20 mechanics and welders. I have attended about six union meetings in the past eight months, I have had no conflicts with the union that would influence my decision to come to Washington and testify. I would like to believe that my status as a union member of the T.W.U. will not be affected by my testimony before this committee.

My options under current law are best described as follows:

Option A:

During the month of January, of any given year I can send a notice of my objection to the International Secretary Treasurer. I must first assume non-member status in my union. I am required to renew this objection in January of each year to object for the subsequent twelve months. As an objector, I shall have neither a voice nor a vote in the internal affairs of the Local Union or of the International Union; nor shall I have a voice or a vote in the ratification of or in any matter connected with the collective bargaining agreement, whether or not it covers my employment. My paycheck shall continue to have a fee equal to full union dues deducted by my employer and transmitted to the union. The Local and the International, place these fees in an interest bearing escrow account. After completion of an audit, I will receive a rebate equal to an amount ascribed by the audit to non-chargeable activities. This rebate of course does not include any portion of the interest applied to the escrow account. I can at my own expense challenge the validity of the audit. This procedure is very cumbersome and probably cost more than the challenge would change the audit report.

Option B:

I can continue to fund all of the non-germane and political expenditures of my union. This option allows me to maintain the very important voice and vote in the affairs of the Local and International Union. More importantly, as a bonus for funding these activities, I have a voice and a vote in the ratification of the collective bargaining agreement. It should be pointed out here, that I will fund the collective bargaining process regardless of which option I choose. I only get a voice and a vote as a reward for funding the other non-germane expenses.

Option C:

Seek assistance from my government representatives and attempt to get the laws changed that hold my voice and vote hostage as a result of the Supreme Court Beck Decision of 1988. The bottom line is this, I continue to fund the non-germane expenditures so that I can receive the reward for voice and vote in the union business associated with the germane.

I am currently a participant for Option B, and I appear before this committee today to exercise Option C.

It is my understanding that Organized Labor will oppose this legislation. I find this to be an interesting position, because it will

not outlaw expenditures, only require consent from each member. If Labor is convinced that the membership supports their non-germane spending, they should also be convinced that the consent to continue, and even an increase in this spending should be very easy to obtain. I have no pride in the 35 Million Dollar attack on members of Congress in the election of last fall. I was disgusted to watch the misleading television ads attacking decent members of Congress, and I know many of my co-workers feel the same. On the other hand, an active campaign has begun to garner support for changes to the Federal Aviation Regulations, a bill to equalize regulations between domestic and foreign Aviation Repair Stations, this is a political expenditure that myself, and my co-workers must spend whatever it takes to seek support, this is one issue I should not oppose expenditures and volunteer funds for. This is where I stop and think to myself . . . why does everything require political funding for passage? Or, why don't we just do the right thing for the voter anymore? However, these hearings are not about Federal Aviation Regulation changes, Republican vs. Democrat, Pro-Union vs. Anti-Union, Right-to-Work Laws vs. Union Security Agreements. The issue is about allowing a union member to object to political expenditures and retain the right to vote on issues associated with the germane expenditures of the union that he will fund regardless of which option described above is exercised.

I feel privileged to sit before this committee today, as the debate over the campaign finance becomes the focus of our government. Very few Americans today believe that a single voter as myself without a huge bankroll of cash to fund the next campaign could ever reach this level of participation. I have already, and will continue to spread the word that indeed with persistence and knowledge of the issue, a constituent is still welcome on the hill.

I believe very strongly that the Paycheck Protection Act introduced by Senator NICKLES is the answer to my woe as a union member. I can object to the collection by intimidation of my hard earned money for political views and agendas I oppose, yet continue to have involvement and support those affairs of my union that I have no opposition to. It is refreshing to see that my Senator, has the insight and courage to help the union members of this country by authoring "the Paycheck Protection Act" Senate Bill No. 9.

Mr. KENNEDY. I ask unanimous consent that Tom Perez on my staff be given floor privileges.

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

PRESIDENTIAL RACE INITIATIVE AND AFFIRMATIVE ACTION

Mr. KENNEDY. Mr. President, I commend President Clinton for his impressive Presidential initiative on race, which he announced in his recent commencement address at the University of California, San Diego.

This initiative combines constructive dialog, study and action. It carries forward the President's longstanding concern that the country must remain One America, and that all Americans must have an opportunity to share in the American dream.

Too often, the race issue is used as a wedge to divide America.

President Clinton's goal is to unite America by examining where we have been, and where we need to go, in order to achieve lasting racial reconciliation. President Clinton correctly recognizes that our Nation's diversity is our greatest strength, and that we must improve the ability of all Americans to realize their full potential.

Civil rights is still the unfinished business of America. We have come a long way toward the goal of equal justice and opportunity. But as the church arson epidemic, the Texaco debacle, the O.J. Simpson trial and the Good Ol' Boys Roundup demonstrate, we are not there yet.

Incredibly, there appear to be some who believe that discrimination is a thing of the past, and that the playing field is now level for women, for people of color, and for other victims of discrimination. The facts clearly belie this claim.

The unemployment rate for African-Americans is twice that of whites. Women still earn only 72 percent as much as men.

The average income of a Latina woman with a college degree is far less than that of a white man with a high school degree. The Glass Ceiling Commission reported that 97 percent of the top executive positions in Fortune 500 companies are held by white men, although they are just 43 percent of the work force. In the Nation's largest companies, only 1 percent—1 percent—of senior management positions are held by Latinos or African-Americans.

Hate crimes continue to occur at alarming rates.

The scales of justice are supposed to be blind, but these figures demonstrate that race and gender discrimination are distorting the balance.

Yet, there are those who want to eliminate all affirmative action programs, claiming that they have outlived their usefulness. It's time to dispel the barrage of misinformation about affirmative action.

Affirmative action is not about promoting or hiring unqualified women and minorities, admitting unqualified students, or awarding contracts to unqualified businesses.

Affirmative action has clearly worked in the Armed Forces. Does anybody doubt the qualifications of Gen. Colin Powell?

Affirmative action has clearly worked in education. College admissions practices that allow universities to consider race as a factor—not the main factor or the controlling factor—have a positive impact on the ability of minorities to escape the cycle of poverty through education.

The overwhelming majority of educators feel that colleges and universities are failing in their mission if they ignore the diversity that is the essence of the American experience.

Done right, affirmative action works. President Clinton's impressive and exhaustive review concluded that affirmative action is still an effective tool to expand economic and educational opportunities, and to combat bigotry, exclusion and ignorance. I strongly support President Clinton's "mend it, don't end it" prescription for affirmative action.

There has always been bipartisan support for affirmative action. From President Kennedy to President Nixon to President Clinton, there has been bipartisan support in the White House and Congress, because no one can say with a straight face that the playing field is level for women and minorities.

In addition, President Clinton's nomination of Bill Lee to head the Civil Rights Division is also significant step in ensuring equal justice for all Americans. Bill Lee has dedicated his entire career to finding real-life solutions to real life problems of discrimination. The son of Chinese immigrants, Bill Lee grew up dirt poor in New York City. His parents operated a laundry in a poor section of New York. Bill Lee and his family suffered discrimination first hand, and know how it feels to be taunted and excluded simply because of one's appearance.

But he overcame their barriers and graduated from Yale University and Columbia Law School with honors.

For the past 22 years, he has worked on behalf of all victims of discrimination —African Americans, Asian Americans, Latinos, women, and the poor. He has won remedies that have aided them financially, and given them hope that they too can be part of America.

His ability to forge consensus has earned him the respect of all Americans. Republicans and Democrats alike, including Mayor Richard Riordan, and Senators WARNER and THURMOND, have written letters of support on his behalf. I hope that he will be confirmed expeditiously so that he can help lead the effort to ensure that civil rights guarantees do not remain hollow promises.

The issue of discrimination is too important to become a political football in Congress. As we continue the discussion of race and gender, I urge my colleagues to support President Clinton's initiative, and continue the tradition of bipartisan support that has served this country well in recent decades. Our goal is still to guarantee equal opportunity for all Americans. Let us be sure that when we say "all," we mean "all."

SUPPORT FOR THE ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, this week the House of Representatives will take up the Department of Interior appropriations bill, which includes funding for the National Endowment for the Arts.

It will be a watershed debate in Congress, because Republican extremists

in the House are trying to eliminate Federal support for this important agency. The House Appropriations Committee has recommended only $10 million for the Endowment, and these funds would be used only to phase out the agency. The misguided Republican goal is to eliminate direct Federal support for music, dance, symphonies, and other arts in communities across America.

The Republican position is so weak on the merits that the House leadership is attempting to use the parliamentary rules to block an up-or-down vote on the merits of this important issue.

Clearly, this unacceptable attack on the Arts Endowment deserves to be rejected. The Endowment has raised the quality of the arts in America. It has also strengthened support for the arts and interest in the arts by Americans in all walks of life in cities, towns, and villages in all parts of America.

For example, under the Endowment's tenure the number of orchestras in America has doubled and the number of dance companies has increased tenfold. Other arts have witnessed similar expansions and earned broad public approval.

An eloquent op-ed article in today's New York Times by the renowned actor, Alec Baldwin and Robert Lynch discusses the extraordinary record of achievement by the Arts Endowment. The article reminds each of us how much is at risk in the current debate, and the cynical Republicans strategy to prevent a vote on the merits. I ask unanimous consent that the article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, July 8, 1997]

TYRANNY OF THE MINORITY

(By Alec Baldwin and Robert Lynch)

Whether or not you believe the National Endowment for the Arts should be eliminated, there is one basic principle upon which we should all agree: Congress should at least vote on the matter, and the majority should prevail.

This notion may seem obvious, but it is the very principle that the House leadership is undermining. The House Appropriations Committee recommended giving the endowment $10 million for the fiscal year beginning Oct. 1—only enough to shut it down.

We believe that a clear majority of House members want to reject this scheme. After all, poll after poll shows that the public supports the endowment. The Senate leadership has indicated that it is willing to continue the N.E.A.'s current level of financing, and the White House has threatened to veto any bill eliminating the agency altogether.

Despite these clear signals, House leaders are using parliamentary rules to block an open and fair vote. The leadership is requiring advocates for the N.E.A. to win a procedural vote—before the bill can even be debated on the House floor. If this sounds unfair, that's because it is.

Why does the House leadership want to drive this train into a head-on collision? If Congress can't eliminate a small agency like the N.E.A., conservatives argue, it can never cut big-ticket items that will help balance the budget and reduce the deficit. As Representative John Doolittle of California put it, "It is gut-check time for the entire House."

This statement sounds compelling, but it's a red herring. If anything, the N.E.A. actually helps balance the budget. The endowment has helped a booming nonprofit arts industry, which each year generates $36.8 billion in revenue and pays $3.4 billion in Federal income taxes.

Every argument for elimination of the endowment crumbles under scrutiny. Conservatives say the agency is elitist, but the facts show that the N.E.A. actually helps average American families gain more access to the arts. When extremists argue that the Government should not be deciding what is good art, the facts show that it is not the Government, but panels of everyday citizens with working knowledge and expertise in the arts who are the ones making grant recommendations.

And although the agency is depicted as nothing but the purveyor of pornography, the reality is far different. The N.E.A. has made more than 112,000 grants supporting everything from the design competition for the Vietnam Memorial in Washington, to gospel music in Lyon, Miss. Fewer than 40 grants have caused controversy—that means 99.96 percent of the endowment's grants have been an unquestioned success. Moreover, two years ago Congress tightened the rules for N.E.A. grants to prevent further controversy.

Facts, however, no longer seem relevant when it comes to the N.E.A. Some members of Congress continue to invent one myth after another as a pretext for eliminating the N.E.A., just so they can claim victory in some form, any form.

Dick Armey, the House majority leader, claims that a handful of Republicans worked out a budget agreement two years ago that pledged partial financing for the N.E.A. in exchange for a phase-out of the agency over two years. As a result, he is now calling for this new Congress to uphold this alleged deal.

But Mr. Armey doesn't point out that this agreement was specifically excluded in the final appropriations bill two years ago. In fact, it was never included in any bill enacted into law.

Even if the agreement were valid, Mr. Armey himself provides a reason not to support it. Explaining why he was not bound by the recent balanced budget agreement, he recently said: "The basic rule around this town is that if you're not in the room and you don't make the agreement, you're not bound by it."

Mr. Armey makes an excellent point. He and other House leaders should stop bullying rank-and-file members to eliminate the N.E.A. After all, will Americans think that using arcane parliamentary rules to eliminate the endowment is an achievement worthy of the 105th Congress?

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998: Trent Lott, Strom Thurmond, Jesse Helms, Pete Domenici, R.F. Bennett, Dan Coats, John Warner, Phil Gramm, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, and Spencer Abraham.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 936, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Akansas [Mr. HUTCHINSON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Delaware [Mr. ROTH], and the Senator from Oregon [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The yeas and nays resulted—yeas 46, nays 45, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—46

Abraham	Faircloth	Murkowski
Allard	Frist	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Snowe
Chafee	Helms	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Mack	
Enzi	McConnell	

NAYS—45

Akaka	Cochran	Glenn
Baucus	Conrad	Gorton
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Breaux	Dorgan	Hollings
Bryan	Durbin	Inouye
Bumpers	Feingold	Johnson
Byrd	Feinstein	Kennedy
Cleland	Ford	Kerrey

Kerry	Lugar	Robb
Kohl	Moseley-Braun	Rockefeller
Lautenberg	Moynihan	Sarbanes
Leahy	Murray	Torricelli
Levin	Reed	Wellstone
Lieberman	Reid	Wyden

NOT VOTING—9

Biden	Jeffords	Mikulski
Coats	Landrieu	Roth
Hutchinson	McCain	Smith (OR)

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The pending question is amendment No. 666, offered by the Senator from Minnesota.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 658, AS MODIFIED

Mr. KENNEDY. Mr. President, I would like to and will speak briefly on an issue that I think is of significance and importance as we are addressing the defense authorization bill, and that is the amendment of the Senator from Indiana, Senator LUGAR.

I urge that the Senate support his amendment to restore the cuts made in the Nunn-Lugar cooperative threat reduction programs in the Department of Defense and related nuclear material security programs in the Department of Energy. The funds spent on these programs are the most important cost-effective contribution to our national security that we can make.

Today, and for the foreseeable future, the greatest threat to national security involves potential terrorist acts using weapons of mass destruction. And it is ironic that after living for 40 years under the specter of a cold war nuclear holocaust, the prospect of a nuclear explosion taking place within the United States has actually increased since the dissolution of the former Soviet Union. This is the ominous view of both the intelligence community and the Department of Defense. Any defense bill we enact must deal responsibly with this threat.

We have taken significant steps to do so in recent years. In 1991, Senator Nunn and Senator LUGAR initiated the Cooperative Threat Reduction Program. The basic concept of that program and the nuclear materials safety programs at the Department of Energy is that paying for the destruction and safeguarding of nuclear weapons in the states of the former Soviet Union increases the security of America itself.

The accomplishments of these programs offer convincing evidence that the Nunn-Lugar program works. The Defense Department has already helped to fund the elimination of 6,000 nuclear warheads in nations of the former Soviet Union. Never again will these weapons threaten the United States.

The funds for the Nunn-Lugar and related programs are the most cost-effective dollars spent in the entire defense budget.

They support the complete destruction of nuclear weapons in the nations of the former Soviet Union.

They strengthen border controls to prevent the illegal transport of nuclear bomb-making materials.

They support efforts to protect these materials from theft at their storage sites or during transport.

They provide employment and economic incentives for former Soviet weapons scientists to avoid the temptation that they will sell their know-how to buyers from nations and organizations that support international terrorism.

They fund cooperative efforts to match U.S. commercial applications with the Russian defense industry.

Since these programs began, Congress has fully funded the administration's budget requests until this year. The current committee bill reduces the President's request by $135 million. The bill takes $60 million from the Defense Department's Cooperative Threat Reduction Program, which the department intended to use to help Ukraine destroy its SS-24 intercontinental ballistic missiles.

We specifically encouraged the new Government of Ukraine to take this step because these missiles pose a clear and present danger to our national security. It is a costly operation, but few are more worthwhile. It is imperative that we maintain fully funded and well-structured programs to deal with all aspects of this serious threat.

The initiatives undertaken in this area by the Department of Energy are equally essential. The International Nuclear Safety Program upgrades safety devices on Chernobyl-era nuclear reactors. Yet, its funding has been cut by $50 million.

The Materials Protection, Control, and Accounting Program supports efforts to identify and store the nuclear materials that are most likely to be stolen. Yet, its funding is cut by $25 million.

Under these two programs, the Department of Energy has succeeded in making tons of nuclear weapons materials secure, primarily plutonium and highly enriched uranium. Previously, these materials had not been protected by even the most elementary security precautions. These materials posed grave threats to our national security, and they still do.

Alarming public reports in recent years have mentioned cases where nuclear materials were intercepted at border crossings. We can only wonder how many shipments have gone undetected at border crossings and whether terrorists even now have custody of these materials.

The National Research Council released a report this spring on U.S. proliferation policy and the former Soviet Union. Its first and strongest recommendation is full funding for the Materials Protection, Control, and Accounting Program.

The report goes on to express strong support for the overall Departments of Defense and Energy CTR Programs. But the material protection program was specifically singled out as the most important area for additional funding.

The reason is clear. Bomb-grade nuclear weapon material poses so great a threat to national security that the United States should do all we can to work with Russia to guarantee these materials are safely stored—no ifs, ands, or buts. There is no margin for error, none whatsoever.

The design and manufacture of a crude homemade nuclear weapon is a relatively easy task if the needed uranium or plutonium is available. It takes just 10 pounds of plutonium—about a single handful—to utterly destroy any American city.

Without a major ongoing effort to identify, catalog, transport, store, and eventually reprocess or destroy Russia's nuclear material, it is just a matter of time before some terrorist group becomes a nuclear power. That is why these programs are so important. That is what restoring these funds is all about. The last thing we need is to look the other way as the next Timothy McVeigh prepares to destroy an entire American city.

Over the years we have spent billions of dollars building our nuclear weapons and implementing strategies to prevent nuclear war. Now when a relatively small sum of money can deal with this current threat, how can we afford not to? If a terrorist explodes a nuclear weapon in the United States, we may well never know who to retaliate against.

It may already be too late. But we hope and pray it is not. We must do more—much more—to see that the current loose controls over nuclear weapons and bomb-making materials in the nations of the former Soviet Union do not result in a nuclear terrorist attack on the United States or any other nation.

There will be no comfort in saying the morning after, "If only we had done more." Now is the time to do more. Restoring these funds is the indispensable first step toward doing more, doing it, and doing it as soon as possible.

I commend the Senator from Indiana for his leadership on this issue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator KYL and Senator COVERDELL be added as cosponsors to amendment No. 420 offered by Senator COCHRAN.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I understand, and I have been briefed that there will be an amendment proposed on behalf of several Senators to increase the amount for National Guard Civilian Youth Opportunity Program to $48 million and to provide a substitute for the provision extending and revising the authority of the program.

Mr. President, I strongly object to this amendment. It is already at $20 million. The fundamental question here arises when we are complaining about the fact that there is not enough money for flying time, there is not enough money for pay raises, there is not enough money for quality of life for men and women who are in the military who are serving, and there is not enough money for modernization of the force—and every military leader will tell you that—and now we want to add $28 million to a program which, really, the National Guard has no business being in. It has no business being in a Civilian Youth Opportunity Program.

Oftentimes we refer to the job and role of our Founding Fathers, Mr. President. Who in our Founding Fathers thought that the job of the National Guard was to administer Civilian Youth Opportunity Programs?

The National Guard, I am told by my colleagues who are in areas where there have been floods, devastation, and other disasters, has its hands full. The National Guard has a great deal of difficulty in maintaining training levels of efficiency. We found that out during Operation Desert Storm. Now we want to add $28 million to a program that the National Guard has no business being in.

Mr. President, I am sure when we have a recorded vote on this—and I will demand a recorded vote—that it will carry overwhelmingly, just like the military construction appropriations bill that is coming before us will carry overwhelmingly that has billions of dollars of wasteful and pork barrel spending, but sooner or later, sooner or later, Mr. President, the American people are going to be fed up. They are going to stop supporting spending for national defense and they will stop because they see this kind of unnecessary and wasteful and pork barrel spending.

I read in the newspaper today the military construction bill has some $900 million additional for projects that the administration or the Department of Defense could not find anywhere on their priority list—nowhere to be found on their priority list as being necessary, but they also happen to match up to districts of powerful Members of the other body's committee.

It has to stop, Mr. President. A lot of people are getting tired of it. I am sure, as has happened on many other occasions, that when we have a recorded vote on this, it will carry overwhelmingly, but sooner or later we will ask ourselves the question, When are we going to spend the money where the priorities are, according to the leaders of the military, both military and civilian? It certainly isn't in this program. Is $28 million a lot of money? Certainly not in this entire bill. But it is symptomatic of the problem that has afflicted defense spending for too long and is becoming epidemic. The House overwhelmingly wants to spend what potentially would be $27 billion additionally for B-2 bombers that they can't find a military leader who will say we need. $27 billion. We hear time after time that we are not modernizing the force, that we are losing quality men and women out of the military, we are having to lower our recruitment standards in order to meet our quotas. What are we going to do to solve it? Spend $27 billion on B-2 bombers, add $28 million to the National Guard, and the pork barrel list goes on and on and on.

I am telling you, from talking to my constituents, people are getting a little weary of it, Mr. President. So when this amendment comes up, I tell the chairman and the Democrat manager, I will want to talk again on it, not because it is a lot of money—$28 million is not a lot of money in a defense bill—but it is the wrong thing to do. It is wrong what we are doing in military construction in the bill and wrong what we are doing authorizing projects and programs that we don't need, when at the same time there are severe and fundamental problems in the military that are not being addressed, which means that the Congress of the United States isn't performing its responsibilities in a mature fashion and in a way that will provide for the national security of this country.

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

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

AMENDMENT NO. 744

(Purpose: To extend the chiropractic health care demonstration project for 2 years)

Mr. THURMOND. Mr. President, I offer an amendment that would extend the chiropractic health care demonstration project for 2 years.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 744.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

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

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B)."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

Mr. THURMOND. Mr. President, I propose an amendment that would extend the Chiropractic Health Care Demonstration Program for 2 years and would include the National Capitol region as a demonstration site.

In the National Defense Authorization Act for fiscal year 1995, Congress directed the Secretary of Defense to conduct a demonstration program to determine whether chiropractic health care should be provided as part of the military health care system. The legislation requires a comprehensive evaluation of the program. Representatives of the chiropractic health care community are required to be included in the evaluation process.

The National Capitol region was not one of the 10 sites selected to be part of the demonstration. My amendment would expand the demonstration to include the National Capitol region. In order to include the experiences of chiropractic care in the National Capitol region in the evaluation, I propose to extend the demonstration program for 2 additional years. I am confident that this amendment will result in a better evaluation of the chiropractic care demonstration.

I urge my colleagues to support this amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 744) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 648

(Purpose: To require a report on Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment No. 648 that would require a report on the Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents.

I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, we favor the amendment.

We urge it be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 648.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

Mr. LEVIN. Mr. President, we urge the Senate adopt the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 648) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 745

(Purpose: To authorize the Secretary of the Army to donate excess furniture, and other excess property, of closed Army chapels to religious organizations that have suffered damage or destruction of property as a result of acts of arson or terrorism)

Mr. THURMOND. Mr. President, on behalf of Senator HELMS, I offer an amendment which would authorize the Secretary of the Army to transfer excess religious articles formerly in chapels of the Department of the Army to churches that have been damaged or destroyed as a result of an act of arson or terrorism.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. Mr. President, the amendment has, indeed, been cleared, and we support it.

Mr. THURMOND. Mr. President, I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. HELMS, proposes an amendment numbered 745.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

Mr. HELMS. Mr. President, when the Pilgrims boarded the Mayflower and set sail for a new world, they were searching for a land where they would be free to worship God as they wished. Our Founding Fathers, inspired by their example, incorporated the principle of religious freedom into our national fabric. The importance of this principle to our national character is emphasized by its honored place in the first clause of our Bill of Rights which reads "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

In spite of this protection, some citizens have, at times, sought to deny others the right to worship. In extreme cases, this intolerance has turned to violence as houses of worship were desecrated by fire or vandalism. Last month, the National Church Arson Task Force released a report that found no evidence of a nationwide conspiracy behind the fires. I never believed there was a conspiracy but that finding does not diminish the suffering of the congregations in my home State and across the United States who have been victimized in these incidents.

Let there be no doubt, Mr. President, no act is more despicable than the desecration of a house of worship. It is fitting that the perpetrators of such a heinous crime be apprehended and prosecuted to the full extent of the law, I commend the Federal, State, and local law enforcement officials who

work diligently to investigate these shameless acts and to prevent their recurrence.

Mr. President, while stories of church burnings are no longer on the front page of every newspaper or the lead story on the evening news, the victims remain. The pastor of one of those congregations, Pastor Brenda Stevenson of the New Outreach Christian Center in Charlotte, which was destroyed by an arsonist in 1995, recently wrote me about her church's effort to rebuild. She informed me that her congregation was able to rebuild with the help of the Christian Coalition's Samaritan project and the Save the Churches fund but that further help was needed. Specifically, Pastor Stevenson requested that excess religious property, formerly used in closed military chapels, be made available to churches that have suffered these terrible acts.

I am told that precisely such property has been found at Fort Bragg, NC, where several old wooden chapels were closed as part of a consolidation. The approximately $25,000 worth of property, including 65 oak pews, 3 altars, 2 pulpits, communion sets, and other religious property, has been declared excess to the needs of Fort Bragg and would ordinarily be sold at auction to the highest bidder. Similar property may also be available at other Army installations.

I agree with Pastor Stevenson that the Army should be allowed to donate this surplus property to some of the churches damaged or destroyed as a result of arson or terrorism. The amendment I am introducing gives the Secretary of the Army authority to donate such property as it becomes available at Army installations.

Mr. President, I know this matter may seem of little consequence to some considering that Congress is considering a budget in excess of $1.7 trillion dollars. However, the gift of this furniture and religious property can mean a very great deal to congregations such as the New Outreach Christian Center that are struggling to rebuild.

Moreover, it is appropriate that Fort Bragg, home of the XVIII Airborne Corps, 82d Airborne Division, and special operations force, which have done so much to protect our liberties abroad, be permitted to contribute to the defense of those liberties at home. I invite my colleagues to join in support of this bill so that some small measure of relief can be provided to these victims.

Mr. President, I ask unanimous consent that a copy of Pastor Stevenson's letter be printed in the RECORD.

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

NEW OUTREACH CHRISTIAN CENTER,
Charlotte, NC, June 6, 1997.

Hon. JESSE HELMS,
U.S. Senator,
Washington, DC.

DEAR SENATOR HELMS: The New Outreach Christian Center was desecrated by an arson March 14, 1995. This horrific act shocked our community and the county. With the assistance of the "Save the Churches Fund" grant of the Christian Coalition we were able to rebuild our house of worship.

The Samaritan Project, an outgrowth of the "Save the Churches Fund" has notified us that the military may have furniture, materials and equipment which could be of further help to our church. I ask that legislation be initiated that would allow churches that have been harmed by acts of violence to receive the items from these closed chapels. This could assist my church and others throughout the country.

Please move forward on this issue. As a country we cannot accept violence against any house of worship, and must unite to help rebuild them. If there are any questions please call Pastor Brenda Stevenson.

Thank you and God Bless,

BRENDA STEVENSON,
Pastor.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 745) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 649

(Purpose: To provide for increased administrative flexibility and efficiency in the management of the Junior Reserve Officers' Training Corps)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment numbered 649 that would provide for increased administrative flexibility and efficiency in the management of the Junior ROTC Program.

I think this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment is accepted on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 649.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle C of title V, add the following:

SEC. . FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§ 2032. Responsibility of the Secretary of Defense

"(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

"(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidation of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

"(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"2032. Responsibility of the Secretary of Defense.".

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 649) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

(Purpose: To require the procurement of recycled copier paper by the Department of Defense)

Mr. THURMOND. Mr. President, on behalf of Senator JEFFORDS, I offer an amendment that would codify and extend the Executive Order 12873 requirement regarding Federal agency use of recycled content paper by providing for increased Department of Defense purchases of such paper for copy machines.

Mr. President, I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

Mr. LEVIN. Mr. President, this amendment has been cleared on this side. We support it. It is a good amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. JEFFORDS, proposes an amendment numbered 746.

Mr. THURMOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

Mr. JEFFORDS. Mr. President, more than 20 years ago Congress passed the Resource Conservation and Recovery Act to promote Government purchases of products made from recycled materials. Since then, State and local governments throughout the country have enacted similar policies. Ten years ago, only 13 States and a handful of local governments had buy recycled laws. Today, at least 45 States and more than 500 local governments have established legal requirements to purchase recycled content products. In 1993, the administration issued Executive Order 12873 which reinforced the principle of increasing the Federal Government's use of recycled-content products, especially paper products.

Yet in 1996, the Department of Defense, the single largest consumer of copy paper in the world, had a compliance record of only 14 percent regarding its procurement of copy paper. Although DOD should be complimented for recently volunteering to buy only recycled-content copy paper, its decision was due to the General Services Administration's initiative to set the price of recycled paper at 5 cents cheaper than virgin paper. History leads us to assume that DOD will revert to the policy of buying virgin paper should the price shift a nickel.

Well, Mr. President, price is important, but it is only one factor in the equation. As the largest user, DOD must be the role model for other Government agencies and comply with the intent of Congress and the administration. This amendment affords DOD the flexibility of buying nonrecycled paper if the price differential is unreasonable compared to virgin paper, while defining the term "unreasonable" as "greater than 7 percent".

Additionally, the intent of this amendment is to cause Defense Department procurement offices to buy copy paper in an environmentally responsible manner and is not meant to place unreasonable constraints on the process. It, therefore, contains provisions which allow procuring agencies to choose not to buy the recycled paper if the product is unavailable within a reasonable period of time, or if the product does not meet reasonable performance standards.

Finally, this amendment builds on the intent of the executive order and extends it into the 21st century. Under this amendment, the required postconsumer content will rise to 50 percent in 2004. This initiative is based upon ongoing technological advances within the paper industry and the expectation that they will push down the cost of recycled paper in future years. If DOD cannot meet this requirement, a provision is included in the amendment which will allow them to report to Congress for purposes of gaining a deferment.

Mr. President, only through legislative action can we ensure that DOD will continue to shoulder its environmental responsibilities and serve as the role model it must be.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 746) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 747

(Purpose: To improve the provisions on depot inventory, and financial management reform)

Mr. LEVIN. Mr. President, on behalf of Senators HARKIN and DURBIN, I offer an amendment which would modify language in the bill addressing inventory management, depot management, and financial management issues.

I understand this amendment has been cleared on the other side.

Mr. THURMOND. Mr. President, the amendment is cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. DURBIN, proposes an amendment numbered 747.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 59, after line 14, add the following new paragraph (3):

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment."

On page 101, between lines 21 and 22, insert the following:

"(3) For the purposes of this section, the term 'best commercial inventory practice' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs."

On page 268, line 8, strike out "(L)" and insert in lieu thereof the following:

"(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

"(M)".

Mr. HARKIN. Mr. President, I offer an amendment with Senator RICHARD DURBIN regarding some much needed reforms in the way the Department of Defense manages its inventory of goods, as well as its financial management systems. Our amendment modifies some very useful language that is included in the Senate Armed Services Committee version of the Defense Authorization bill.

I first would like to applaud the members of the Armed Services Committee for including provisions in the bill that moves the DOD toward better management of its finances and inventories. These provisions are important steps toward fixing some critical problems. We believe that our amendment adds a few simple improvements to the committee provisions.

One element of our amendment requires that the DOD take actions to ensure that its comptrollers are adequately trained. Afterall, the comptroller is the key technical expert who

overseas and manages the day-to-day financial operations. For example, the comptroller of the Pacific Fleet, billeted for a Navy captain, is responsible for the financial management and financial reporting of an annual budget of about $5 billion, comparable in size to a Fortune 500 corporation.

Earlier this year, I released a General Accounting Office report, entitled "Financial Management: Opportunities to Improve Experience and Training of Key Navy Comptrollers." The GAO report states that the Navy's financial and accounting systems have been substantially hampered by the fact that the Navy has no specific career path for financial officers, has inadequate financial management and accounting education standards for comptroller jobs, and has a policy of rotating officers too often through key accounting positions. In the report, GAO pointed to these personnel practices as one cause of GAO findings of misstatements in almost all of the Navy's major accounts.

The GAO report recommended that the Secretary of Defense ensure that the following steps are taken by the Navy, all of which are applicable to the other Armed Services:

Identify which key military comptroller positions can be converted to civilian status in order to gain greater continuity, technical competency, and cost savings.

For those comptroller positions identified for conversion to civilian status, ensure that those positions are filled by individuals who possess both the proper education and experience.

For those comptroller positions that should remain in military billets, establish a career path in the financial management and ensures that military officers are prepared, both in terms of education and experience, for comptrollership responsibilities.

This year, I also released, along with Senator DURBIN, Congressman PETER DEFAZIO and Congresswoman MALONEY, a second GAO report that addressed some critical problems with the DOD's inventory practices. "Defense Logistics: Much of the Inventory Exceeds Current Needs" detailed billions of dollars in unneeded supplies and equipment within the DOD's inventory. Although DOD has made some progress in reducing the overstock in its inventory, much more needs to be done. This is especially true in its overstock of spare parts and hardware items.

I agree with the committee's attempt to institutionalize best commercial practices in the management of DOD's inventory, especially for the inventory of spare parts. Our amendment simply requires the DOD to implement pilot programs when needed. It also clarifies the definition of best commercial practices to include the so-called prime vendor arrangements which have proven very successful.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 747) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 748

(Purpose: To streamline electronic commerce requirements and for other purposes)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON and GLENN, I offer an amendment which would amend the requirements in the Federal Acquisition Streamlining Act of 1994 to allow electronic commerce at DOD and other Federal agencies to be implemented in a cost-effective manner consistent with commercial practices.

The amendment would also make changes to current procurement law to conform civilian agency statutes to DOD statutes regarding the performance-based contracting and to revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor to participate in the program.

Mr. President, I believe this amendment has been cleared by the other side, and I urge that the Senate adopt this amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. It is a good amendment. We support it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, and Mr. GLENN, proposes an amendment numbered 748.

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

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator GLENN, the committee's ranking minority member. We thank the chairman and ranking member of the Armed Services Committee for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal Government as well.

The amendment which we offer today began as a request from the administration to include additional procurement-related reforms to those enacted over the last 4 years and those already included in S. 936. Our amendment includes the following provisions:

First, it would amend current Governmentwide procurement law which requires the development and implementation of a Governmentwide Federal Acquisition Computer Network architecture—called FACNET and enacted as part of the Federal Acquisition Streamlining Act of 1994 [FASA]. At the time, Congress intended to require the Government to evolve its acquisition process from a paper-based process to an electronic process. The specific intent of FACNET was to provide a common architecture to implement electronic commerce within the Governmentwide procurement system.

However, GAO recently reviewed the Government's progress in developing and implementing FACNET, and concluded that, in the short time since passage of FASA, alternative electronic purchasing methods have become readily available to the Government and its vendors. Given these advances in technology, the overly proscriptive requirements of FASA and problems with implementation by the agencies, GAO questioned whether and to what extent FACNET makes good business sense. GAO recommended that if the FACNET requirements were an impediment to the implementation of a Governmentwide electronic commerce strategy, then legislative changes should be enacted. This amendment would provide those changes to give flexibility to implement electronic commerce at DOD and other Federal agencies in an efficient and cost-effective manner consistent with commercial practice.

Further, the amendment would make technical changes to current procurement law to: First, conform civilian agency statutes to DOD statues regarding performance-based contracting; and second, revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor in the pilot.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 748) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 749

(Purpose: To require the Secretary of Defense to review the command selection process for District Engineers of the Army Corps of Engineers)

Mr. LEVIN. Mr. President, on behalf of Senator GRAHAM of Florida, I offer an amendment that would require the Secretary of Defense to report to Congress concerning the process that the Army Corps of Engineers uses to assign officers as district engineers, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, proposes an amendment numbered 749:

At the end of subtitle E of title X, add the following:

SEC. 10 . REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) FINDINGS.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be of 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 749) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 750

(Purpose: To extend by 2 years the applicability of fulfillment standards developed for purposes of certain defense acquisition workforce training requirements)

Mr. THURMOND. Mr. President, on behalf of Senators SANTORUM and LIEBERMAN, I offer an amendment which would extend for an additional 2 years the requirement under section 812 of the Defense Authorization Act for Fiscal Year 1993 and for the Department of Defense to develop and implement alternative standards for fulfilling training requirements under the Defense Acquisition Work Force Improvement Act.

Mr. President, I believe this amendment has been cleared by the other side, and I urge the Senate to adopt it.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SANTORUM, for himself and Mr. LIEBERMAN, proposes an amendment numbered 750:

At the end of subtitle E of title X, add the following:

SEC. 844. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

Mr. SANTORUM. Mr. President, I rise to offer an amendment for myself and Senator LIEBERMAN that would extend the authority of the Department of Defense to consider alternative approaches to the fulfillment of the education and training requirements in the Defense Acquisition Workforce Improvement Act in chapter 87 of title 10, United States Code. In the report to accompany the Defense Authorization Act for Fiscal Year 1998, the Armed Services Committee noted its continuing concern with ensuring that our defense acquisition workforce has the necessary education and training support for the new environment in Government acquisition.

Section 812 of the Defense Authorization Act for Fiscal Year 1993 directed the Department of Defense to develop alternative standards for the fulfillment of the training requirements for the acquisition workforce under the Defense Acquisition Workforce Improvement Act. These standards will sunset on October 1 of this year. The amendment I am offering would extend the life of these fulfillment standards for an addition 2 years. This extension will allow the DOD to explore alternatives to formal internal training programs, including completion of courses outside of the Department of Defense educational system.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 750) was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 712

Mr. LEVIN. Mr. President, on behalf of Senator CLELAND, I call up amendment No. 712 that would express the sense of Congress to reaffirm the commitment of the United States to provide quality health care for military retirees, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 712) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 751

(Purpose: To require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living)

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I offer an amendment that would require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living.

I ask also unanimous consent that Senator KEMPTHORNE be listed as an original cosponsor of this amendment.

I understand it has been cleared on the other side.

Mr. THURMOND. Mr. President, this amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. KEMPTHORNE, proposes an amendment numbered 751:

At the end of subtitle E of title V, add the following:

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key

components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel that for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 751) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 666 offered by the Senator from Minnesota [Mr. WELLSTONE].

AMENDMENT NO. 424

(Purpose: To require the Secretary of the Navy to set aside the previous selection of a recipient for donation of the USS Missouri and to carry out a fair process for selection of a recipient for the donation)

Mr. GORTON. I ask unanimous consent that the pending amendment be set aside so that I can call up amendment No. 424 and ask for its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mrs. MURRAY, proposes an amendment numbered 424.

Mr. GORTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle B of title X, add the following:

SEC. 1014. SELECTION PROCESS FOR DONATION OF THE USS MISSOURI

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

(1) The USS Missouri is a ship of historical significance that commands considerable public interest.

(2) The Navy has undertaken to donate the USS Missouri to a recipient that would memorialize the ship's historical significance appropriately and has selected a recipient pursuant to that undertaking.

(3) More than one year after the applicants for selection began working on their proposals in accordance with requirements previously specified by the Navy, the Navy imposed two additional requirements and afforded the applicants only two weeks to respond to the new requirements, requirement, never previously used in any previous donation process.

(4) Despite the inadequacy of the opportunity afforded applicants to comply with the two new requirements, and without informing the applicants of the intent to do so, the Navy officials gave three times as much weight to the new requirements than they did to their own original requirements in evaluating the applications.

(5) Moreover, Navy officials revised the evaluation subcriteria for the "public benefits" requirements after all applications had been submitted and reviewed, thereby never giving applicants an opportunity to address their applications to the revised subcriteria.

(6) The General Accounting Office criticized the revised process for inadequate notice and causing all applications to include inadequate information.

(7) In spite of the GAO critria, the Navy has refused to reopen its donations process for the Missouri

(b) NEW DONEE SELECTION PROCESS.—(1) the Secretary of the Navy shall—

(A) set aside the selection of a recipient for donation of the USS Missouri;

(B) initiate a new opportunity for application and selection of a recipient for donation of the USS Missouri that opens not later than 30 days after the date of the enactment of this Act; and

(C) in the new application of selection effort—

(i) disregard all applications received, and evaluations made of those applications, before the new opportunity is opened;

(ii) permit any interested party to apply for selection as the donee of the USS Missouri; and

(iii) ensure that all requirements, criteria, and evaluation methods, including the relative importance of each requirement and criterion, are clearly communicated to each applicant.

(2) After the date on which the new opportunity for application and selection for donation of the USS Missouri is opened, the navy may not add to or revise the requirements and evaluation criteria that are applicable in the selection process on that date.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor to the amendment.

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

Mr. GORTON. Mr. President, the U.S.S. *Missouri*, the battleship on which the Japanese surrender was signed in 1945, was decommissioned, mothballed and home ported in Bremerton, WA, from 1954 until it was recommissioned in 1986. It was during that period of time, of course, a major and treasured tourist attraction located relatively conveniently in the continental United States.

In 1995, the *Missouri* was decommissioned for a second time and returned to Bremerton. The U.S. Navy then made the *Missouri* available for donation to a community willing and able to transform the ship into a world class maritime museum honoring the men and women who served in World War II.

The Save the Missouri Committee in Bremerton competed with four other applicants in Hawaii and California under the same rules that had been applied to all previous Navy donations.

I want to emphasize that once again, Mr. President. These were general Navy donation rules under which Bremerton and the other four cities competed.

At the last minute, however, when it was likely that Bremerton would be

chosen under those rules, the Navy added two new requirements, failing to tell any of the applicants that the two new requirements would count for 75 percent of the ultimate decision and that the earlier rules were only 25 percent.

The applicants had 2 weeks to respond. None of the applicants, according to the Navy's own evaluation team, responded adequately. Nevertheless, the Navy awarded the *Missouri* to Honolulu based exclusively on those new requirements.

The General Accounting Office then reviewed the Navy process. It criticized it on just the grounds that I have outlined. The Navy nevertheless has refused to reopen the process for the four losing applicants, Bremerton and the three in California.

Mr. President, during this entire process, I never interfered and told the Navy what answer it should come up with. I simply assumed that the Navy would do so on an objective and on a nonpolitical basis.

Now, however, I must say that, based on my own experience and the report of the General Accounting Office, I am outraged at the Navy's lack of objectivity and its indifference to fairness.

This amendment, therefore, sponsored by myself, my colleague from Washington, and Senator FEINSTEIN from California, will not decide the question in favor of one of our cities. It simply requires the Navy to reopen the question and to treat all five applicants fairly and under the same rules that were imposed at the beginning of the process rather than being added at the end. It is as simple as that. Mr. President, something that the Navy should have done in the first place it would be required to do by this amendment.

Obviously, the location of the *Missouri*, given its historic nature, is a matter of significance to all of the applicants and, I think, to all Americans and most especially to those who served in World War II.

Obviously, I would prefer the ultimate location to be in my own State. But I have not demanded in the past, nor do I demand now, that the Navy decide in my favor. I simply ask that it make this decision objectively—nothing more and nothing less.

For that reason, I ask for the support of my colleagues for this modest proposal.

Mrs. MURRAY. Mr. President, I am pleased to join my Washington State colleague in offering this amendment to require the Navy to revisit the awarding of the U.S.S. *Missouri*. I have followed closely the Navy's handling of the *Missouri*; working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. I am also pleased that California Senators have joined this effort to question the Navy's *Missouri* decision.

The history of the "Mighty Mo" is known all across our country and throughout the world. This is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end. The *Missouri* is particularly valued by the residents of my State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to veterans in my State; many of whom served in World War II including in the Pacific theater and aboard the "Mighty Mo."

Following the Navy's decision to remove the *Missouri* from the Naval Vessel Register, five proposals were submitted to the Navy from communities interested in taking ownership of the famed battleship. Bremerton, WA was among the five applicants seeking to display and honor the *Missouri*. San Diego, San Francisco and Honolulu all submitted proposals.

Each community vying for the *Missouri* submitted voluminous applications to the Navy responding within a year's time to a set of Navy criteria previously used in the disposition of the U.S.S. *Lexington*. While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton community in preparing its proposal to the Navy. Bremerton's proposal to permanently display the *Missouri* was delivered to the Navy in October 1995.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. Congressman NORM DICKS in his capacity as a senior member of the House Appropriations Committee requested a General Accounting Office study on the Navy's donation process of the *Missouri*.

It is the results of this GAO study that bring us here today. Since coming to the Congress, I have sought to let the Sun shine on the political process—to share with the public the great decisions before this body. The GAO study demonstrates that the Navy also needs a little sunshine.

Here's what the GAO found in reviewing the Navy process. Following the review of applications, the Navy added new and previously unused criteria to the selection process. And, according to the GAO, the Navy did not do a good job communicating the relative importance of the new evaluation criteria. According to the GAO, several of the applicants reported that the Navy gave them the mistaken impression that the additional requirements were not that significant.

Shockingly, these new criteria were actually given 75 percent of the donation award weight. After more than 1 year of discussion among the interested communities, the Navy changed the rules and failed to explain the importance of the new rules. Then the Navy gave the competing communities 12 days to respond to the new rules which turned out to be decisive in awarding the battleship.

Clearly, the Navy bungled the process—either innocently or with other motives in mind. I am not here to accuse either the Navy or another applicant of behaving inappropriately. Rather, I do believe the facts of the case as established by the GAO argue for our amendment.

Let me state clearly what our amendment seeks to accomplish today. We simply seek the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudge that selection process. We only want a fair competition, administered by the Navy in a manner worthy of this great battleship.

Like all of my colleagues interested in displaying the *Missouri*, I have every confidence in the proposal from my home State. Bremerton continues to host the *Missouri* today and the community is devoted to remaining the steward of this unique historic monument. The *Missouri* is a passion for the residents of Bremerton, Kitsap County, and indeed all of Washington State.

I recognize that the interests of Washington State may not be enough to sway the Senate to overturn the Navy's decision. However, I do want my colleagues to know that this is not a small, regional competition. Veterans all across this country care about the *Missouri*. Those who served aboard this great battleship live in every State in the country; many are now elderly and incapable of traveling great distances to commemorate their service. It is for our veterans and particularly for those that served aboard the "Mighty Mo" that we must ensure that the process is fair to all.

All World War II vets recognize and revere the "Mighty Mo." Just recently, Bremerton hosted a group of 110 families and survivors from the Death March of Bataan and Corregidor. These veterans, many in poor health, could travel to Bremerton. And they wanted to see the "Mighty Mo." This reverence for the battleship demands that the Senate stand for a process fair to all.

I urge my colleagues to support the Gorton-Murray amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER [Ms. SNOWE]. The Senator from Hawaii.

Mr. INOUYE. Madam President, briefly, it displeases me to be standing here speaking in opposition to my distinguished friend from Washington. But I think it should be remembered by all of us that under current law, the law that is in place, the Secretary of the Navy is authorized to donate any

stricken vessel to any organization which can demonstrate its financial means to support it.

The Navy is not required to hold a competition nor is it required to select a winning proposal. However, as my friend from Washington noted, when it became apparent that there were several cities vying for the *Missouri*, such as San Francisco, Bremerton, and Pearl Harbor, the Secretary determined that he would very carefully examine how he would dispose of the ship.

In a lengthy competition, the Navy kept all participants equally informed. Nowhere in the GAO report does it say that any city got favorable treatment. They were equally informed of how it would judge the applicants.

It determined that in the unique situation at hand it should ensure that this historic ship should be located where it would best serve the Navy and the Nation. Those were the two additional criteria.

I think that even without stating that, that should be the first criteria: How best can the interests of this Nation be served? How will the Navy's interests be served?

The Secretary issued these new requirements to all of the applicants. According to the GAO, no one received favorable or preferential treatment. The Navy Secretary then had his staff evaluate the criteria. He chose the best proposal as the winning location. Under the current law the Secretary could have selected the losing proposal, but he did not. He chose the winning proposal. And the winner was Pearl Harbor.

Now, those that lost say that is not fair. If one would objectively look at the GAO report, it does not suggest that it was not fair. All applicants operated under the same rules. We did not know that the Navy would change the interests which best served their interests.

They argue that the competition should be reopened. What is the basis of this argument? The GAO did not recommend that the competition be reopened, nor did the Secretary recommend that the competition be reopened. Instead, they believe, since none of the parties had enough time to consider how their location was the best location for the ship, that we should go back and redo the competition.

Madam President, I believe that is completely unfair to the winning team. We have made countless—hundreds—of decisions of this nature. Did we go back to MacDonnell Douglas and say we are going to reopen the competition for the joint strike fighter because they lost to Boeing? No. Did the Navy reopen the competition of the sealift ship contracts when Newport News and Ingalls lost to Avondale? No.

Madam President, the amendment by the Senator from Washington, I believe, is unfair and it is bad for all of us. Each of us has had constituents which won and also lost competitions. If we are to go back and reconsider awards even when the GAO does not recommend reopening matters, then I believe we will be in very serious trouble.

I believe that the Pearl Harbor applicants won the contest and competition for one simple reason: The Pearl Harbor applicants did not look upon the *Missouri* as a mere tourist attraction. We have a very sacred ship in Pearl Harbor at this moment, the *Arizona*. There are over 1,700 men who are still in the ship. It is a memorial. And it happens that more tourists visit the *Arizona* than they do the Tomb of the Unknown Soldier. But it was not built, Madam President, as a tourist attraction. It was built as a memorial to remind all of us that on this dark morning of December 7, 1941, we were suddenly thrust into a bloody and terrible war.

The battleship *Missouri* is a ship upon which the surrender terms were signed by the representatives of the Imperial Government of Japan. The most logical spot for the location is Pearl Harbor. On one hand, you will see the *Arizona* where the war began, and down Battleship Row you will see the U.S.S. *Missouri* where the war ended. It would constantly remind us of the many sacrifices that men and women of the United States were called upon to make during that terrible war.

I have visited Bremerton. It is a nice place. But I am certain that my colleagues realize that Bremerton is also looked upon by Navy personnel, and others, as the graveyard of ships, where dozens upon dozens of destroyers and cruisers are parked and put in cover hoping that someday they can be used.

The *Missouri* deserves much more than a graveyard, Madam President. The *Missouri* should be respected with dignity; it should be revered as a memorial.

So, Madam President, I hope that my colleagues will follow the suggestions of the GAO. The GAO said it should stand as is. The Secretary of the Navy said his decision stands. Why go through the misery again of spending countless dollars to come up with the same result?

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, with almost all of the factual statements about how the selection process was made, I agree with my friend and colleague from Hawaii. With his unwarranted characterization of Bremerton and, by implication, of San Francisco and of the California applicants, I most decidedly do not.

Pearl Harbor is in fact a memorial to World War II and to its beginning. But Pearl Harbor, no more than Bremerton or San Francisco, was the location of the surrender of the Japanese on board the *Missouri* at the end of the war.

Under the logic of the Senator from Hawaii, the *Missouri* should be sent to Tokyo Bay and be a memorial and a reminder there. Obviously, that is not going to be the case. But from the point of view of its availability to primarily American tourists, it is obviously more conveniently located in one of the west coast ports than it is Honolulu.

But, Madam President, the true difference between the Senator from Hawaii and myself is not that. The Senator from Hawaii, as apparently he did to the Navy himself, is making the case for his location. I simply depended on the Navy to make that decision objectively.

The Navy, of course, can set up whatever criteria it wishes for making a donation of a ship or any other artifact to a community, but the Navy, like every other American institution, should do so fairly and on the basis of rules that are not changed at the beginning of the game without telling the participants in the game what the new rules mean or what weight they will be given. Had the Navy followed its original rules, the rules it applied itself to all previous donations, Bremerton was the most likely winner by reason of the deep concern on the part of the community for what had been a part of its history for more than 40 years. But at the very end, the Navy comes up with two other criteria, informs no one of their importance, gives them 75 percent of the weight in making its decision, and comes out, I presume, where someone in the Navy wanted to come out in the first place but could not without changing those rules.

My amendment does not even require that those rules be changed, though I think they should be, Madam President. It simply requires the Navy to treat the citizens of the five communities that applied to be the permanent home of the *Missouri* on the basis of the same rules at the end of the process that it had at the beginning of the process and to inform those communities of what the rules are and what their relative weight is. That is asking for the most minimal fairness, Madam President, the most minimal fairness in the world.

The General Accounting Office did not take a position one way or the other on whether or not the process should be reopened, said that none of the communities were adequately informed about the nature and the weight of the new criteria. That is the fundamental answer that should have caused the Navy to reopen this process on its own.

Madam President, it is interesting to note that the fairness of this request, the request I am making in this

amendment, is recognized even by the Honolulu Advertiser. Now, the Honolulu newspaper, a month ago tomorrow, wrote an editorial on the subject which, of course, takes Senator INOUYE's position on the merits, that Pearl Harbor is practically the only logical place and certainly the most logical place for the location of the *Missouri*. But it does say, in part,

Officials from Bremerton, WA, cite a General Accounting Office report that says there were a number of last minute changes in the Navy's selection process that skewed it in favor of Honolulu. They want the selection process reopened. Hawaii Senator DAN INOUYE, whose enthusiasm was very obvious in the effort to get the *Missouri* at Pearl Harbor, says the GAO report in itself is skewed. He promises the great battleship will come to Pearl. Let's hope so. But if the proposed Pearl Harbor resting place makes so much sense, as we believe, then there should be no problem in reopening the selection process so that all questions are answered.

It concludes, "And no one can claim Hawaii stole it. We can proudly say we earned the right to host the *Missouri*."

I am not sure that would be the result. I hope that would not be the result. The very newspaper in Honolulu itself acknowledges that this competition should be a fair one and carries the implication that it was an unfair one. We ask no more than that. This is not a tremendously complicated process. It will not take a long time to do justice. But justice has not been done, Madam President, and it can only be done by the acceptance of this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. INOUYE. Madam President, I suggest that to call upon the Navy as being unfair and not objective is not fair. There is nothing in the record to suggest that they have been less than objective or less than fair.

I think it should be pointed out that the GAO report stated that no one received preferential treatment, no one received advance notice. It was objective, it was fair to all, and the Secretary of the Navy just recently stated he stands by his decision, and the GAO report itself says the decision should be left where it is. It should not be reopened.

So I hope my colleagues will defeat this amendment.

Mr. GORTON. Madam President, one correction. The GAO makes no recommendation with respect to whether or not this question should be reopened whatever. It does say the Navy should change its donation procedures in the future, but it does not say that the selection should stand.

Mr. LEVIN. Madam President, I oppose the amendment to reopen the Navy's decision to donate the U.S.S. *Missouri* to Pearl Harbor.

These are obviously very difficult decisions for all of us to make because of the friendships with the Senators from the States involved. I do believe, under these circumstances, the GAO found that the Navy's donation process was impartially applied, to use their words. They are critical of some aspects of the process and many of these processes are not perfect in their application. But to me, the key words of the GAO report are that the Navy's donation process appears to have been impartially applied, and the GAO's statement on page 10 where they say that on June 5, 1996, each of the five applicants was notified for the first time that "In addition to the financial and technical information that you've provided, your application will also be evaluated in terms of its overall public benefit to the Navy and to the historical significance associated with each location to include the manner in which the ship will be used as a naval museum or memorial." Notification was made in writing, with telephone confirmation.

The GAO also reports on page 12 that none of the applicants requested clarification of the June 5 letter or expressed concern about the additional requirements at the time, and all responded to the letter.

That, to me, is a very critical fact, that when the additional requirements were spelled out in that June 5 notification, that all the applicants responded to the letter with the additional requirements and none requested clarification or expressed concern.

Was this a perfect process? It was not. The GAO acknowledges that, and indeed, the Navy acknowledges that. Was this process sufficiently fair so that we should not reopen the Navy's decision to donate the *Missouri* to Pearl Harbor? It seems to me that it does meet that test.

I will oppose the amendment and vote against reopening the Navy's selection process.

I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that a letter dated June 10, 1997, from the Secretary of the Navy to the Honorable NORMAN D. DICKS, a Member of the House of Representatives, be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, 10 June 1997.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: Thank you for your letter of June 3, 1997, regarding the General Accounting Office report concerning the Navy's donation selection process for the battleship ex-MISSOURI.

I have reviewed the General Accounting Office report you enclosed, and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy "impartially applied" the donation selection process, and that all applicants received the same information at the same time. The report's chronology documents that scoring for the financial, technical, historical and public affairs evaluation of each application did not begin until after all criteria weighting was established and all information was received from the applicants. The initial evaluation scores developed by each of the three independent scoring teams were maintained throughout the process. I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications.

The General Accounting Office found the initial phase of the donation selection process was well-handled, but that the Navy could have done a better job of communicating information about the two additional evaluation criteria of Public Affairs Benefit and Historical Significance. The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria. When the General Accounting Office forwards their report to me, I will consider and provide a written response to any specific recommendations they make regarding how to improve the process for future competitive donation selections.

I am sensitive to the concerns of those American veterans who have expressed their desire to keep ex-MISSOURI on the mainland. Others, including the American Legion's Department of Missouri, have endorsed the Pearl Harbor site. I regret that it is not possible to accommodate all groups who are interested in the location of the ex-MISSOURI display. As I said at the time my selection was announced last summer, this was a very tough decision since all the proposals were so impressive. I hope that other groups interested in displaying a Navy ship will consider that there are several other ships currently available for donation.

As always, if I can be of any further assistance, please let me know.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

Mr. AKAKA. Madam President, I rise in opposition to the amendment offered by Senator GORTON.

The "*Mighty Mo*" is a historical icon of World War II in the Pacific. It began its service in World War II by providing gunfire support during the battles of Iwo Jima and Okinawa. The U.S.S. *Missouri* took its place in world history when it became the site for the formal signing of Japan's surrender.

Continuing its auspicious beginnings, the *Missouri* participated in the Korean war, was decommissioned, then recommissioned, and saw its final battles during the Persian Gulf conflict. She was finally decommissioned on March 31, 1992.

In January 1995, the Department of the Navy declared *Iowa* class battleships in excess to its requirements. The people of Hawaii have always believed that the *Missouri*'s home is Hawaii. We supported having her homeported in Hawaii before she was decommissioned in 1992. Since then, our community has been diligently working to bring the

Missouri to Hawaii to fulfill its final mission—as a memorial museum in the Pacific. It is a fitting tribute to those we honor at the *Arizona* Memorial to have the *Missouri* become a part of our memorial in the Pacific.

The Senator from Washington believes that the Navy's evaluation process was unfair because the criteria were changed during the evaluation stage. However, the General Accounting Office found that the Navy provided all applicants the same information on the additional criteria at the same time. Although all interested parties were provided the same information, none of the applicants requested clarification of the additional requirement.

The Navy conducted an impartial and fair review in determining the site location for the *Missouri*. There is no reason to reopen the selection process. I urge my colleagues to reject the amendment offered by the Senator from Washington, and let us move forward in establishing a memorial to those who so gallantly fought in the Pacific.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 753

(Purpose: To require a report on options for the disposal of chemical weapons and agents)

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 753.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Mr. MURKOWSKI. Madam President, let me explain very briefly the amendment that I put before the Senate. This amendment would direct the Department of Defense to conduct a study of alternatives to our present approach to chemical weapons disposal. Depending on the conclusion of this study and its evaluation, there is a potential savings to the taxpayer, somewhere in the area of $3 billion to $5 billion, and perhaps much more, in the costs of disposing of these weapons.

The Chair might wonder why the chairman of the Energy and Natural Resources Committee is interested and involved with this issue, and to what degree does he have expertise in this area that falls under the auspices of the Department of Defense and under the Defense authorization bill. The Chairman would respond, Madam President, by noting that, as chairman of the Energy and Natural Resources Committee, I spend a great deal of time and energy in the area of nuclear waste and nuclear waste disposal and the transportation of nuclear waste.

I might add that there has been moved globally about 25,000 tons of high-level nuclear waste throughout the world. We have, currently, in some 80 reactors in 31 sites in the United States, high-level nuclear waste that we are contemplating at some time moving to Yucca Mountain in Nevada. So I think the qualifications for a contribution to the area of disposing of chemical weapons is appropriate in the body of the amendment. This amendment simply calls for a study. It does not mandate changes in the program at this time, but will provide the Congress with an important and needed opportunity to responsibly evaluate alternatives to our chemical weapons disposal program in the future.

Surprisingly enough, there is no authority to evaluate alternatives at this time for the Department of Defense. It was my hope this amendment would be accepted by the floor managers.

I think it is noteworthy, Madam President, that prior to the Senate's ratification of the Chemical Weapons Treaty, the United States did adopt the policy that we would dispose of our chemical weapons in a safe and environmentally responsible manner. As most of my colleagues know, the disposal process is now underway, but it is becoming clear that we cannot afford to continue this program as it is currently constructed because of the costs.

According to the General Accounting Office, the costs of the stockpile disposal program have escalated sevenfold, from an initial estimate of $1.7 billion to a current estimate of $12.4 billion. The costs of the nonstockpile program, which consists of the location and destruction of chemical weapons ordinance that was disposed of through burial or other means in the past, could cost an additional $15.1 billion and take up to 40 years to complete.

Well, that is a total of about $27.5 billion to dispose of our chemical weapons. However, the GAO indicates that both the costs and the disposal schedules are highly uncertain and that it will likely take more time and likely take more money to get this job done.

Well, as a consequence of that dilemma, Madam President, I think the program needs a fresh look, a new comprehensive evaluation by the program managers in the Department of Defense.

Today, we have stockpiled chemical weapons stored at 9 locations. On the chart on my right, one can see that we start out with the Johnston Atoll, an island in the Pacific, roughly 700 miles southwest of Hawaii. We have another in Tooele, UT; Umatilla, OR; Pueblo, CO; Pine Bluff, AR; Anniston, AL; Blue Grass, KY; Aberdeen, MD; and Newport, IN.

The chemical consistencies of the weapons stored there are abbreviated here by GB, which is a sarin nerve agent, and HD, which is a mustard blister agent, and VX, which is a nerve gas agent.

Now, I have had the opportunity to visit the facility at Johnston Island on two occasions in the last 3 years. The chemical weapons are stored in capsules that look like hundred pound bombs. And within the bomb itself, or the casing, we have two components. One is an agent that is separate and distinct from the other nerve gas agents, and there is a triggering mechanism. Of course, the chemical reaction takes place when the two are mixed, or the exterior shell is punctured or broken. It is rather revealing to contemplate the terrible consequences of this type of weaponry, Madam President. It was explained that these can be fired from a Howitzer in ground activity, exploding perhaps 300 or 400 feet in the air, and the mist of the vapors, upon contact with the skin, will take a life within 30 seconds. Now, when you see this stored, you come to grips with the reality of the devastation of this type of weaponry and the necessity of proper disposal.

It is also important to recognize how it got there because this stuff wasn't made at Johnston Island. It was shipped there from Europe, and some

was shipped from some of our bases in the Pacific. It was shipped under the observation of the Army Corps of Engineers. It was shipped safely and met the criteria for shipment, which was evaluated to ensure its safety.

So it is important to keep in mind in this discussion that these weapons we are now disposing of at Johnston Island, for the most part, were weapons that were part of the NATO capability, shipped from Germany, and have been safely transported to Johnston Island and are under the process of being destroyed.

Now, at Johnston island, we have this capability for weapons demilitarization and incineration. This complies, as it must, with all applicable environmental laws, including the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, and the Toxic Substances Control Act. It is a superbly safe, state-of-the-art facility. It is also very expensive. This plant cost approximately $1 billion.

What they have there are chambers where they take these things that look like bombs with the chemical in them and they actually take, in parts, the Chamber—that is, the inner Chamber, remove that, and put it in an area where they are able to dispose, through heat, of the volatility of the particular chemical agent. The other part goes in another Chamber and is burned at a very high temperature in an enclosed cycle process. So there is nothing that gets into the atmosphere.

Now, we have recently opened another $1 billion facility in Tooele, UT. The theory is that we are going to have to build some seven more of these plants, capable of disposing of this chemical waste at each of the locations where stockpiled chemical weapons are stored. So while we have operational facilities at Johnston Atoll and Tooele, UT, we are prepared to put in seven more at a billion dollars each, simply because we are prohibited from even considering shipping this to safe disposal sites already on line.

As I said, we have a perfectly functioning facility on Johnston Island, which has been operational for a number of years. Should we move or even consider moving chemical weapons to Johnston Island and dispose of all of them in that plant we have already built? The answer clearly is no. There are objections from California and objections from Hawaii. Nobody wants this to happen in their own backyard. These States that have the chemical weapons stored are in kind of a catch-22. They don't want them there anymore. If they want to get rid of them, they have to build a plant at a cost of over a billion dollars, as opposed to the alternative of shipping them to one or two sites.

Well, the answer to this $5 billion question is simple. Under current law, the Department of Defense cannot move chemical weapons across State lines. In fact, they can't even study the concept of transporting the munitions to an existing plant and thus build fewer plants. So if you look at the practicality of where we are, we are of one mind set. Reality: If we want to get rid of this stuff, we have to build seven plants rather than move the stuff because we have a law that prohibits us from moving these agents across State lines for disposal at one or two plants.

In other words, the Department of Defense can't even think about saving money by having this process occur in just a couple of plants instead of—well, it would be a total of nine. My amendment is designed to allow the Department of Defense to study the transportation issue, as well as whatever other approaches might be available to help bring down program costs consistent with the safe disposal of these chemical weapons.

My amendment does not repeal the provision in the 1995 defense authorization bill that prohibits the movement of chemical weapons munitions across the State lines.

At this time, we are only seeking a study to identify and evaluate options. This study will assess lifecycle costs as well as risks. We are not moving beyond the study phase because I, for one, will await the results of the study before reaching any firm conclusions.

But I have a hunch—and it is more than a hunch—that we can save money by reassessing this process. I am not suggesting it should go to any one place. But the reality is that we are designing a framework here for disposal in seven new additional sites which still need to be built. Given that we have two state of the art, fully operational facilities at Johnston Island and Tooele, UT, is it really necessary that we need to build seven additional sites? Or can we consolidate this process, perhaps with one site on the east coast and one site in the middle of the country? Our technical people have proven the competency of disposing of this, as we have had this process underway at Johnston Island and Tooele for some time. We seem to be so paranoid over the fact that we have this stuff and we are caught, if you will, in a dilemma of, well, if we want to get rid of it, we have to build a plant where it is stationed because nobody wants to see it moved across to someplace else where it can be disposed of. But nobody addresses what the experts tell us relative to the ability to move this stuff safely. We moved it safely from Germany to Johnston Island, it can be done and has been done. To suggest that we can't move it 400 or 500 miles by putting it in the type of containers that will alleviate virtually any exposure associated with an accident, I think, sells American technology and ingenuity short. We can move chemical weapons in a safe and environmentally responsible manner, and we can save a lot of money by reducing the number of facilities that we are committed to build.

So I urge the Senate to adopt my amendment. Again, I urge my colleagues to reflect on the reality that this amendment does not mandate any changes in the program. It will not mandate the movement of any chemical weapons from one place to another or remove the prohibitions to move weapons across State lines. It would merely allow the Department of Defense to study alternatives and report back to Congress by March 15, 1998. I know of the sensitivity of Members whose States are affected. But I ask them to consider the merits of a study to evaluate, indeed, whether we can move some of this to some places and reduce the number of facilities that we are going to build at a billion dollars a crack. What are we going to do with these facilities when the weapons have been deactivated and destroyed? We are going to destroy the facilities. I urge adoption of the amendment.

Madam President, if I may, it is my intention to ask for the yeas and nays on my amendment at the appropriate time. The floor managers can address it at their convenience.

Mr. LEVIN. Will the Senator withhold on that for a moment?

Mr. MURKOWSKI. Yes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Madam President, I am not sure whether the Parliamentarian recorded my request for the yeas and nays. I would like to withdraw asking for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 753, AS MODIFIED

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to modify my amendment which is pending at the desk at this time.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 753), as modified, is as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

Notwithstanding any provision of law:

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Mr. MURKOWSKI. I thank the Chair. 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. 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.

MODIFICATIONS TO AMENDMENTS NOS. 666, 667, 668, AND 670, EN BLOC

Mr. LEVIN. Mr. President, on behalf of Senator WELLSTONE, I ask unanimous consent that it be in order to modify his amendments numbered 666, 667, 668, and 670, en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. LEVIN. I thank the Chair. Mr. President, on behalf of Senator WELLSTONE, I send his modifications to the desk.

The PRESIDING OFFICER. The amendments are so modified.

The modifications are as follows:

MODIFICATION TO AMENDMENT NO. 666

On page 1, line 5, strike "shall" and insert in lieu thereof "is authorized to".

MODIFICATION TO AMENDMENT NO. 667

On page 7, line 13, strike "shall" and insert in lieu thereof "is authorized to".

AMENDMENT NO. 668, AS MODIFIED

At the end of subtitle D of title X, add the following:

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purpose of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

MODIFICATION TO AMENDMENT NO. 670

On page 1, line 6, strike "shall" and insert in lieu thereof "is authorized to".

Mr. LEVIN. I thank the Chair and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I have two amendments that I would like to lay down. Both are at the desk.

AMENDMENT NO. 607

(Purpose: To impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons)

Mr. KYL. Mr. President, the first amendment at the desk is amendment No. 607.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 607.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons;

(4) Russia has deposited its instrument of ratification of the Chemical Weapons Convention; and

(5) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled "A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions", agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

Mr. KYL. Mr. President, let me briefly describe what this amendment does. Then I will discuss it in further detail later.

In summary, this amendment establishes five conditions for the assistance that is to be provided to Russia for destruction of its chemical weapons, the so-called Nunn-Lugar funding. Very briefly, this resolution is called for because the funding that we have provided to Russia to date does not appear to be adequately supported by the Government of Russia for its part of its own chemical weapons destruction program. If one could view this in the nature of matching funds, I think it is easy to understand. We have provided a great deal of money, of Nunn-Lugar funding, to Russia, much of it for destruction of their chemical weapons. They have not reciprocated by allocating or spending any of their own money for the destruction of their chemical weapons.

In addition, they have not ratified the Chemical Weapons Convention. They have not complied with the terms of the so-called Wyoming Memoranda, which is one of the methods by which we exchange information about our

chemical stocks in furtherance of an agreement to destroy them. They have backed out of the bilateral destruction agreement, which was our bilateral agreement to destroy our mutual stocks of chemical weapons. They have not advanced a penny toward the development of the facilities for the destruction of their weapons that are currently being designed with U.S. Government money. In effect, they have not shown any willingness to join us in the destruction of those weapons which pose the most threat to the United States and other people around the world.

As a result, partially in conformance with the terms of the chemical weapons treaty, which was earlier adopted, and in conformance with S. 495, which had other specific requirements, and consistent with requirements that the House of Representatives placed on the House-passed version of the defense authorization bill, we provide five specific requirements that the Russian Government will have to meet in order to receive this funding.

First, that they show reasonable progress toward implementation of the 1990 Bilateral Destruction Agreement; second, that resolution of outstanding compliance issues related to the Wyoming Memorandum of Understanding and the BDA, that be resolved—at least that there be progress toward that; third, a full and accurate Russian accounting of its own CW program, as required by those previously mentioned agreements; fourth, Russian ratification of the Chemical Weapons Convention; and, fifth, bilateral agreement to cap the United States CW destruction assistance and Russian commitment to pay for a portion of their part of their own CW destruction costs.

As I said, these are reasonable requirements to be attached to U.S. taxpayer dollars going to the country of Russia for the destruction of their chemical weapons. I will discuss it in further detail later, but it seems to me to be more than reasonable for us to attach these conditions. If we do not, then additional taxpayer money is going to be sent to Russia with no indication whatsoever that Russia will ever support the program funded with U.S. taxpayer dollars to support their chemical weapons destruction program.

Perhaps most important, the most that it appears right now that Russia is inclined to do is to destroy those old chemical weapons that pose an environmental concern to Russia with United States dollars at the same time that they are using Russian dollars to continue a covert development and production program of new chemical weapons. So it makes no sense for us to be spending U.S. taxpayer dollars to help them destroy the stocks of the old environmentally unsafe weapons that they would like to get rid of anyway, at the same time they are using their money to develop new chemical weapons and produce those new chemical weapons that could someday be used against the United States—all in violation of the chemical weapons treaty, I might add.

So that is the nature of the first amendment.

AMENDMENT NO. 605

(Purpose: To ensure the President and Congress receive unencumbered advice from the directors of the national laboratories, the members of the Nuclear Weapons Council, and the commander of the United States Strategic Command regarding the safety, security, and reliability of the United States nuclear weapons stockpile)

Mr. KYL. If there is no objection, the second amendment is amendment No. 605. I call up that amendment at this time.

The PRESIDING OFFICER. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 605.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by relevant provisions of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-377) from conducting underground nuclear tests "unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted".

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 42 U.S.C. 2121 note) requires the Secretary of Energy to "establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.".

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 requires the President to submit an annual report to Congress which sets forth "any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy".

(6) President Clinton declared in July 1993 that "to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons". This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a "stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons".

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. This approach is yet unproven. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed "the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban".

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being "advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command", to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including "considering safety, security, and control issues for existing weapons". The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—No representative of a government agency or managing contractor for a nuclear weapons laboratory may in any way constrain a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) PROHIBITED PERSONNEL ACTIONS.—No representative of a government agency or managing contractor may take any administrative or personnel action against a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of the United States Strategic Command, in order to prevent such individual from expressing views under subsection (c) or (d) or as retribution for expressing such views.

(f) DEFINITIONS.—

(1) REPRESENTATIVE OF A GOVERNMENT AGENCY.—The term "representative of a government agency" means any person employed by, or receiving compensation from, any department or agency of the Federal Government.

(2) MANAGING CONTRACTOR.—The term "managing contractor" means the non-government entity specified by contract to carry out the administrative functions of a nuclear weapons laboratory.

(3) NUCLEAR WEAPONS LABORATORY.—The term "nuclear weapons laboratory" means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

Mr. KYL. Mr. President, the purpose of this amendment—and this is really a very simple amendment that I think specific language will be worked out on with members of the committee and hopefully could be included as part of the managers' amendment—is simply to ensure that the President of the United States receives direct and objective and unencumbered advice regarding the safety and reliability and security of the U.S. nuclear force from the directors of the national laboratories and the members of the Nuclear Weapons Council.

Just one bit of background here. Both the national laboratories and the Nuclear Weapons Council are supposed to give the President advice about the safety, reliability, and security of our nuclear force. For them to be able to do that in an objective way, they obviously need to tell it as it is, "tell it like it is," without any fear that they are not adhering to any party line with respect to those issues.

This, in effect, extends the Goldwater-Nichols-like protection that has previously been provided to members of the armed services, the Joint Chiefs, for example, to the lab directors and the members of the Nuclear Weapons Council so they can give the President unvarnished, objective, accurate information, and that information can also come to the Congress, all for the purpose of enabling us to set proper national policy with respect to our nuclear weapons.

Mr. President, I will have more to say about this later. As I said, I hope the amendment can be worked on and included as part of the managers' amendment. We will discuss this amendment further later.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 9 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 996 and S. 997 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. Who seeks time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998:

Trent Lott, Strom Thurmond, Jesse Helms, Pete V. Domenici, R.F. Bennett, Dan Coats, John Warner, Spencer Abraham, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, Phil Gramm.

Mr. LEVIN. Would the majority leader yield?

Mr. LOTT. Mr. President, I yield to the distinguished manager of the bill on that side of the aisle.

Mr. LEVIN. I want to thank the majority leader for yielding. I have had a brief conversation with the majority leader because we are in a rather unusual situation where there will be no rollcall votes, further rollcall votes, until late tomorrow, and that we will be then having a whole series of rollcall votes that could occur I believe as early as 5 o'clock tomorrow afternoon, or whatever the UC reads.

But in my conversation with the majority leader, I was led to believe—and I think this would be very helpful—that if we are making good progress on getting rollcall votes late tomorrow and the next day, that there is a possibility at least that there will be no need to proceed with the cloture vote on Thursday. And I want to thank him for that.

Mr. LOTT. Mr. President, if I could respond.

Of course you always have the option of vitiating a cloture vote. My only goal is trying to get this very important legislation moved through to completion this week. I know that that is the desire on both sides of the aisle. I am concerned about the number of amendments that have been suggested, as many as 150 first-degree amendments. I know a lot of those will fall very quickly once we start moving through the process and getting to the end of the week. But I certainly will consult with the Democratic leader, with the Senator from Michigan, and Senator THURMOND, to see how we are doing. And we can take that into consideration when we get to Thursday and see what the prospects are at that time.

Mr. LEVIN. I thank the majority leader.

Mr. LOTT. This cloture vote will occur sometime Thursday unless it is vitiated. I will consult with the Democratic leader for the exact time of the vote.

I do ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

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 treaties 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–2390. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Tuberculosis in Cattle and Bison", received on June 30, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2391. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Annual Report for fiscal year 1996 under the Youth Conservation Corps Act; to the Committee on Energy and Natural Resources.

EC–2392. A communication from the Railroad Retirement Board, transmitting, a draft of proposed legislation entitled "Railroad Retirement and Railroad Unemployment Insurance Amendments Act of 1997"; to the Committee on Labor and Human Resources.

EC–2393. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Medical Devices; Reclassification of the Infant Radiant Warmer", received on June 27, 1997; to the Committee on Labor and Human Resources.

EC–2394. A communication from the Deputy Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Adhesives and Components of Coatings; and Adjuvants, Production Aids, and Sanitizers", received on June 27, 1997; to the Committee on Labor and Human Services.

EC–2395. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report of the Federal Home Loan Banks and the Financing Corporation for calendar year 1996 under the Chief Financial Officers Act; to the Committee on Governmental Affairs.

EC–2396. A communication from the Director Morale, Welfare and Recreation Support Activity, Department of the Navy, Department of Defense, transmitting, pursuant to law, the annual reports for calendar years 1995 and 1996 of the Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC–2397. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996"; to the Committee on Governmental Affairs.

EC–2398. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2399. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2400. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled "Indirect Food Additives: Polymers; Technical Amendment", received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2401. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule relative to expanded safe use of triisopropanolamine, received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act; to the Committee on Appropriations.

EC–2403. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of expenditures during the period October 1, 1996 through March 30, 1997; to the Committee on Appropriations.

EC–2404. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Revenue Ruling 97–29; to the Committee on Finance.

EC–2405. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to guidance for income tax benefits (RIN 1545–AV33), received on June 30, 1997; to the Committee on Finance.

EC–2406. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Announcement 97–70; to the Committee on Finance.

EC–2407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of a notice relative to Home Health Agency costs; to the Committee on Finance.

EC–2408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to staff-assisted home dialysis under the Omnibus Budget Reconciliation Act; to the Committee on Finance.

EC–2409. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, pursuant to law, a report relative to the National Voter Registration Act for the calendar years 1995 and 1996; to the Committee on Rules and Administration.

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. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the National Educational Goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; 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. BREAUX:

S. Con. Res. 36. A concurrent resolution commemorating the bicentennial of Tunisian-American relations; to the Committee on Foreign Relations.

By Mr. COVERDELL:

S. Con. Res. 37. A concurrent resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to nongovernmental international organizations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation, at the request of the administration, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.

Mr. President, I would like to submit a copy of the administration's letter of transmittal along with a copy of the bill and section-by-section analysis, and I ask unanimous consent that they be printed in the RECORD.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other public lands. This new law, Public Law 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With over 119 individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors.

Mr. President, this bill, when enacted will make the necessary technical corrections.

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

S. 991

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

The table of contents in section 1 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4094; 16 U.S.C. 1 note; hereinafter referred to as the "Omnibus Parks Act") is amended by striking—

"Sec. 504. Amendment to Boston National Historic Park Act.
"Sec. 505. Women's Rights National Historic Park."

and inserting—

"Sec. 504. Amendment to Boston National Historical Park Act.
"Sec. 505. Women's Rights National Historical Park.".

SEC. 2. THE PRESIDIO OF SAN FRANCISCO.

(a) Section 101(2) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4097; 16 U.S.C. 460bb note) is amended by striking "the Presidio is" and inserting "the Presidio was".

(b) Section 103(b)(1) of Division I of the Omnibus Parks Act (110 Stat. 4099; 16 U.S.C. 460bb note) is amended in the last sentence by striking "other lands administrated by the Secretary." and inserting "other lands administered by the Secretary.".

(c) Section 105(a)(2) of Division I of the Omnibus Parks Act (110 Stat. 4104; 16 U.S.C. 460bb note) is amended by striking "in accordance with section 104(h) of this title." and inserting "in accordance with section 104(i) of this title.".

SEC. 3. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of Division I of the Omnibus Parks Act (110 Stat. 4109; 16 U.S.C. 81p) is amended by striking "depicted on the map dated August 1993, numbered 333/80031A," and inserting "depicted on the map dated August 1996, numbered 333/80031B,".

SEC. 4. BIG THICKET NATIONAL PRESERVE.

(a) Section 306(d) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking "until the earlier of the consummation of the exchange of July 1, 1998," and inserting "until the earlier of the consummation of the exchange or July 1, 1998,".

(b) Section 306(f)(2) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking "located in Menard Creek Corridor" and inserting "located in the Menard Creek Corridor".

SEC. 5. LAMPREY WILD AND SCENIC RIVER.

The second sentence of the unnumbered paragraph relating to the Lamprey River, New Hampshire in Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking "through cooperation agreements" and inserting "through cooperative agreements".

SEC. 6. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of Division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking "published by the Vancouver Historical Assessment' published by the Vancouver Historical Study Commission" and inserting "published by the Vancouver Historical Study Commission".

SEC. 7. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.

Section 504 of Division I of the Omnibus Parks Act (110 Stat. 4155, 16 U.S.C. 1 note) is amended by striking **"SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT."** and inserting **"SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.".**

SEC. 8. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(d) of Division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended by striking "section 8(b) of the Act referred to in section 4401(b))," and inserting "section 8(b) of the Act referred to in section 508(b),".

SEC. 9. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

The first sentence of Sec. 205(g) of Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by striking "and are otherwise available for the purpose." and inserting "and are otherwise available for that purpose.".

SEC. 10. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of Division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking "the contribution of our national heritage" and inserting "the contribution to our national heritage".

SEC. 11. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT.

(a) Section 511(c) of Division I of the Omnibus Parks Act (110 Stat. 4160; 16 U.S.C. 410ddd) is amended as follows:

(1) in paragraph (1) by striking "certain districts structures, and relics" and inserting "certain districts, structures, and relics."

(2) in clause (2)(A)(i) by striking "The area included with the New Bedford National Historic Landmark District, known as the" and inserting "The area included within the New Bedford Historic District, a National Landmark District, also known as the".

(b) Section 511 of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended—

(1) by striking "(e) GENERAL MANAGEMENT PLAN." and inserting "(f) GENERAL MANAGEMENT PLAN."; and

(2) by striking "(f) AUTHORIZATION OF APPROPRIATIONS." and inserting "(g) AUTHORIZATION OF APPROPRIATIONS.".

(c) Section 511(g) of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is further amended—

(1) by striking "to carry out the activities under section 3(D)." and inserting "to carry out the activities under subsection (d)."; and

(2) by striking "pursuant to cooperative grants under subsection (d)(2)." and inserting "pursuant to cooperative grants under subsection (e)(2).".

SEC. 12. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of Division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking "Afican-Americans" and inserting "African-Americans".

SEC. 13. UNALASKA.

Section 513(c) of Division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking "whall be comprised" and inserting "shall be comprised".

SEC. 14. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking "The study under subsection (b) shall—" and inserting "The study shall—".

SEC. 15. SHENANDOAH VALLEY BATTLEFIELDS.

(a) Section 606(d) of Division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) in paragraph (1) by striking "established by section 5." and inserting "established by subsection (e).";

(2) in paragraph (2) by striking "established by section 9." and inserting "established by subsection (h)."; and

(3) in paragraph (e) by striking "under section 6." and inserting "under subsection (f).".

(b) Section 606(g)(5) of Division I of the Omnibus Parks Act (110 Stat. 4177; 16 U.S.C. 461 note) is amended by striking "to carry out the Commission's duties under section 9." and inserting "to carry out the Commission's duties under subsection (i).".

SEC. 16. WASHITA BATTLEFIELD.

Section 607(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended by striking "will work with local land owners" and inserting "will work with local landowners".

SEC. 17. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of Division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) in subsection (d)(1) and in subsection (d) last paragraph, after "1994–1995 base year," insert "AGR";

(2) in subsection (f) by striking "sublessees" and inserting "subpermittees"; and

(3) in subsection (f) by striking "(except for bartered goods and complimentary lift tickets)" and inserting "except for bartered goods and complimentary lift tickets offered for commercial or other promotion purposes)".

SEC. 18. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of Division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking "referred to in section 301" and inserting "referred to in subsection (a)".

SEC. 19. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) Section 814(a) of Division I of the Omnibus Parks Act (110 Stat. 4190; 16 U.S.C. 17o. note) is amended as follows:

(1) in paragraph (7) by striking "(B) COMPETITIVE LEASING.—" and inserting "(B) COMPETITIVE LEASING.—";

(2) in paragraph (9) by striking "granted by statue" and inserting "granted by statute";

(3) in paragraph (11)(B)(ii) by striking "more cost effective" and inserting "more cost-effective";

(4) in paragraph (13) by striking "established by the agency under paragraph (13)," and inserting "established by the agency under paragraph (12),"; and

(5) in paragraph (18) by striking "under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (1)," and inserting "under paragraph (7)(A), and any lease under paragraph (11),".

(b) Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) in subparagraph (C) by striking "The sum of the total appraised value of the lands, water, and interest therein" and inserting "The sum of the total appraised value of the lands, waters, and interests therein"; and

(2) in subparagraph (F) by striking "all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein," and inserting "all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,".

(c) Section 814(d)(2)(E) of Division I of the Omnibus Parks Act (110 Stat. 4196; 16 U.S.C. 431 note) is amended by striking "(Public Law 89–665; 16 U.S.C. 470w–6(a)), is amended by striking" and inserting "(Public Law 89–665; 16 U.S.C. 470w–6(a)), by striking".

(d) Section 814(g)(1)(A) of Division I of the Omnibus Parks Act (110 Stat. 4199; 16 U.S.C. 1f) is amended by striking "(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))," and inserting "(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1(c)(a)),".

SEC. 20. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 10 of the Act entitled "An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island", approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended as follows:

(1) in subsection (b) by striking "For fiscal years 1996, 1997 and 1998," and inserting "For fiscal years 1998, 1999, and 2000,"; and

(2) in subsection (d)(2) by striking "may be made in the approval plan" and inserting "may be made in the approved plan".

SEC. 21. TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) Section 1002(a)(4)(A) of Division I of the Omnibus Parks Act (110 Stat. 4204; 16 U.S.S. 689u) is amended by striking "to purchase a portion of the ranch," and inserting "to acquire a portion of the ranch,".

(b) Section 1004(b) of Division I of the Omnibus Parks Act (110 Stat. 4205; 16 U.S.C. 689u-3) is amended by striking "of June 3, 1994," and inserting "on June 3, 1994,".

(c) Section 1005(g)(3)(A) of Division I of the Omnibus Parks (110 Stat. 4207; 16 U.S.C. 689u-3) is amended by striking "Maintaining and enhancing the tall grass prairie" and inserting "Maintaining and enhancing the tallgrass prairie".

SEC. 22. RECREATION LAKES.

(a) Section 1021(a) of Division I of the Omnibus Parks (110 Stat. 4210; 16 U.S.C. 4601-10e note) is amended by striking "for recreational opportunities at federally-managed manmade lakes" and inserting "for recreational opportunities at federally managed manmade lakes".

(b) Section 13 of the Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) is amended as follows:

(1) in subsection (b)(6) by striking "the economics and financing of recreation related infrastructure." and inserting "the economics and financing of recreation-related infrastructure.";

(2) in subsection (e) by striking "The report shall review the extent of water related recreation" and inserting "The report shall review the extent of water-related recreation"; and

(3) in subsection (e)(2) by striking "at federally-managed lakes" and inserting "at federally managed lakes".

SEC. 23. BOSTON HARBOR ISLANDS RECREATION AREA.

(a) Section 1029(d)(6) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking "(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT." and by inserting "(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.".

(b) Section 1029(e)(3)(B) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking "pursuant to subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10)." and inserting "pursuant to subparagraphs (e)(2)(C), (D), (E), (F), (G), (H), (I), and (J).".

(c) Section 1029(f)(2)(A)(I) of Division I of the Omnibus Parks Act (110 Stat. 4236; 16 U.S.C. 460kkk) is amended by striking "and a delineation of profit sector roles and responsibilities." and inserting "and a delineation of private-sector roles and responsibilities.".

(d) Section 1029(g)(1) of Division I of the Omnibus Parks Act (110 Stat. 4238; 16 U.S.C. 460kkk) is amended by striking "and revenue raising activities." and inserting "and revenue-raising activities.".

SEC. 24. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of the Act of October 8, 1988, entitled "An Act to create a national park at Natchez, Mississippi" (16 U.S.C. 410oo et seq.), is amended by striking "and visitors' center for Natchez National Historical Park." and inserting "and visitor center for Natchez National Historical Park.".

SEC. 25. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of Division I of the Omnibus Parks Act (110 Stat. 4240; 16 U.S.C. 1 note) is amended by striking **"SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA."** and inserting **"SEC. 1035. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.".**

SEC. 26. NATIONAL COAL HERITAGE AREA.

(a) Section 104(4) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "that will further history preservation in the region." and inserting "that will further historic preservation in the region.".

(b) Section 105 of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "The resources eligible for the assistance under paragraphs (2) and (5) of section 104" and inserting "The resources eligible for the assistance under paragraph (2) of section 104".

(c) Section 106(a)(3) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking "or Secretary to administer any properties" and inserting "or the Secretary to administer any properties".

SEC. 27. TENNESSEE CIVIL WAR HERITAGE AREA.

(a) Section 201(b)(4) of Division II of the Omnibus Parks Act (110 Stat. 4245; 16 U.S.C. 461 note) is amended by striking "and associated sites associated with the Civil War" and insert "and sites associated with the Civil War".

(b) Section 207(a) of Division II of the Omnibus Parks Act (110 Stat. 4248; 16 U.S.C. 461 note) is amended by striking "as provide for by law or regulation." and inserting "as provided for by law or regulation.".

SEC. 28. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of Division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking "National Historic Register of Historic Places," and inserting "National Register of Historic Places,".

SEC. 29. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of Division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking "a visitors' center" and inserting "a visitor center".

SEC. 30. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) Section 805(b)(2) of Division II of the Omnibus Parks Act (110 Stat. 4269; 16 U.S.C. 461 note) is amended by striking "One individuals," and inserting "One individual,".

(b) Section 808(a)(3)(A) of Division II of the Omnibus Parks Act (110 Stat. 4272; 16 U.S.C. 461 note) is amended by striking "from the Committee." and inserting "from the Committee,".

SEC. 31. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of Division II of the Omnibus Parks act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking "directly on nonfederally owned property" and inserting "directly on non-federally owned property".

SECTION-BY-SECTION ANALYSIS

Section 1 corrects the names of two historical parks in the Table of Contents.

Section 2(a) corrects the historical fact that the U.S. Army had already stopped using the Presidio as a military base at the time this Act was introduced in the 104th Congress. The current language was taken from a previous bill that was drafted prior to the Army leaving the Presidio. Section 2(b) corrects a misspelling. Section 2(c) corrects an erroneous cross-reference.

Section 3 provides a new map reference for Colonial National Historical Park. The correct map includes all of Lot 49 that was part of the Page Landing Addition authorized to be made to the park, but only half of which was included on the map referenced in the Omnibus Parks Act.

Section 4(a) corrects the bill language to reflect the intent of Congress that the report is due until the land exchange at Big Thicket National Preserve is completed or by July 1, 1998, whichever comes first. Section 4(b) inserts a word to allow the sentence to read correctly.

Section 5 provides the correct name for cooperative agreements.

Section 6 eliminates duplicative language in the sentence.

Section 7 corrects the name of the park in the title to the section.

Section 8 corrects a cross-reference.

Section 9 changes "the purpose" to "that purpose" which references related language in the sentence.

Section 10 changes a preposition in the sentence.

Section 11(a) inserts a comma between two distinct items in the sentence. Section 11(b) corrects a duplicative subsection reference by relettering two subsections. Section 11(c) corrects two erroneous cross-references.

Section 12 corrects a misspelling.

Section 13 corrects a misspelling.

Section 14 eliminates a redundant subsection reference.

Section 15 corrects four cross-references.

Section 16 corrects a spelling error.

Section 17 clarifies a time period, changes an incorrect word, and clarifies a term.

Section 18 corrects a cross-reference.

Section 19(a) corrects the spelling of the paragraph title. Section 19(b) makes the use of a similar phrase parallel in the two places it is used. Section 19(c) eliminates two unnecessary words, making this subparagraph parallel to the others. Section 19(d) corrects the punctuation for a U.S. Code citation.

Section 20(1) revises the years for which development funds are authorized to be appropriated to the Blackstone River Valley National Heritage Corridor. Since the Omnibus Parks Act was not enacted until November of 1996 after appropriations has already been enacted for fiscal year 1997, the Act's language eliminated two of the three years for which funds would have been authorized. The new language reinstates the intended three-year authorization. Section 20(2) corrects a misspelling.

Section 21(a) would change the word in the bill's findings describing the secretary's authority to obtain land at Tallgrass Prairie NP to make it consistent with the actual authority in Section 1006 that allows acquisition of land only by donation, not purchase. Section 21(b) changes a preposition in the sentence. Section 21(c) corrects the spelling of a word, making it parallel throughout the section.

Section 22 inserts hyphens in two compound adjectives and removes hyphens in two compound adjectives where its use is incorrect.

Section 23(a) capitalizes the name of the airport in the title to the paragraph. Section 23(b) corrects a cross-reference. Section 23(c) corrects a word in the compound adjective and inserts a hyphen. Section 23(d) inserts a hyphen in a compound adjective.

Section 24 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 25 changes a word in the title from the plural to the correct singular spelling.

Section 26(a) changes an incorrect adjective. Section 26(b) eliminates a redundant cross-reference that was left from a previous version of the bill that permitted land acquisition. Section 26(c) inserts a word to allow the sentence to read correctly.

Section 27(a) eliminates redundant language in the sentence. Section 27(b) corrects the verb tense.

Section 28 inserts the correct name of the National Register of Historic Places.

Section 29 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 30(a) makes the noun singular to agree with its pronoun. Section 30(b) replaces a period in the middle of sentence with a comma.

Section 31 inserts a hyphen in a word making it parallel to its use in the title of the section and in other places in the bill.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 3, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill "to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes."

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other pubic lands. This new law, P.L. 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With many individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors. The attached draft bill would make these corrections.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft legislation from the standpoint of the Administration's program.

Sincerely,

JANE LYDER,
Legislative Counsel, Office of Congressional and Legislative Affairs.

Enclosures.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

THE STOLEN GUN PENALTY ENHANCEMENT ACT OF 1997

Mr. CAMPBELL. Mr. President, many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports. Therefore, today I am introducing the Stolen Gun Penalty Enhancement Act of 1997 to increase the maximum prison sentences for violating existing stolen gun laws.

Reports indicate almost half a million guns are stolen each year. As of March 1995, there were over 2 million reports in the stolen gun file of the FBI's National Crime Information Center including 7,700 reports of stolen machine guns and submachine guns. In a 5 year period between 1987 and 1992, the National Crime Victimization Survey notes that there were over 300,000 incidents of guns stolen from private citizens.

Studies conducted by the Bureau of Alcohol, Tobacco and Firearms note that felons steal firearms to avoid background checks. A 1991 Bureau of Justice Statistics survey of State prison inmates notes that almost 10 percent had stolen a handgun, and over 10 percent of all inmates had traded or sold a stolen firearm.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four States shows that over 50 percent of those inmates had stolen a gun.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this month, the Bureau has a total of 34,825 firearms on its unrecovered firearms list.

All of these studies and statistics show the extent of the problem of stolen guns. Therefore, the bill I am introducing today will increase the maximum prison sentences for violating existing stolen gun laws.

Specifically, my bill increases the maximum penalty for violating four provisions of the firearms laws. Under section 922(i) of title 18 of the United States Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. Under section 922(j) of title 18, it is illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition.

The penalty for violating either of these provisions, as provided by section 924(a)(2) of title 18, is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

The third provision, set forth in section 922(u) of title 18, makes it illegal to steal a firearm from a licensed dealer, importer, or manufacturer. For violating this provision, the maximum term of imprisonment set forth in 18 U.S.C. 924(i)(1) would be increased to a maximum 15 years under my bill.

And the fourth provision, section 924(l) of title 18, makes it illegal to steal a firearm from any person, including a licensed firearms collector. This provision also imposes a maximum penalty of 10 years imprisonment. As with the other three provisions, my bill increases this maximum penalty to 15 years.

In addition to these amendments to title 18 of the United States Code, the bill I introduce today directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The "Stolen Gun Penalty Enhancement Act of 1997" will send a strong signal to criminals who are even thinking about stealing a firearm. And, I urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 992

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

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "(i), (j),"; and

(B) by adding at the end the following:

"(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined as provided in this title, imprisoned not more than 15 years, or both.";

(2) in subsection (i)(1), by striking "10 years" and inserting "15 years"; and

(3) in subsection (*l*), by striking "10 years" and inserting "15 years".

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

THE CAREER EDUCATION REFORM ACT OF 1997

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

THE ADULT BASIC EDUCATION AND LITERACY FOR THE TWENTY-FIRST CENTURY ACT

Mr. KENNEDY. Mr. President, today, I am introducing two important education bills on behalf of Secretary Riley and the administration. One is designed to meet the changing needs of students in vocational education programs. The other outlines a comprehensive strategy for enhancing adult education and literacy services. Creating effective educational opportunities for these two student populations is essential if we are to make the American dream a reality for all our citizens.

The Career Preparation Education Reform Act restructures Perkins Act programs to promote student achievement in academic and technical skills. Only with both a strong academic background and training in an employable skill will students be fully prepared to compete in the 21st-century job market. Recognizing this core principle, the legislation supports broad-based career preparation education which meets high academic standards and links vocational education with wider educational reform efforts. It encourages learning in both classroom and workplace settings. This proposal also contains strong accountability provisions to ensure that local programs are actually achieving these goals.

The Adult Basic Education and Literacy for the Twenty-First Century Act recognizes that adult education is an integral component of our work force development system. Nearly 27 percent of the adult population has not earned a high school diploma or its equivalent. Their chances for career success are increasingly limited. Adult education programs open doors for those who successfully participate in them. They help participants to advance in the working world and to fully participate in every aspect of community life. This legislation streamlines existing adult education and literacy programs to maximize both access to educational opportunities and to enhance the quality of services. It seeks to target resources on those areas where the greatest need exists.

One of the highest priorities for the Labor and Human Resources Committee this year is the development of a comprehensive work force development strategy for our Nation. Effective vocational education and adult education programs must be major components of such a plan. These innovative proposals put forth by Secretary Riley should help us to achieve that goal.

Mr. President, I ask unanimous consent that each bill be printed in the RECORD.

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

S. 993

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Center Preparation Education Reform Act of 1997".

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.;* hereinafter referred to as "the Act") is amended in its entirety to read as follows:

"SHORT TITLE; TABLE OF CONTENTS

"SECTION 1. (a) SHORT TITLE.1—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

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

"TABLE OF CONTENTS

"Sec. 1. Short title; table of contents.
"Sec. 2. Declaration of policy, findings, and purpose.
"Sec. 3. Authorization of appropriations.
"TITLE I—PREPARING STUDENTS FOR CAREERS
"PART A—CAREER PREPARATION EDUCATION
"Sec. 101. Career Preparation Education; Priorities.
"Sec. 102. State leadership activities.
"Sec. 103. State plans.
"Sec. 104. Local activities.
"Sec. 105. Local applications.
"Sec. 106. Performance goals and indicators.
"Sec. 107. Evaluation, improvement, and accountability.
"Sec. 108. Allotments.
"Sec. 109. Within-State allocation and distribution of funds.
"PART B—TECH-PREP EDUCATION
"Sec. 111. Program elements.
"Sec. 112. State leadership activities.
"Sec. 113. Local activities.
"Sec. 114. Local applications.
"Sec. 115. Evaluation, improvement, and accountability.
"Sec. 116. Allotment and distribution.
"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS
"Sec. 201. Awards for excellence.
"Sec. 202. National activities.
"Sec. 203. National assessment.
"Sec. 204. National research center.
"Sec. 205. Data systems.
"Sec. 206. National Occupational Information Coordinating Committee.
"Sec. 207. Career preparation education for Indians and Native Hawaiians.
"TITLE III—GENERAL PROVISIONS
"Sec. 301. Waivers.
"Sec. 302. Effect of Federal payments.
"Sec. 303. Maintenance of effort.
"Sec. 304. Identification of State-imposed requirements.
"Sec. 305. Out-of-State relocations.
"Sec. 306. Entitlement.
"Sec. 307. Definitions.

"DECLARATION OF POLICY, FINDINGS, AND PURPOSE

"SEC. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by technology, increasing international economic competition, and changes in production technologies and the organization of work, the Nation must enable every student to obtain the academic, technical, and other skills needed to prepare for, and make a transition to, postsecondary education, further learning, and a wide range of opportunities in high-skilled, high-wage careers.

"(b) DECLARATION OF FINDINGS.—The Congress finds that—

"(1) in order to be successful workers, citizens, and learners in the 21st century, individuals will need a combination of strong basic and advanced academic skills; computer and other technical skills; theoretical knowledge; communications, problem-solving, and teamwork skills; and the ability to acquire additional knowledge and skills throughout a lifetime;

"(2) students in the United States can achieve challenging academic and technical skills, and may learn better and retain more, when they learn in context, learn by doing, and have an opportunity to learn and understand how academic and technical skills are used outside the classroom;

"(3) a majority of high school graduates in the United States do not complete a rigorous course of study that prepares them for completing a two-year or four-year college degree or for entering high-skill, high-wage careers; adult students are an increasingly diverse group and often enter postsecondary education unprepared for academic and technical work; and certain individuals (including students who are members of special populations) often face great challenges in acquiring the knowledge and skills needed for successful employment.

"(4) education reform efforts at the secondary level are creating new American high schools that are committed to high academic standards for all students, and that ensure

that all students have the academic and technical skills needed to pursue postsecondary education, provide students with opportunities to explore careers, use technology to enhance learning, and create safe, supportive learning environments;

"(5) community colleges are offering adults a gateway to higher education, access to quality occupational certificates and degrees that increase their skills and earnings, and continuing education opportunities necessary for professional growth by ensuring that the academic and technical skills gained by students adequately prepare them for the workforce, by enhancing connections with employers, and by obtaining sufficient resources so that students have access to state-of-the-art programs, equipment, and support services;

"(6) State initiatives to develop challenging State academic standards for all students are helping to establish a new framework for education reform, and States developing school-to-work opportunity systems are helping to create opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

"(7) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining technical and academic skills and employment, and technical preparation (tech-prep) education has promoted the integration of academic and vocational education, reinforced and stimulated improvements in classroom instruction, and forged strong secondary-postsecondary connections that serve as a catalyst for the reform of vocational education and the development of school-to-work systems;

"(8) career preparation education increases its effectiveness and better enables every student to achieve to challenging academic standards and industry-recognized skill standards and prosper in a highly competitive, technological economy when it is aligned with broader State and local education reforms and with challenging standards reflecting the needs of employers and the demands of high-skill, high-wage careers, and has the active involvement of employers, parents, and labor and community organizations in planning, developing, and implementing services and activities;

"(9) while current law has promoted important reforms in vocational education, it contains numerous set-asides and special programs and requirements that may inhibit further reforms as well as the proper implementation of performance management systems needed to ensure accountability for results;

"(10) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the improvement and expansion of career preparation education in all States, as well as for services and activities that ensure that every student, including those with special needs, has the opportunity to achieve the academic and technical skills needed to prepare for postsecondary education, further learning, and a wide range of careers; and

"(11) the Federal Government can also assist States and localities by carrying out nationally significant research, program development, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that support State and local efforts to implement successfully programs, services, and activities that are funded under this Act, as well as those supported with their own resources.

"(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-recognized skill standards, and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

"(1) build on the efforts of States and localities to develop and implement education reforms based on challenging academic standards;

"(2) integrate reforms of vocational education with State reforms of academic preparation in schools;

"(3) promote, in particular, the development of services and activities that integrate academic and occupational instruction, link secondary and postsecondary education, and promote school-based and work-based learning and connecting activities;

"(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve career preparation education, including tech-prep education, and in integrating these services and activities with services and activities supported with other Federal, State, and local education and training funds in exchange for clear accountability for results;

"(5) provide every student, including those who are members of special populations, with the opportunity to participate in the full range of career preparation education programs, services, and activities;

"(6) integrate career guidance and counseling into the educational processes, so that students are well prepared to make informed education and career decisions, find employment, and lead productive lives; and

"(7) benefit from national research, program development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities supporting the development, implementation, and improvement of career preparation education programs, services, and activities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 3. (a) PREPARING STUDENTS FOR CAREERS.—(1) There are authorized to be appropriated to carry out part A of title I, relating to career preparation education, $1,064,047,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(2) There are authorized to be appropriated to carry out part B of title I, relating to technical preparation education, $105,000,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

"(b) NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS.—From the amount appropriated for any fiscal year under subsection (a) the Secretary shall reserve—

"(1) not more than 7 percent to carry out title II (except section 207, relating to career preparation education for Indians and Native Hawaiians), of which not more than 2 percent of the amount appropriated under subsection (a) for any fiscal year after the fiscal year 2000 shall be available to carry out activities under section 201, relating to awards for excellence; and

(2) 1.75 percent to carry out activities under sections 207(b) and 207(c), relating to career preparation education for Indians, and section 207(d), relating to career preparation education for Native Hawaiians.

"TITLE I—PREPARING STUDENTS FOR CAREERS

"PART A—CAREER PREPARATION EDUCATION

"CAREER PREPARATION EDUCATION; PRIORITIES

"SEC. 101. (a) CAREER PREPARATION EDUCATION.—(1) In order to enable every student to obtain the academic, technical, and other knowledge and skills that are needed to make a successful transition to postsecondary education and a wide range of career and further learning, as well as support, to the maximum extent possible, the integration of vocational education with broader educational reforms underway in States and secondary and postsecondary schools, funds under this part shall be used to support career preparation education programs, services, and activities.

"(2) As used in this Act, career preparation education programs, services, and activities means those that—

"(A) support the development, implementation, or improvement of State School-to-Work systems as set forth in title I of the School-to-Work Opportunities Act of 1994; or

"(B) otherwise prepare students for employment and further learning in technical fields.

"(b) PRIORITIES.—In using funds under this part, States and local recipients, as described in section 105(a), shall give priority to services and activities designed to—

"(1) ensure that every student, including those who are members of special populations, has the opportunity to achieve a combination of strong basic and advanced academic skills, computer and other technical skills, theoretical knowledge, communications, problem-solving, and other skills needed to meet challenging State academic standards and industry-recognized skill standards;

"(2) promote the integration of academic and vocational education;

"(3) support the development and implementation of courses of study in broad occupational clusters or industry sectors;

"(4) effectively link secondary and postsecondary education;

"(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of an industry;

"(6) provide students with work-related experiences, such as internship, work-based learning, school-based enterprises, entrepreneurship, and job-shadowing that link to classroom learning;

"(7) provide schoolsite and worksite mentoring;

"(8) provide instruction in general workplace competences and instruction needed for students to earn a skill certificate;

"(9) provide career guidance and counseling for students, including the provision of career awareness, exploration, and planning services, and financial aid information to students and their parents;

"(10) ensure continuing parent and employer involvement in program design and implementation; and

"(11) provide needed support services, such as mentoring, opportunities to participate in student organizations, tutoring, the modification of curriculum, classrooms, and equipment, transportation, and child care.

"STATE LEADERSHIP ACTIVITIES

"SEC. 102. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under this part, as well as a grant under part B, shall, consistent with State law, designate an educational agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

"(1) the development, submission, and implementation of the State plan;

"(2) the efficient and effective performance of the State's duties under this Act; and

"(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as employers, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994.

"(b) IN GENERAL.—Each State that receives a grant under this part shall, from amounts reserved for State leadership activities under section 109(c), conduct programs, services, and activities that further the development, implementation, and improvement of career preparation education within the State and that are integrated, to the maximum extent possible, with broader education reforms underway in the State, including such activities as—

"(1) providing comprehensive professional development (including initial teacher preparation) for vocational, academic, career guidance, and administrative personnel that—

"(A) will help such teachers and personnel to meet the goals established by the State under section 106; and

"(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

"(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-recognized skill standards;

"(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

"(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

"(5) supporting tech-prep education activities, including, as appropriate, activities described under part B of this title;

"(6) improving and expanding career guidance and counseling programs that assist students to make informed education and career decisions;

"(7) improving and expanding the use of technology in instruction;

"(8) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, parents, community-based organizations, and local workforce boards for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-recognized skill standards;

"(9) promoting the dissemination and use of occupational information and one-stop career center resources;

"(10) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 106 and any other appropriate criteria;

"(11) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

"(12) developing career preparation education curricula that provide students with understanding in all aspects of the industry; and

"(13) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

"(c) SPECIAL POPULATIONS.—Any State that receives a grant under this part shall—

"(1) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels;

"(2) disseminate data on the effectiveness of career preparation education programs, services, and activities in the State in meeting the educational and employment needs of women and students who are members of special populations;

"(3) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this part;

"(4) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities; and

"(5) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and ensuring that the needs of men and women in training for nontraditional jobs are met.

"(d) STATE REPORT.—(1) The State shall annually report to the Secretary on the quality and effectiveness of the programs, services, and activities, provided through its grant under this part, as well as its grant under part B, based on the performance goals and indicators and the expected level of performance included in its State plan under section 103(e)(2)(B).

"(2) The State report shall also—

"(A) include such information, and in such form, as the Secretary may reasonably require, in order to ensure the collection of uniform data; and

"(B) be made available to the public.

"STATE PLANS

"SEC. 103. (a) IN GENERAL.—Any State desiring to receive a grant under this part, as well as a grant under part B, for any fiscal year shall submit to, or have on file with, the Secretary a five year plan in accordance with this section. The agency or agencies designated under section 102(a) may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, and section 14302 of the Elementary and Secondary Education Act of 1965. Any State that receives an implementation grant under subpart B of title II of the School-to-Work Opportunities Act of 1994 shall make the plan that it submits or files under this section consistent with the approved plan for which it received its implementation grant.

"(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 102(a), the agencies that shall approve the State plan under subsection (a) are—

"(A) the State educational agency; and

"(B) the State agency responsible for community colleges.

"(2) The Secretary shall approve a State plan under subsection (a), or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (e)(2)(B) are sufficiently rigorous as to meet the purpose of this Act and to allow the Department of Education to make progress toward its performance objectives and indicators established under the Government Performance and Results Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

"(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (g), the designated agency or agencies under section 102(a) shall consult widely writhe employers, labor organizations, parents, and other individuals, agencies,. and organizations in the State that have an interest in education and training, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994, as well as individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

"(2) The designated agency or agencies under section 102(a) shall submit the State plan under this section, and any revisions to the State plan under subsection (g), to the Governor for review and comment, and shall ensure that any comments the Governor may have are included with the State plan or revision when the plan or revision is submitted to the Secretary.

"(d) ASSESSMENT.—The State plan under subsection (a), and any revisions to the State plan under subsection (a), shall be based upon a recent objective assessment of—

"(A) the academic and technical skills education, training and retraining needs of secondary, adult, and postsecondary students, including individuals who are members of special populations, that are necessary to meet the projected skill demands of high-wage high-skill careers during the period of the plan; and

"(B) the capacity of programs, services, and activities to meet those needs, taking into account the priorities under section 101(b) and the State's performance goals under section 106(a).

"(2) The assessment shall also include—

"(A) an analysis of the State's performance on its State and local standards and measures under Section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990; and

"(B) an identification of any provisions of the State plan that have been included based on that analysis.

"(e) CONTENTS.—A State plan under subsection (a) shall describe how the State will use funds under this part to—

"(A) improve student achievement of academic, technical, and other knowledge and skills and address the priorities described in section 101(b);

"(B) help ensure that every student, including those who are members of special populations, has the opportunity to achieve to challenging State academic standards and industry-recognized skill standards and to be prepared postsecondary education, further learning, and high-skill, high-wage careers;

"(C) further the State's education reform efforts and school-to-work opportunities system; and

"(D) carry out State leadership activities under section 102.

"(2) A State plan under subsection (a) shall also—

"(A) describe how the State will integrate its services and activities under this title with the broad education reforms in the State and with relevant employment, training, technology, and welfare programs carried out in the State;

"(B) include a statement, expressed in terms of the performance indicators published by the Secretary under section 106(b), and any other performance indicators the State may choose, of the State's performance goals established under section 106(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

"(C) describe how the State will ensure that the data reported to it from its local recipients under this Act and the data it reports to the Secretary are complete, accurate, and reliable;

"(D) describe how the State will provide incentives or rewards for exemplary programs, services, or activities under this Act, if the State elects to implement the authority under section 102(b)(10);

"(E) describe how funds will be allocated and used at the secondary and postsecondary level, the consortia that will be formed among secondary and postsecondary school and institutions, and how funds will be allocated to such consortia; and

"(F) be made available to the public.

"(f) ASSURANCES.—A State plan under subsection (a) shall contain assurances that the State will—

"(1) comply with the requirements of this Act and the provisions of the State plan; and

"(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

"(g) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary after the State plan revisions have been approved by the agencies responsible for approving the plan under subsection (b).

"LOCAL ACTIVITIES

"SEC. 104. (a) GENERAL REQUIREMENTS.—Each recipient of a subgrant under this part shall—

"(1) conduct career preparation education programs, services and activities that further student achievement of academic, technical, and other knowledge and skills;

"(2) provide services and activities that are of sufficient size, scope, and quality to be effective;

"(3) give priority under this part to assisting schools or campuses that serve the highest numbers or percentages of students who are members of special populations; and

"(4) promote equity in career preparation education and, to the maximum extent possible, ensure opportunities for every student, including those who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers.

"(b) AUTHORIZED ACTIVITIES.—Each recipient of a subgrant under this part may use funds to—

"(1) provide programs, services, and activities that promote the priorities described in section 101(b), such as—

"(A) developing curricula and assessments that are aligned, as appropriate, with challenging State academic standards, as well as industry-recognized skill standards, and that integrate academic and vocational instruction, school-based and work-based instruction and connecting activities, and secondary and postsecondary level instruction;

"(B) acquiring and adapting equipment, including instructional aids;

"(C) providing professional development activities, including such activities for teachers, mentors, counselors, and administrators, and board members;

"(D) providing services, directly or through community-based or other organizations, that are needed to meet the needs of students who are members of special populations, such as mentoring, opportunities to participate in student organizations, tutoring, curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, transportation, and child care;

"(E) supporting tech-prep education services and activities, career academies, and public charter, pilot, or magnet schools that have a career focus;

"(F) carrying out activities that ensure active and continued involvement of employers, parents, local workforce boards, and labor organizations in the development, implementation, and improvement of a career preparation education in the State, such as support for local school-to-work partnerships and intermediary organizations that support activities that link school and work;

"(G) assisting in the reform of secondary schools, including schoolwide reforms and schoolwide programs authorized under section 1114 of the Elementary and Secondary Education Act of 1965;

"(H) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

"(I) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job and continuing their education and training; and

"(J) developing and implementing performance management systems and evaluations; and

"(2) carry out other services and activities that meet the purposes of this Act.

"(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

"LOCAL APPLICATIONS

"SEC. 105. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this part are—

"(1) local educational agencies;

"(2) area vocational education schools;

"(3) intermediate educational agencies;

"(4) institutions of higher education; and

"(5) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by, or on behalf of, any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

"(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this part to—

"(1) develop, improve, or implement career preparation education programs, services, or activities in secondary schools and postsecondary institutions and address the priorities described in section 101(b), in accordance with section 103;

"(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

"(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State and with relevant employment, training, and welfare programs carried out in the State; and

"(4) consult with students, their parents, employers, and other interested individuals or groups (including labor organizations and organizations representing special populations), in developing their services and activities.

"PERFORMANCE GOALS AND INDICATORS

"SEC. 106. (a) PERFORMANCE GOALS.—(1) Any State desiring to receive a grant under this part, as well as under part B, in consultation with employers, parents, labor organizations, and other individuals, agencies, and organizations in the State that have an interest in education and training, shall—

"(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of programs, services, and activities under this title; and

"(B) express such goals in an objective, quantifiable, and measurable form.

"(2) Any State may also use amounts it receives for State leadership activities under section 109(c) to evaluate its entire career preparation education program in secondary and postsecondary schools and to carry out activities under paragraph (1).

"(b) PERFORMANCE INDICATORS.—(1) After consultation with the Secretary of Labor, States, local educational agencies, institutions of higher education, representatives of business and industry, and other interested

parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms and appropriate data collection methodologies) described in paragraph (2) that State and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

"(2) The Secretary shall publish performance indicators for programs, services, and activities under this Act in the following areas:

"(A) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-recognized skill standards;

"(B) receipt of a high school diploma, skill certificate, and postsecondary certificate or degree;

"(C) job placement, retention, and earnings, particularly in the student's field of study; and

"(D) such other indicators as the Secretary determines.

"(c) TRANSITION.—A State shall use the performance goals and indicators established under subsections (a) and (b) not later than July 1, 1999. In order to provide a transition for State evaluation activities, each State receiving funds under this title shall use the system of standards and measures the State developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act during the period that the State is establishing performance goals under subsection (a).

"(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals under subsection (a), as well as use of uniform national performance data. The Secretary may use funds appropriated for title II to provide technical assistance under this section.

"EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

SEC. 107. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

"(A) annually evaluate, using the performance goals and indicators described in section 106, and report to the State regarding, its use of funds under this part to develop, implement, or improve its career preparation education program, services, and activities; and

"(B) biennially evaluate, and report to the State regarding the effectiveness of its programs, services, and activities under this part in achieving the priorities described in section 101(b), including the participation, progress, and outcomes of students who are members of special populations.

"(2) Such recipient may evaluate portions of its entire career preparation education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire career preparation education program supported with funds under this part.

"(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101(b), the State shall work jointly with the recipient to develop a plan, in consultation with teachers, counselors, parents, students, employers, and labor organizations, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

"(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities under this part that are in accord with the priorities described in section 101(b), based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

"(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101(b).

"ALLOTMENTS

"SEC. 108. (a) ALLTOMENT TO STATES FOR CAREER PREPARATION EDUCATION.—Subject to subsection (b), from the remainder of the sums available for this part, the Secretary shall allot to each State for each fiscal year—

"(1) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

"(2) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

"(b) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of law and subject to paragraph (2), for fiscal year 1998 no State shall receive an allotment for services and activities authorized under this part that is less than 90 percent of the sum of the payments made to the State for fiscal year 1997 for programs authorized by title II of the Carl D. Perkins Vocational and Applied Technology Education Act, and for fiscal years 1998 through 2002 no State shall receive for services and activities authorized under this part an allotment that is less than 90 percent of its allotment under this part for the preceding fiscal year.

"(2) If for any fiscal year the amount appropriated for services and activities authorized under this part and available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

"(3) Notwithstanding any other provision of law, the allotment for this part for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

"(c) ALLOTMENT RATIO.—the allotment ratio of any State shall be 1.00 less the product of—

"(1) 0.50; and

"(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

"(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

"(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

"(d) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

"(e) STATE GRANTS.—(1) From the State's allotment under subsection (a), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 103.

"(2) The Secretary may promulgate regulations with regard to indirect cost rates that may be used for grants and subgrants awarded under this title.

"(f) DEFINITIONS AND DETERMINATIONS.—For purposes of this section—

"(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available;

"(2) the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year, and

"(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

"WITHIN-STATE ALLOCATION AND DISTRIBUTION OF FUNDS

"SEC. 109. (a) IN GENERAL.—(1) For each of the fiscal years 1998 and 1999, the State shall award as subgrants to eligible recipients under section 105(a) at least 80 percent of its grant under section 108(e) for that fiscal year.

"(2) For each of the fiscal years 2000 through 2002, the State shall award as subgrants to eligible recipients under section 105(a) at least 85 percent of its grant under section 108(e) for that fiscal year.

"(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed 5 percent of its grant under section 108(e) for each fiscal year for administering its State plan, including developing the plan, reviewing local

applications for subgrants under this part and part B, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

"(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

"(c) STATE LEADERSHIP.—The State shall use the remainder of its grant under section 108(e) for each fiscal year for State leadership activities described in section 102.

"(d) DISTRIBUTION OF PART A FUNDS AT THE SECONDARY LEVEL.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this part available for secondary level education programs, services, and activities that are conducted in accordance with the priorities described in section 101(b). Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the amount that the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

"(2) In applying the provisions of paragraph (1), the State shall—

"(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

"(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

"(C) distribute funds to an area vocational education school or intermediate educational agency in any case in which—

"(i) the area vocational education school or intermediate educational agency and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

"(ii) the area vocational education school or intermediate educational agency serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

"(e) DISTRIBUTION OF PART A FUNDS AT THE POSTSECONDARY LEVEL.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this part available for postsecondary level services and activities that are conducted in accordance with the priorities described in section 101(b). Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in the preceding fiscal year by such institution or consortium in a career preparation education programs that does not exceed two years bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

"(2) For the purposes of this subsection—

"(A) the term 'eligible institution' means—

"(i) an institution of higher education;

"(ii) a local educational agency providing education at the postsecondary level;

"(iii) an area vocational education school providing education at the postsecondary level; and

"(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior of the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

"(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

"(3) An eligible institution may use funds distributed in accordance with paragraph (1) to provide postsecondary level services and activities for students enrolled in a career preparation education program that exceeds two years through a written articulation agreement between the eligible institution and the administrators of that program.

"(f) ALTERNATIVE PART A DISTRIBUTION FORMULA.—The State may distribute funds under subsection (d) or (e) using an alternative formula if the State demonstrates to the Secretary's satisfaction that—

"(1) the alternative formula better meets the purposes of this Act;

"(2) the alternative formula is in accord with the priorities described in section 101(b);and

"(3)(A) the formula described in subsection (d) or (e) does not result in a distribution of funds to the eligible recipients or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (j); and

"(B) the alternative formula would result in such a distribution.

"(g) MINIMUM SUBGRANT AMOUNTS.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this part unless the amount allocated to that agency under subsection (c) or (d) equals or exceeds $15,000.

"(B) The State may waive the requirement in subparagraph (A) in any case in which the local educational agency—

"(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101(b) and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

"(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101(b), but that the agency is able to provide services and activities that meet the purposes of this Act.

"(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this part unless the amount allocated to that institution under subsection (d) or (e) equals or exceeds $50,000.

"(B) The State may waive the requirement in subparagraph (A) in any case in which the eligible institution—

"(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

"(ii) is a tribally controlled community college.

"(h) PART A SECONDARY-POSTSECONDARY CONSORTIA.—The State may distribute funds available for part A in any fiscal year for secondary and postsecondary level services and activities, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

"(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101(b); and

"(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

"(i) REALLOCATIONS.—The State shall reallocate to one or more local educational agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (d) through (f), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101(b).

"(j) ECONOMICALLY DISADVANTAGED STUDENTS.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

"(1) eligibility for free or reduced-price meals under the National School Lunch Act or for assistance under part A of title IV of the Social Security Act;

"(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

"(3) any other index of disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

"PART B—TECH-PREP EDUCATION

"PROGRAM ELEMENTS

"SEC. 111. Funds under this part shall be used only to develop, implement, and improve tech-prep education programs that—

"(1) include—

"(A) a non-duplicative sequence of study, with a common core of required proficiency in mathematics, science, communications, and technology, consisting of at least 2 years of secondary school preceding graduation and leading to an associate degree, an industry-recognized skill certificate, completion of a registered apprenticeship program, or a bachelor's degree in a specific career field;

"(B) an integrated academic and technical curriculum appropriate to the needs of the students enrolled in the secondary schools and postsecondary education institutions participating in a consortium.

"(C) curriculum and professional development to—

"(i) train academic, vocational, and technical teachers to use strategies and techniques effectively to support tech-prep education; and

"(ii) train counselors to advise students effectively, and to help ensure that students successfully complete their tech-prep education and enter into appropriate employment;

"(D) preparatory services, including outreach, career counseling, assessment, and

testing, that assist students to enter into tech-prep education, as well as career awareness, exploration, and planning activities that help students in tech-prep education to make informed choices;

"(E) equal access for students who are members of special populations; and

"(F) work-based learning opportunities, for both students and educators, that are tied to the tech-prep curriculum; and

"(2) are conducted by a consortium—

"(A) of at least one public secondary school or local educational agency and at least one postsecondary educational institution; and

"(B) that displays strong, comprehensive institutional links within the consortium.

"STATE LEADERSHIP RESPONSIBILITIES

"SEC. 112. (a) IN GENERAL.—Each State that receives a grant under this part may use funds reserved for leadership activities under section 109(c) to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act.

"(b) STATE PLAN.—Any State desiring to receive a grant under this part for any fiscal year shall—

"(1) have an approved State plan under section 103 for that fiscal year; and

"(2) include in such plan—

"(A) a description of how the State will use funds under this part only to make competitive subgrants to consortia to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act; and

"(B) a description of how tech-prep education programs under this part will relate to, and be integrated with, the career preparation education programs, services, and activities supported in the State under part A of this title.

"(c) STATE REPORT.—Any State that receives a grant under this part shall annually report to the Secretary on the quality and effectiveness of its services and activities provided under the grant, based on the performance goals and indicators, as appropriate, established under section 106. Such report shall be part of the report that the State submits in accordance with section 102(d).

"LOCAL ACTIVITIES

"SEC. 113. (a) GENERAL AUTHORITY.—Each recipient of a subgrant under this part shall use such funds to develop, implement, or improve a tech-prep education program described in section 111.

"(b) ADDITIONAL ACTIVITIES.—A recipient of a subgrant under this part may use such funds to—

"(1) acquire tech-prep education program equipment, subject to subsection (c); and

"(2) obtain technical assistance from State or local entities that have successfully designed, established, and operated tech-prep programs.

"(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

"LOCAL APPLICATIONS

"SEC. 114. (a) ARTICULATION AGREEMENT.—A consortium that desires to receive a subgrant under this part shall submit to the agency or agencies designated under section 102(a) a written articulation agreement among the consortium participants that describes each participant's role in carrying out the tech-prep education program.

"(b) APPLICATION REQUIREMENT.—(1) A consortium that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the consortium seeks to achieve, each application shall also describe how the consortium will—

"(A) use funds under this part to develop, improve, or implement a tech-prep education program;

"(B) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

"(C) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this part with career preparation education programs, services, and activities, broad education reforms, and relevant employment, training, and welfare programs carried out in the State; and

"(D) consult with students, their parents, and other interested individuals or groups (including employers and labor organizations), in developing their services and activities.

"(2) A consortium may submit its application as part of the application for funds under part A of this title.

"(c) APPROVAL AND SPECIAL CONSIDERATION.—(1) The agency or agencies designated under section 102(a) shall approve applications based on their potential to create an effective tech-prep education program as described in section 111.

"(2) The designated agency or agencies shall give special consideration to applications that—

"(A) provide for effective employment placement activities and for the transfer of students to 4-year baccalaureate degree programs;

"(B) are developed in consultation with business, industry, labor organizations, and institutions of higher education that award bachelor's degrees;

"(C) address effectively the needs of special populations; and

"(D) demonstrate the use of tech-prep education programs as a primary strategy for systemic educational reform.

"EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

"SEC. 115. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

"(A) annually evaluate, using the performance goals and indicators described in section 106, as appropriate, and report to the State regarding, its use of funds under this part to develop, implement, or improve tech-prep education programs described under section 111; and

"(B) biennially evaluate and report to the State regarding, the effectiveness of its services and activities supported under this part in achieving the purposes of this Act, including the progress of students who are members of special populations.

"(2) Such recipient may evaluate portions of its entire tech-prep education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire tech-prep education program supported with funds under this part.

"(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act, the State shall work jointly with the recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued tech-prep services and activities for the recipient's students.

"(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

"(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, tech-prep services and activities within the State that meet the purpose of this Act.

"ALLOTMENT AND DISTRIBUTION

"SEC. 116. (a) ALLOTMENT TO STATES FOR TECH-PREP EDUCATION.—(1) From the amount appropriated for this part under section 3(a)(2) for each fiscal year, the Secretary shall allot funds to each State for programs under this part based on the ratio that its allotment under section 108 bears to the sum of State allotments under part A for that fiscal year.

"(2) From the State's allotment under paragraph (1), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan in accordance with section 112(b).

"(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the tech-prep education services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States to support tech-prep education services and activities. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

"(c) DISTRIBUTION OF FUNDS.—From the amount made available to each State under

subsection (a)(2), the State agency or agencies designated in section 102(a) shall award subgrants to consortia of educational institutions on a competitive basis.

"(d) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making subgrants under this part, the agency or agencies designated under section 102(a) shall ensure an equitable distribution of assistance between urban and rural areas of the State.

"TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

"AWARDS FOR EXCELLENCE

"SEC. 201. The Secretary may, from the amount reserved under section 3(b)(1) for any fiscal year after the fiscal year 2000, and through a peer review process, make performance awards to one or more States that have—

"(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 103(e)(2)(B);

"(2) implemented exemplary career preparation education programs, services, or activities in secondary and postsecondary schools in accordance with the priorities described in section 101(b); or

"(3) provided exemplary career preparation education programs, services, or activities for students who are members of special populations.

"NATIONAL ACTIVITIES

"SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities in accord with the purposes of this Act, such as activities relating to—

"(A) challenging State academic standards and industry-recognized skill standards, including curricula and assessments aligned with such standards;

"(B) the improvement in academic, technical, communications and other skills of students participating in career preparation education;

"(C) best practices in career preparation education, including curricula, assessments, and supportive services;

"(D) effective career guidance and counseling practices, including the identification of components of such programs that meet the career preparation education needs of students;

"(E) the use of community- and work-based learning, job shadowing, internships, entrepreneurship, and school-based enterprises to further academic and technical skills development;

"(F) the use of technology, including distance learning, to enhance learning;

"(G) the preparation of students for new and advanced technologies and industries, such as information technology and telecommunications, biotechnology, and robotics;

"(H) enhancing employer-school partnerships;

"(I) the development of effective performance management systems;

"(J) the creation of innovative learning environments with a career focus, such as career academies, and public charter, magnet, and pilot schools;

"(K) "whole school" reforms, in which all students are expected to gain academic and computer and other technical skills, and be prepared for postsecondary education and career opportunities; and

"(L) improvements in technical education at the postsecondary level.

"(2) The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, the Higher Education Act of 1965, and the Elementary and Secondary Education Act of 1965.

"(3) Research and development activities carried out under this section may include support for States in their development and implementation of performance goals and indicators established under section 106. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

"(4) Activities carried out under this section may include support for occupational and career information systems, such as the system described in section 206.

"(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, counselors, mentors, and board members) to help to ensure that all students receive an education that prepares them for postsecondary education, further learning, and high-skill, high-wage careers.

"(2)(A) Professional development activities supported under this subsection shall—

"(i) be tied to challenging State academic standards and industry-recognized skill standards;

"(ii) take into account recent research on teaching and learning;

"(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

"(iv) include strong academic and technical skills content and pedagogical components; and

"(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction and connecting activities, using occupational and career information, computer literacy, innovative uses of educational technology, and all aspects of an industry.

"(B) Funds under this subsection may be used for such activities as pre-service and in-service training, including internships at employer sites, training of work-site supervisors, and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of career preparation education programs.

"(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and vocational instruction.

"NATIONAL ASSESSMENT

"SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

"(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of employers, parents, counselors, students, special populations, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

"(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

"(1) State and local recipients are meeting the performance objectives for their programs established by the Secretary under the Government Performance and Results Act, using the performance indicators under section 106(b);

"(2) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

"(3) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, and entry into high-skill, high-wage careers;

"(4) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-recognized skill standards;

"(5) services and activities assisted under this Act are integrated with, and further, broad-based education reform; and

"(6) the program improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 106, are effective.

"(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2001, and a final report on or before July 1, 2002.

"NATIONAL RESEARCH CENTER

"SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through grants, contracts, or cooperative agreements, establish one or more national centers in the areas of—

"(A) applied research and development; and

"(B) dissemination and training.

"(2) The Secretary shall consult with States prior to establishing one or more such centers.

"(3) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

"(b) ACTIVITIES.—(1) The national center or centers shall carry out such activities as the Secretary determines to be appropriate to assist State and local recipients of funds under this Act to achieve the purpose of this Act, which may include activities in such areas as—

"(A) the integration of vocational and academic instruction, secondary and postsecondary instruction, and work-based and classroom-based instruction and connecting activities;

"(B) effective inservice and preservice teacher education that assists career preparation education systems at the elementary, secondary, and postsecondary levels;

"(C) performance goals and indicators that serve to improve career preparation education programs and student outcomes;

"(D) effects of economic changes on the kinds of knowledge and skills required for employment;

"(E) longitudinal studies of student achievement; and

"(F) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include—

"(i) serving as a repository for industry-recognized skill standards, State academic standards, and related materials; and

"(ii) developing and maintaining national networks of educators who facilitate the development of career preparation education systems.

"(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives.

"(c) REVIEW.—From funds available for this title, the Secretary shall—

"(1) consult at least annually with the national center or centers and with experts in education to ensure that the activities of the national center or centers meet the needs of career preparation education programs; and

"(2) undertake an independent review of award recipients under this section prior to extending an award to such recipient beyond 5 years.

"DATA SYSTEMS

"SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of career preparation education and on the effectiveness of State and local programs, services, and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

"(b) CONTENTS.—The data system shall—

"(1) provide information on the participation and performance of students, including students who are members of special populations;

"(2) include data that are at least nationally representative;

"(3) report on career preparation in the context of education reform; and

"(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

"(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of career preparation education, in the development of data collections and reports under this section.

"(2) In maintaining the data system, the Secretary shall—

"(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

"(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

"(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall, as appropriate, collect and report information on career preparation education for a nationally representative sample of students, including, to the extent feasible, fair and accurate assessments of the educational achievement of special populations. Such assessment may include international comparisons.

"(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

"(A) result in the identification of characteristics or performance of individual schools or students;

"(B) result in the ranking or comparing of schools or local educational agencies;

"(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

"(D) corrupt the use or value of data collected for the National Assessment.

"NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

"SEC. 206. (a) IN GENERAL.—There is established a National Occupational Information Coordinating Committee (in this section referred to as the 'Committee') which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitation Services Administration, the Director of the Office of Bilingual Education and Minority Languages Affairs, the Assistant Secretary for Postsecondary Education, the Assistant Secretary for Elementary and Secondary Education, the Commissioner of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Under Secretary for Research, Education, and Economics of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Force Management and Personnel). The Committee shall provide funds, on an annual basis, to State occupational information coordinating committees and to eligible recipients and shall—

"(1) in the use of program and employment data, improve coordination and communication among administrators and planners of education and employment and training programs, including corrections and welfare programs, at the Federal, State, and local levels;

"(2) coordinate the efforts of Federal, State, and local agencies and tribal agencies with respect to such programs.

"(3) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of education programs and employment and training programs at the national, State, and local levels;

"(4) conduct studies to improve the quality and delivery of occupational and career information; and

"(5) develop curricula and career information resources and provide training and technical assistance consistent with section 453(b)(2) of the Job Training Partnership Act in support of comprehensive guidance and counseling programs designed to promote improved career decision making by individuals.

"(b) STATE COMMITTEES.—Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State education, vocational education, and postsecondary education agencies, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established under subsection (a)—

"(1) implement an occupational information system in the State that will meet the common needs for the planning for, and the operation of, education and employment and training programs, including corrections and welfare;

"(2) implement a career information delivery system; and,

"(3) conduct training and technical assistance in support of personnel delivering career development services.

"(c) ALLOCATION.—Of amounts made available by the Secretary to carry out the provisions of this section, the Committee shall use not less than 75 percent of such funds to support State occupational information coordinating committees for the purpose of operating State occupational information systems and career information delivery systems.

"(d) GIFTS, BEQUESTS, AND DEVISES.—The Committee may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(2) The responsible official shall establish written rules setting forth the criteria to be used by the Committee in determining whether the acceptance of contributions of services, money, or property would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of its programs or any official involved in those programs.

"(e) EXPERTS AND CONSULTANTS.—The Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"CAREER PREPARATION EDUCATION FOR INDIANS AND NATIVE HAWAIIANS

"SEC. 207. (a) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount the Secretary reserves under section 3(b)(2)—

"(1) 1.5 percent shall be available for carrying out subsections (b) and (c); and

"(2) 0.25 percent shall be available for carrying out subsection (d).

"(d) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under subsection (a)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

"(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

"(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

"(ii) evaluate the quality and effectiveness of services and activities provided under this subsection;

"(iii) provide guidance and counseling services to students; and

"(iv) help to ensure that students served under this subsection have an opportunity to achieve to challenging academic and industry recognized skill standards, receive high school diplomas, skill certificates, and postsecondary certificates or degrees, and enter employment related to their course work.

"(2)(A) The Secretary shall make such a grant or cooperative agreement—

"(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

"(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

"(B)(i) A grant or cooperative agreement under this subsection with any tribal organizational shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, except section 102(b), and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection. An eligible applicant that receives written notification that the Secretary will not award it a grant or cooperative agreement may submit written objections to that notice in accordance with regulations of the Secretary.

"(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act of the Act of April 16, 1934.

"(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organizational or school.

"(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those they apply to grants or cooperative agreements to States under this Act.

"(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

"(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

"(c) ASSISTANT TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.—(1) The Secretary may make 4-year grants to tribally controlled postsecondary vocational institution to provide to Indian students services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b), including support for the operation, maintenance, and capital expenses of such institution.

"(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

"(A) be governed by a board of directors or trustees, a majority of whom are Indians;

"(B) demonstrate adherence to stated goals, a philosophy, or a plan or operation that fosters individual Indian economic self-sufficiency;

"(C) have been in operation for at least 3 years;

"(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for postsecondary vocational education;

"(E) offer technical degrees or certificate-granting programs; and

"(F) enroll the full-time equivalent of not less than 100 students, of whom a majority are Indians.

"(3) To receive assistance under this subsection, a tribally controlled postsecondary vocational institution shall apply to the Secretary in such manner and at such time as the Secretary may require.

"(4) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

"(d) ASSISTANCE TO NATIVE HAWAIIANS.—(1) In recognition of the findings and declarations made by Congress in section 9202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7902), the Secretary shall, from the funds reserved under subsection (a)(2) for each fiscal year, make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b).

"(2) To receive assistance under this subsection, the organization, institution, or agency shall apply to the Secretary in such manner and at such time as the Secretary may require.

"(e) ACCOUNTABILITY.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

"(f) DEFINITIONS.—For the purposes of this section:

"(1) The term 'Bureau-funded school' has the same meaning given 'Bureau funded school' in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

"(2) The term 'full-time equivalent Indian students' means the sum of the number of Indian student enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

"(3) The term 'Indian' means a member of an Indian tribe.

"(4) The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

"TITLE III—GENERAL PROVISIONS

"WAIVERS

"SEC. 301. (a) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop, implement, or improve career preparation education, including tech-prep edcuation, in the State.

"(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

"(A) if, and only to the extent that the Secretary determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop, implement, or improve career preparation education in the State;

"(B) if the State waives, or agrees to waive, any similar requirements of State law;

"(C) if, in the case of a statewide waiver, the State—

"(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

"(ii) has submitted the comments of such recipients to the Secretary; and

"(D) if the State provided such information as the Secretary reasonably requires in order to make such determinations.

"(2) The Secretary shall act promptly on any request submitted under paragraph (1).

"(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

"(c) PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

"(A) this Act;

"(B) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

"(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

"(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

"(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

"(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

"(G) the School-to-Work Opportunities Act of 1994.

"(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

"(d) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

"(1) the basic purposes or goals of the affected programs;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) the equitable participation of students attending private schools;

"(5) parental participation and involvement;

"(6) the distribution of funds to States or to local recipients;

"(7) the eligibility of an individual for participation in the affected programs;

"(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

"(9) prohibitions or restrictions relating to the construction of buildings or facilities.

"(e) TERMINATION OF WAIVERS.—The Secondary shall periodically review the performance of any State for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

"EFFECT OF FEDERAL PAYMENTS

"SEC. 302. (a) STUDENT FINANCIAL ASSISTANCE.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including the Temporary Assistance to Needy Families program, that is funded in whole or part with Federal funds.

"(2) For purposes of this subsection, attendance costs are—

"(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

"(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a halftime basis, as determined by the institution.

"(b) INSTITUTIONAL AID.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the among of State aid, with respect to public education within the State.

"MAINTENANCE OF EFFORT

"SEC. 303. (a) Except as provided in subsection (b), a State may receive its full allotment of funds under part A and part B for any fiscal year only if the Secretary finds that either the fiscal effort per student or the aggregate expenditures of such State for career preparation education, including tech-prep education programs, for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such fiscal effort or aggregate expenditures for career preparation education for the second fiscal year preceding the fiscal year for which the determination is made.

(b) The Secretary shall reduce the amount of allotments of funds under part A and part B for any fiscal year in the exact proportion by which the State fails to meet the requirements of subsection (a) by falling below 90 percent of either the fiscal effort per student or aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

"IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

"SEC. 304. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guidelines, shall be identified as a State-imposed requirement.

"OUT-OF-STATE RELOCATIONS

"SEC. 305. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

"ENTITLEMENT

"SEC. 306. Nothing in this Act shall be construed to provide any individual with an entitlement to services under this Act.

"DEFINITIONS

"SEC. 307. As used in this Act, unless otherwise noted:

"(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

"(2) The term 'area vocational education school' means—

"(A) a special public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market, or

"(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

"(3) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

"(4) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

"(5) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

"(6) The term 'intermediate educational agency' means a combination of school districts or counties (as defined in section 14101(9) of the Elementary and Secondary Education Act of 1965) as are recognized in a State as an administrative agency for the State's career preparation education schools or for career preparation education programs within its public elementary or secondary schools.

"(7) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

"(8) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

"(9) The term 'postsecondary educational institution' means—

"(A) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, that provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree;

"(B) a tribally controlled community college; or

"(C) a not-for-profit educational institution offering apprenticeship programs of at least 2 years beyond the completion of secondary school.

"(10) The term 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

"(11) The term 'Secretary' means the Secretary of Education.

"(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

"(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, displaced homemakers, teen parents, single pregnant women, foster children, migrant children, school dropouts, students who are identified as being at-risk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

"(14) except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"(15) The term 'State educational agency' has the same meaning as given that term under section 4(24) of the School-to-Work Opportunities Act of 1994.

"(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

"(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.".

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1998.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Career Preparation Education Reform Act of 1997, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking "in section 521(22) of the Carl D. Perkins Vocational Education Act" and inserting in lieu thereof "section 4(10) of the School-to-Work Opportunities Act of 1994"; and

(B) in paragraph (28), by striking "Vocational Education Act" and inserting in lieu thereof "Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997";

(2) in section 121(a)(2), by adding at the end thereof the following sentence: "The State may submit such plan as part of a State plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.";

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

"(8) consult with the appropriate State agency under section 105 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of result in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;"; and

(B) in paragraph (11)(B), by striking "section 113(b)(14) of the Carl D. Perkins Vocational Education Act" and inserting in lieu thereof "section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act";

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(B) in paragraph (2)(D)(iii), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(5) in section 125—

(A) in subsection (a), by inserting after "coordinating committee" a comma and "as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,";

(B) in subsection (b)(1), by striking out "Vocational" and inserting in lieu thereof "Career Preparation"; and

(C) ion subsection (c), by inserting after "Coordinating Committee" a comma and "as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,";

(6) in section 205(a)(2), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(7) in section 265(b)(3), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(8) in section 314(g)(2), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(9) in section 427(a)(1), by striking "local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations" and inserting in lieu thereof "local agencies, or private organizations";

(10) in section 455(b), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act";

(11) in section 461(c), by striking out "Vocational" and inserting in lieu thereof "Career Preparation";

(12) in section 464—

(A) in subsection (a), by striking out "Carl D. Perkins Vocational Education Act)" and inserting in lieu thereof "Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997)";

(B) in subsection (b), by striking out "In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the" and inserting in lieu thereof "The"; and

(C) in subsection (c), by striking out "this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and" and inserting in lieu thereof "this Act and";

(13) in section 605(c), by striking out "Vocational Education Act)" and inserting in lieu thereof "Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)";

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

"(1) IN GENERAL.—For purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council."; and

(B) in paragraph (2)(A)(ii), by striking "Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(15) in section 703(a)(2), by striking the comma after "section 123(a)(2)(D)" and "except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act".

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 302. The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 322(a)(4), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 342—

(A) in subsection (c)(11), by striking "Carl D. Perkins Vocational Education Act of 1963" and inserting in lieu thereof "Carl D. Perkins Career Preparation Education Act"; and

(B) in subsection (d), by striking "Vocational" and inserting in lieu thereof "Career Preparation"; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

"(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;".

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 303. The School-to-Work Opportunities Act (20 U.S.C. 1601 et seq.) is amended—

(1) in section 202(a)(3), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 203(b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking "Vocational and Applied technology" and inserting in lieu thereof "Career Preparation", and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively,

(4) in section 403(a), by striking "the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)),",

(5) in section 404—

(A) by inserting "and" after "(29 U.S.C. 1733(b)),"; and

(B) by striking "and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(C)),";

(6) in section 502(b)(6), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation"; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking "section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)" and inserting in lieu thereof "section 112(c) of the Carl D. Perkins Career Preparation Education Act"; and

(B) in subsection (e), by striking "section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)" and inserting in lieu thereof "section 102 of the Carl D. Perkins Career Preparation Education Act".

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 304. The Elementary and Secondary Education At of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(2) in section 9115(b)(5), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation";

(3) by amending section 14302(a)(2)(C) to read as follows: "(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;" and

(4) in section 14307(a)(1), by striking "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 305. The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997, until not later than July 1, 2000, and the performance goals and indicators developed pursuant to section 107 of the Carl D. Perkins Career Preparation Education Act thereafter"; and

(B) in subsection (1), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation"; and

(2) in section 311(b)(6), by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 306. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by amending section 127(2) to read as follows:

"(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D.

Perkins Career Preparation Education Act to support tech-prep education services and activities;";

(2) in section 481(a)(3)(A), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act";

(3) in section 484(l)(1), by striking "section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act"; and

(4) in section 503(b)(2)(B)(vi), by striking "in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act" and inserting in lieu thereof "in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act".

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the Individuals and Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking out "Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)" and inserting in lieu thereof "Career Preparation Education Act".

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.) is amended by inserting "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997 or the State agency or agencies designated under section 102(a) of the Carl D. Perkins Career Preparation Education Act,".

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 et seq.) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after "(20 U.S.C. 2397h(3))" a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997.".

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(A)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out "Vocational and Applied Technology" and inserting in lieu thereof "Career Preparation".

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by inserting before the semicolon at the end thereof a comma and "as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997".

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Education Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

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Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Adult Basic Education and Literacy for the Twenty-First Century Act."

TITLE I—AMENDMENT TO THE ADULT EDUCATION ACT AMENDMENT

SEC. 101. The Adult Education Act (20 U.S.C. 1201 et seq.; hereinafter referred to as "the Act") is amended in its entirety to read as follows:

"TITLE III—ADULT BASIC EDUCATION AND LITERACY PROGRAMS

"SEC. 301. (a) SHORT TITLE.—This title may be cited as the 'Adult basic Education and Literacy Act'.

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

"TABLE OF CONTENTS

"Sec. 301. Short title; table of contents.
"Sec. 302. Findings; purpose.
"Sec. 303. Authorization of appropriations.
"PART A—ADULT EDUCATION AND LITERACY
"Sec. 311. Program Authority; Priorities.
"Sec. 312. State Grants for Adult Education and Literacy.
"Sec. 313. State Leadership Activities.
"Sec. 314. State Administration.
"Sec. 315. State Plan.
"Sec. 316. Awards to Eligible Applicants.
"Sec. 317. Applications From Eligible Applicants.
"Sec. 318. State Performance Goals and Indicators.
"Sec. 319. Evaluation, Improvement, and Accountability.
"Sec. 320. Allotments; Reallotment.
"PART B—NATIONAL LEADERSHIP
"Sec. 331. National Leadership Activities.
"Sec. 332. Awards for National Excellence.
"Sec. 333. National Institute for Literacy.
"PART C—GENERAL PROVISIONS
"Sec. 341. Waivers.
"Sec. 342. Definitions.

"FINDINGS; PURPOSE

"SEC. 302. (a) FINDINGS.—The Congress finds that:

"(1) Our Nation's well-being is dependent on the knowledge and skills of all of its citizens.

"(2) Advances in technology and changes in the workplace are rapidly increasing the knowledge and skill requirements for workers.

"(3) Our social cohesion and success in combating poverty, crime, and disease also depend on the Nation's having an educated citizenry.

"(4) There is a strong relationship between parents' education and literacy and their children's educational achievement. The success of State and local educational reforms supported by the Goals 2000: Educate America Act and other programs that State and local communities are implementing requires that parents be well educated and possess the ability to be a child's first and most continuous teacher.

"(5) There is a strong relationship between literacy and poverty. Data from the 1993 National Adult Literacy Survey show that adults with very low levels of literacy are ten times as likely to be poor as those with high levels of literacy.

"(6) Studies, including the National Adult Literacy Survey, have found that more than one-fifth of American adults demonstrate very low literacy skills that make it difficult for them to be economically self-sufficient, much less enter high-skill, high-wage jobs, or to assist effectively in their children's education.

"(7) Many Americans desire English instruction to help them exercise their rights and responsibilities as citizens.

"(8) National studies have also shown that existing federally supported adult education programs have assisted many adults in acquiring basic literacy skills, learning English, or acquiring a high school diploma (or its equivalent), and that family literacy programs have shown great potential for breaking the intergenerational cycle of low literacy and having a positive effect on later school performance and high school completion, especially for children from low-income families.

"(9) Currently, the Adult Education Act lacks adequate accountability requirements, and contains set-asides and categorical programs that are often narrowly focused on specific populations or methods of service delivery, thus inhibiting the capacity of State and local officials to implement programs that meet the needs of individual States and localities.

"(10) The Federal Government, in partnership with States and localities, can assist States and localities to improve and expand their adult education and literacy programs through provision of clear performance goals and indicators, increased State and local flexibility, improved accountability, and incentives for performance.

"(11) The Federal Government can also assist States and localities by supporting research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that further State and local efforts to improve student achievement in adult education and literacy programs.

"(b) PURPOSE.—(1) It is the purpose of this title to create a performance partnership that includes the Federal government, States, and localities to help provide for adult education and literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to—

"(A) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship;

"(B) complete a high school education; and

"(C) become their children's first teacher and remain actively involved in their children's education in order to ensure their children's readiness for, and success in, school.

"(2) This purpose shall be pursued by—

"(A) building on State and local education reforms supported by the Goals 2000: Educate America Act and other Federal and State legislation;

"(B) consolidating numerous Federal adult education and literacy programs into a single, flexible State grant program;

"(C) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act;

"(D) holding States and localities accountable for achieving such goals;

"(E) building program quality through such measures as improving instruction, encouraging greater use of technology in adult education and literacy programs, and improving the professional development of educators working in those programs;

"(F) integrating adult education and literacy programs with States' school-to-work opportunities systems, secondary and postsecondary education systems, job training programs, welfare programs, early childhood and elementary school programs, and other related activities;

"(G) supporting State leadership and program improvement efforts; and

(H) supporting the improvement of State and local activities through nationally significant efforts in research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 303. (a) STATE GRANTS FOR ADULT EDUCATION AND LITERACY.—For the purpose of carrying out this title there are authorized to be appropriated $394,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2005.

"(b) RESERVATIONS.—From the amount appropriated for any fiscal year under subsection (a), the Secretary shall reserve not more than 5 percent to carry out section 318(c)(2) and part B of this Act, of which not more than 3 percent of the amount appropriated for any fiscal year after 1999 under subsection (a) may be used for awards for national excellence under section 332.

"PART A—ADULT EDUCATION AND LITERACY

"PROGRAM AUTHORITY; PRIORITIES

"SEC. 311. (a) PROGRAM AUTHORIZED.—In order to provide adults with the skills they need as workers, citizens, and parents, funds under this part shall be used to support the development, implementation, and improvement of adult education and literacy programs at the State and local levels.

"(b) PROGRAM PRIORITIES.—In using funds under this part, States and local recipients shall give priority to adult education and literacy programs that—

"(1) are built on a strong foundation of research and effective educational practice;

"(2) effectively employ advances in technology, as appropriate, such as using computers in the classroom and technology that brings learning into the home;

"(3) provide learning in 'real life' contexts, such as work, the family, and citizenship;

"(4) are staffed by well-trained instructors, counselors, and administrators;

"(5) are of sufficient intensity and duration for participants to achieve substantial learning gains, such as by earning a basic skills certificate that reflects skills acquisition and has meaning to employers;

"(6) establish measurable goals for client outcomes, such as levels of literacy achieved and attainment of a high school diploma or its equivalent, that are tied to challenging State performance standards for literacy proficiency;

"(7) coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, postsecondary institutions, one-stop career centers, job training programs, and social service agencies;

"(8) offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including adults with disabilities or other special needs, to attend and complete programs; and

"(9) maintain a high-quality information management system that has the capacity to report client outcomes and to monitor program performance against the State goals and indicators.

"STATE GRANTS FOR ADULT EDUCATION AND LITERACY

"SEC. 312. (a) STATE GRANT.—From the funds available for State grants under section 303 for each fiscal year, the Secretary shall, in accordance with section 320, make a grant to each State that has an approved State plan under section 315, to assist that State in developing, implementing, and improving adult education and literacy programs within the State.

"(b) RESERVATION OF FUNDS.—(1) From the amount awarded to a State for any fiscal year under subsection (a), a State may, subject to paragraph (2), use up to 18 percent for State leadership activities under section 313 and the cost of administering its program under this part.

"(2) A State may not use more than 5 percent of the amount awarded to it for any fiscal year under subsection (a), or $80,000, whichever is greater, for the cost of administering its program under this part.

"(c) FEDERAL SHARE.—(1) The Federal share of expenditures to carry out a State plan under section 315 shall be paid from the State's grant under subsection (a).

"(2) The Federal share shall be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands the Federal share may be 100 percent.

"(3) The State's share of expenditures to carry out a State plan submitted under section 315 may be in cash or in kind, fairly evaluated, and may include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purposes of this title.

"(d) MAINTENANCE OF EFFORT.—(1) A State may receive funds under this part for any fiscal year only if the Secretary finds that the amount expended by the State for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the amount expended for adult education and literacy, in the third preceding fiscal year.

"(2) The Secretary shall reduce the amount of the allocation of funds to a State under section 320 for any fiscal year in the proportion to which the State fails to meet the requirement of paragraph (1) by expending in the second preceding fiscal year for adult education and literacy less than 90 percent of the amount the State expended in the third preceding fiscal year for adult education and literacy.

"(3) The Secretary may waive the requirements of this subsection for one fiscal year only if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State.

"(4) If the Secretary reduces a State's allocation under paragraph (2), or grants a waiver under paragraph (3), the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the reduction or waiver.

"STATE LEADERSHIP ACTIVITIES

"SEC. 313. (a) STATE LEADERSHIP.—(1) Each State that receives a grant under section 312(a) for any fiscal year shall use funds reserved for State leadership under section 312(b) to conduct activities of Statewide significance that develop, implement, or improve programs of adult education and literacy, consistent with its State plan under section 315.

"(2) In using funds reserved for State leadership activities, each State shall, to the extent practicable, avoid duplicating research and development efforts conducted by other States.

"(b) USES OF FUNDS.—(1) States shall use funds under subsection (a) for one or more of the following—

"(A) professional development and training;

"(B) developing and disseminating curricula for adult education and literacy programs;

"(C) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this part, including establishing performance goals and indicators under section 318, in order to assess program quality and improvement;

"(D) establishing State content standards for adult education and literacy programs;

"(E) establishing challenging State performance standards for literacy proficiency;

"(F) promoting the integration of literacy instruction and occupational skill training, and linkages with employers;

"(G) promoting, and providing staff training in, the use of instructional and management software and technology;

"(H) establishing program and professional development networks to assist in meeting the purposes of this Act;

"(I) developing and participating in networks and consortia of States, and in cooperative Federal-State initiatives, that seek to establish and implement adult education and literacy programs that have significance to the State, region, or Nation; and

"(J) other activities of Statewide significance that promote the purposes of this title.

"(2)(A) beginning in fiscal year 2000, States may use funds under subsection (a) for financial incentives or awards to one or more eligible recipients in recognition of—

"(i) exemplary quality or innovation in adult education or literacy services and activities; or

"(ii) exemplary services and activities for individuals who are most in need of such services and activities, or are hardest to serve, such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities; or

"(iii) both.

"(B) The incentives or awards made under subparagraph (A) shall be determined by the State using the performance goals and indicators described in section 318 and, if appropriate, other criteria that are consistent with the purposes of this Act.

"STATE ADMINISTRATION

"SEC. 314. (a) STATE EDUCATIONAL AGENCY.—The State educational agency shall be responsible for the administration of services and activities under this part, including—

"(1) the development, submission, and implementation of the State plan;

"(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of programs assisted under this title, such as business, industry, labor organizations, corrections agencies, public housing agencies, and social service agencies; and

"(3) coordination with other State and Federal education, training, employment, corrections, public housing, and social services programs, and one-stop career centers.

"(b) STATE-IMPOSED REQUIREMENTS.—Whenever a State imposes any rule or policy

relating to the administration and operation of programs funded by this part (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline), it shall identify the rule or policy as a State-imposed requirement.

"STATE PLAN

"SEC. 315. (a) FOUR-YEAR PLANS.—(1) Each State desiring to receive a grant under this part for any fiscal year shall have the State educational agency submit to, or have on file with, the Secretary a four-year State plan in accordance with this section.

"(2) The State educational agency may submit the State plan as part of a comprehensive plan that includes State plan provisions under one or more of the following statutes: section 14302 of the Elementary and Secondary Education Act of 1965; the Carl D. Perkins Career Preparation Education Act of 1997; the Goals 2000: Educate America Act; the Job Training Partnership Act; and the School-to-Work Opportunities Act of 1994.

"(b) PLAN ASSESSMENT.—(1) In developing the State plan, and any revisions to the State plan under subsection (e), the State educational agency shall base its plan or revisions on a recent, objective assessment of—

"(A) the needs of individuals in the State for adult education and literacy programs, including individuals most in need or hardest to serve (such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities); and

"(B) the capacity of programs and providers to meet those needs, taking into account the priorities under section 311(b) and the State's performance goals under section 318(a).

"(2) In its second 4-year State plan, the State educational agency shall also include in its assessment—

"(A) an analysis of the State's performance in progressing toward its performance goals under the preceding 4-year State plan; and

"(B) any changes in the second 4-year State plan that have been made based on that analysis.

"(c) PUBLIC PARTICIPATION.—In developing the State plan, and any revisions under subsection (e), the State educational agency shall consult widely with individuals, agencies, organizations, and institutions in the State that have an interest in the provision and quality of adult education and literacy, including—

"(1) individuals who currently participate, or who want to participate, in adult education and literacy programs;

"(2) practitioners and experts in adult education and literacy, social services, and workforce development;

"(3) representatives of business and labor organizations; and

"(4) other agencies, such as volunteer and community-based organizations, State and local health, social service, public housing, public assistance, job training, and corrections agencies, and public libraries.

"(d) PLAN CONTENTS.—The plan shall be in such form and contain such information and assurances as the Secretary may require, and shall include—

"(1) a summary of the methods used to conduct the assessment under subsection (b) and the findings of that assessment;

"(2) a description of how, in addressing the needs identified in the State's assessment, funds under this title will be used to establish adult education and literacy programs, or improve or expand current programs, that will lead to high-quality learning outcomes, including measurable learning gains, for individuals in such programs;

"(3) a statement, expressed in terms of the performance indicators published by the Secretary under section 318(b), and any other performance indicators the State may choose, of the State's performance goals established under section 318(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

"(4) a description of the criteria the State will use to award funds under this title to eligible applicants under section 316, including how the State will ensure that its selection of applicants to operate programs assisted under this Part will reflect the program priorities under section 311(b) and the findings of program evaluations carried out under section 319(a);

"(5) a description of how the State will integrate services and activities under this title, including planning and coordination of programs, with those of other agencies, institutions, and organizations involved in adult education and literacy, such as the public school system, early childhood and special education programs, institutions of higher education, vocational education programs, libraries, business and labor organizations, vocational rehabilitation programs, one-stop career centers, employment and training programs, and health, social services, public assistance, public housing, and corrections agencies, in order to ensure effective use of funds and to avoid duplication of services;

"(6) a description of how the State will ensure that the data reported to it from its recipients of funds under this part and the data it reports to the Secretary are complete, accurate, and reliable;

"(7) a State-wide plan for the leadership activities the State will carry out under section 313;

"(8) a description of how the State will provide incentives or rewards for exemplary services and activities under this part, if the State elects to implement the authority authorized under section 313(b)(2);

"(9) any comments the Governor may have on the State plan; and

"(10) assurances that—

"(A) the State will comply with the requirements of this part and the provisions of the State plan; and

"(B) the State will use such fiscal control and accounting procedures as are necessary for the proper and efficient administration of funds under this part.

"(e) PLAN REVISIONS.—When changes in conditions or other factors require substantial modifications to an approved State plan, the State educational agency shall submit a revision to the plan to the Secretary.

"(f) CONSULTATION.—The State educational agency shall—

"(1) submit the State plan, and any revision to the State plan, to the Governor for review and comment; and

"(2) ensure that any comments the Governor may have are included with the State plan, or revision, when the State plan, or revision, is submitted to the Secretary.

"(g) PLAN APPROVAL.—(1) The Secretary shall approve a State plan, or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (d)(3) are sufficiently rigorous as to meet the purposes of this title and to allow the Department of Education to make progress toward its performance objectives and indicators established pursuant to the Government Performance and Results Act. The Secretary shall not finally disapprove a State plan, or a revision to an approved State plan, except after giving the State reasonable notice and an opportunity for a hearing.

"(2) The Secretary shall establish a peer review process to make recommendations regarding approval of State plans and revisions to the State plans.

"AWARDS TO ELIGIBLE APPLICANTS

"SEC. 316. (a). AWARDS.—(1) From funds available under section 312, States shall make subgrants and contracts, as appropriate, to eligible applicants under subsection (b) to develop, implement, and improve adult education and literacy programs within the State.

"(2) To the extent practicable, States shall make multi-year awards under this section.

"(b) ELIGIBILITY.—(1) The following entities shall be eligible to apply to the State for an award under this section:

"(A) local educational agencies;

"(B) community-based organizations;

"(C) institutions of higher education;

"(D) public and private nonprofit agencies (including State and local health, social service, public housing, public assistance, job training, and corrections agencies and public libraries); and

"(E) consortia of such agencies, organizations, institutions, or partnerships, including consortia that include one or more for-profit agencies, organizations, or institutions, if such agencies, organizations, or institutions can make a significant contribution to attaining the purposes of this title.

"(2) Each State receiving funds under this part shall ensure that all eligible applicants described under subsection (b)(1) receive direct and equitable access to awards under this section.

"APPLICATIONS FROM ELIGIBLE APPLICANTS

"SEC. 317. (a) APPLICATION.—Any eligible applicant under section 316(b)(1) that desires a subgrant or contract under this part shall submit an application to the State containing such information and assurances as the State may reasonably require, including—

"(1) a description of the applicant's current adult education and literacy programs, if any;

"(2) a description of how funds awarded under this part will be spent;

"(3) a description of how the applicant's program will help the State address the needs identified in the State's assessment under section 315(b);

"(4) the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement, and how the applicant will measure and report to the State regarding the information required in section 319(a); and

"(5) any cooperative arrangements the applicant has with others (including arrangements with health, social services, public assistance, public housing, and corrections agencies, libraries, one-stop career centers, business, industry, labor, and volunteer literacy organizations) for the delivery of adult education and literacy programs.

"(b) FUNDING.—In determining which applicants receive funds under this part, the State, in addition to addressing the program priorities under section 311(b), shall—

"(1) give preference to those applicants that serve local areas with high concentrations of individuals in poverty or with low

levels of literacy (including English language proficiency), or both; and

"(2) consider—

"(A) the results, if any, of the evaluations required under section 319(a); and

"(B) the degree to which the applicant will coordinate with and utilize other literacy and social services available in the community.

"PERFORMANCE GOALS AND INDICATORS

"SEC. 318. (a) PERFORMANCE GOALS.—Any State desiring to receive a grant under section 312(a), in consultation with individuals, agencies, organizations, and institutions described in section 315(c), shall identify performance goals that define the level of student achievement to be attained by adult education and literacy programs, and express such goals in an objective, quantifiable, and measurable form.

"(b) PERFORMANCE INDICATORS.—(1) After consultation with States, local educational agencies, service providers, representatives of business and industry, institutions of higher education, and other interested parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms) described in paragraph (2) that States and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

"(2) The Secretary shall publish performance indicators for programs assisted under this part in the following areas:

"(A) achievement in the areas of reading, English language acquisition, and numeracy;

"(B) receipt of a high school diploma or its equivalent;

"(C) entry into a postsecondary school, job training program, employment, or career advancement; and

"(D) such other indicators as are determined by the Secretary.

"(c) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide technical assistance to States regarding the development of—

"(A) the State's performance goals under subsection (a); and

"(B) uniform national performance data.

"(2) The Secretary may use funds reserved under section 303(b) to provide technical assistance under this section.

"EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

"SEC. 319. (a) LOCAL EVALUATION.—The adult education and literacy programs of each recipient of a subgrant or contract under this part shall be evaluated biennially, using the performance goals and indicators established under section 318, and the recipient shall report to the State regarding the effectiveness of its programs in addressing the priorities under section 311 and the needs identified in the State assessment under section 315(b).

"(b) IMPROVEMENT ACTIVITIES.—If, after reviewing the reports required in subsection (a), a State determines, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), and the evaluations under subsection (9), that a recipient is not making substantial progress in achieving the purposes of this title, the State may work jointly with the recipient to develop an improvement plan. If, after not more than two years of implementation of the improvement plan, the State determines that the recipient is not making substantial progress, the State shall take whatever corrective action it deems necessary, which may include termination of funding or the implementation of alternative service arrangements, consistent with State law. The State shall take corrective action under the preceding sentence only after it has provided technical assistance to the recipient and shall ensure, to the extent practicable, that any corrective action it takes allows for continued services to and activities for the recipient's students.

"(c) STATE REPORT.—(1) The State educational agency shall report annually to the Secretary on—

"(A) the quality and effectiveness of the adult education and literacy programs funded through its subgrants and contracts under this part, based on the performance goals and indicators and the expected level of performance included in its State plan under section 315(d)(3), and the needs identified in the State assessment under section 315(b); and

"(B) its State leadership activities under section 313.

"(2) The State educational agency shall include in such reports such information, and in such form, as the Secretary may reasonably require, in order to ensure the collection of uniform national data.

"(3) The State educational agency shall make available to the public its State plan under section 315 and its annual report under this subsection.

"(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purposes of this title, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall work with the State to implement improvement activities.

"(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after implementing activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on its performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purposes of this title.

"ALLOTMENTS; REALLOTMENT

"SEC. 320. (a) ALLOTMENT TO STATES.—(1) From the funds available under section 312(a) for each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, the amount that each would have been allotted under section 313(b) of the Adult Education Act as it was in effect the day before the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

"(2) From the remainder of such sums, the Secretary shall allot—

"(A) $250,000 to each of the States; and

"(B) from the remainder—

"(i) 95 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults in the State who are 16 years of age or older and not enrolled, or required to be enrolled, in secondary school and who do not possess a high school diploma or its equivalent, bears to the number of such adults in all the States; and

"(ii) 5 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults with limited English proficiency in the State bears to the number of such adults in all the States.

"(3) The numbers of adults specified in paragraph (2)(B) shall be determined by the Secretary, using the latest estimates, satisfactory to the Secretary, that are based on the U.S. population demographic data produced and published by the Bureau of the Census.

"(b) HOLD-HARMLESS.—(1) Notwithstanding subsection (a)—

"(A) for fiscal year 1998, no State shall receive under this part an allotment that is less than 90 percent of the payments made to the State for the fiscal year 1997 for programs authorized by section 313 of the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act; and

"(B) for fiscal year 1999 and each succeeding fiscal year, no State shall receive under this part an allotment that is less than 90 percent of the amount it received for the preceding fiscal year for programs under this part.

"(2) If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

"(c) REALLOTMENT.—If the Secretary determines that any amount of a State's allotment under this section for any fiscal year will not be required for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States or the basis that the Secretary determines would best serve the purposes of this title. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

"PART B—NATIONAL LEADERSHIP

"NATIONAL LEADERSHIP ACTIVITIES

"SEC. 331. (a) AUTHORITY.—From the amount reserved under section 303(b) for any fiscal year, the Secretary is authorized to establish a program of national leadership and evaluation activities to enhance the quality of adult education and literacy nationwide.

"(b) METHOD OF FUNDING.—The Secretary may carry out national leadership and evaluation activities directly or through grants, contracts, and cooperative agreements.

"(c) USES OF FUNDS.—Funds reserved under this section may be used for—

"(1) research and development, such as estimates of the numbers of adults functioning at the lowest levels of literacy proficiency;

"(2) demonstration of model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with limited English proficient adults, and development of case studies of family literacy and workplace literacy programs;

"(3) dissemination, such as information on promising practices resulting from federally funded demonstration programs;

"(4) evaluations and assessments, such as periodic independent evaluations of services and activities assisted under this title an assessments of the condition and progress of literacy in the United States;

"(5) efforts to support capacity building at the State and local levels, such as technical

assistance in program planning, assessment, evaluation, and monitoring of programs under this title;

"(6) data collection, such as improvement of both local and State data systems through technical assistance and development of model performance data collection systems;

"(7) professional development, such as technical assistance activities to advance effective training practices, identify professional development projects, and disseminate new findings in adult education training;

"(8) technical assistance, such as endeavors that aid distance learning, promote and improve the use of technology in the classroom, and assist States in meeting the purposes of this title; and

"(9) other activities designed to enhance the quality of adult education and literacy nationwide.

"AWARDS FOR NATIONAL EXCELLENCE

"SEC. 332. The Secretary may, from the amount reserved under section 303(b) for any fiscal year after fiscal year 1999, and through a peer review process, make performance awards to one or more States that have—

"(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 315(d)(3);

"(2) made exemplary progress in developing, implementing, or improving their adult education and literacy programs in accordance with the priorities described in section 311; or

"(3) provided exemplary services and activities for those individuals within the State who are most in need of adult education and literacy services, or are hardest to serve.

"NATIONAL INSTITUTE FOR LITERACY

"SEC. 333. (a) PURPOSE.—The National Institute for Literacy shall—

"(1) provide national leadership;

"(2) coordinate literacy services; and

"(3) be a national resource for adult education and family literacy, by providing the best and most current information available and supporting the creation of new ways to offer improved services.

"(b) ESTABLISHMENT.—(1) There shall be a National Institute for Literacy (in this section referred to as the 'Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Secretary may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

"(2) The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (the 'Board') under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director.

"(c) DUTIES.—(1) In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized to—

"(A) establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

"(i) effective practices in the provision of literacy and basic skills instruction, including the integration of such instruction with occupational skills training;

"(ii) public and private literacy and basic skills programs and Federal, State, and local policies affecting the provision of literacy services at the national, State, and local levels;

"(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

"(iv) a communication network for literacy programs, providers, social service agencies, and students;

"(B) coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

"(C) coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies;

"(D) collect and disseminate information on methods of advancing literacy that show great promise;

"(E) work with the National Education Goals Panel, assist local, State, and national organizations and agencies in making and measuring progress toward the National Education Goals, as established by P.L. 103–227;

"(F) coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

"(G) inform the development of policy with respect to literacy and basic skills; and

"(H) undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.

"(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

"(d) LITERACY LEADERSHIP.—(1) The Institute may, in consultation with the Board, award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

"(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

"(3) The Institute, in consultation with the Board, is authorized to award paid and unpaid internships to individuals seeking to assist in carrying out the Institute's mission and to accept assistance from volunteers.

"(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—(1)(A) There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President.

"(B) The Board shall comprise individuals who are not otherwise officers or employees of the Federal Government and who are representative of such entities as—

"(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English as a second language programs and services, social service organizations, and providers receiving assistance under this title;

"(ii) businesses that have demonstrated interest in literacy programs;

"(iii) literacy students, including those with disabilities;

"(iv) experts in the area of literacy research;

"(v) State and local governments;

"(vi) State Directors of adult education; and

"(vii) labor organizations.

"(2) The Board shall—

"(A) make recommendations concerning the appointment of the Director and staff of the Institute; and

"(B) provide independent advice on the operation of the Institute.

"(3)(A) Appointments to the Board made after the date of enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act shall be for three-year terms, except that the initial terms for members may be established at one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

"(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office.

"(4) The Chairperson and Vice Chairperson of the Board shall be elected by the members.

"(5) The Board shall meet at the call of the Chairperson or a majority of its members.

"(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

"(2) The responsible official shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

"(g) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

"(h) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a director.

"(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate

of basic pay payable for level IV of the Executive Schedule.

"(j) EXPERTS AND CONSULTANTS.—The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

"(k) REPORT.—The Institute shall submit a biennial report to the Interagency Group and the Congress.

"(l) NONDUPLICATION.—The Institute shall not duplicate any functions carried out by the Secretaries of Education, Labor, and Health and Human Services under this title. This subsection shall not be construed to prohibit the Secretaries from delegating such functions to the Institute.

"(m) FUNDING.—Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

"PART C—GENERAL PROVISIONS

"WAIVERS

"SEC. 341. (a) REQUEST FOR WAIVER.—A State educational agency may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in subsection (c) in order to carry out adult education and literacy programs under part A more effectively.

"(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of a statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

"(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State or a subgrant or contract recipient under part A to carry out adult education and literacy programs or activities in an effective manner;

"(B) if the State waives, or agrees to waive, any similar requirements of State law;

"(C) if, in the case of a statewide waiver, the State—

"(i) has provided all subgrant or contract recipients under part A in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

"(ii) has submitted the comments of such recipients to the Secretary; and

"(D) if the State provides such information as the Secretary reasonably requires in order to make such determinations.

"(2) The Secretary shall act promptly on any request submitted under paragraph (1).

"(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purposes of this title.

"(c) EDUCATION PROGRAMS.—The statutes subject to the waiver authority of the Secretary under this section are—

"(1) this title;

"(2) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

"(3) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

"(4) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

"(5) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program);

"(6) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Labor; and

"(7) the Carl D. Perkins Career Preparation Education Act of 1997.

"(d) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

"(1) the basic purposes or goals of the affected programs;

"(2) maintenance of effort;

"(3) comparability of services;

"(4) the equitable participation of students attending private schools;

"(5) parental participation and involvement;

"(6) the distribution of funds to States or to local recipients;

"(7) the eligibility of an individual for participation in the affected programs;

"(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

"(9) prohibitions or restrictions relating to the construction of buildings or facilities.

"(e) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State or local recipient for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

"DEFINITIONS

"SEC. 342. For the purposes of this title—

"(1) except under section 320(a)(2)(B)(ii), the term 'adult' means an individual who is 16 years of age, or beyond the age of compulsory school attendance under State law, and who is not enrolled, or required to be enrolled, in secondary school;

"(2) the term 'adult education' means services or instruction below the college level for adults who—

"(A) lack sufficient education or literacy skills to enable them to function effectively in society; or

"(B) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education;

"(3) the term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and that provides education, vocational rehabilitation, job training, or internship services and programs;

"(4) the term 'individual of limited English proficiency' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

"(A) whose native language is a language other than English; or

"(B) who lives in a family or community environment where language other than English is the dominant language;

"(5) the term 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965;

"(6) the term 'literacy' means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential;

"(7) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority;

"(8) the term 'public housing agency' means a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

"(9) the term 'Secretary' means the Secretary of Education;

"(10) the term 'State' means each of the 50 States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, except that for purposes of section 320(a)(2) the term shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands; and

"(11) the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purposes of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.".

TITLE II—EFFECTIVE DATE; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1998.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, a State or local recipient of funds under the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, may use any such unexpended funds to carry out services and activities that are authorized by the Adult Education Act or part A of the Adult Basic Education and Literacy Act; and

(2) a State or local recipient of funds under part A of the Adult Basic Education and Literacy Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized either by such part or were authorized by the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

TITLE III—REPEALS OF OTHER ACTS

REPEALS

SEC. 301. (a) NATIONAL LITERACY ACT.—The National Literacy Act of 1991 (20 U.S.C. 1201 *et seq.*) is repealed.

(b) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.—Part E of title

X of the Higher Education Act of 1965 (20 U.S.C. 1135g) is repealed.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

THE CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to prevent the cruel and unsporting practice of "canned" hunting, or caged kills. I am pleased to be joined by Senators GRAHAM, KENNEDY, BOXER, MOYNIHAN, TORRICELLI, and MURRAY.

In a canned hunt, a customer pays to shoot a captive exotic animal on a small game ranch where the animal typically is trapped inside a fenced-in enclosure. The enclosed space prevents the animal from escaping and making it an easy prey. The so-called hunter returns home with the animal's head to mount on his or her wall and the ranch owner collects a large fee. No hunting, tracking or shooting skills are required. The animals are easy targets because they typically are friendly to humans, having spent years in captivity, and having been cared for and fed by the canned hunt ranch owners.

There are reported to be more than 1,000 canned hunting operations in the United States. At these ranches, a customer can, for example, "hunt" a Dama gazelle for $3,500, a Cape Buffalo for $6,000 or a Red Deer for $6,000. The rarer the animal, the higher the price.

My bill is similar to legislation I introduced in the 104th Congress, S. 1493. It is directed only at true canned hunts. It does not affect cattle ranching, the hunting or breeding of any animals that live in the wild in the United States, rodeos, livestock shows, petting zoos, or horse or dog racing. It merely bans the procuring and transport of non-native, exotic mammals for the purpose of shooting them for entertainment, or to collect a trophy. The bill would not affect larger ranches, where animals have some opportunity to escape hunters. Nor does the bill affect the hunting of any animals that live in the wild in the United States.

Many hunters believe that canned hunts are unethical and make a mockery of their sport. For example, the Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, has called canned hunts "unfair" and "unsportsmanlike." Bill Burton, the former outdoors writer for the Baltimore Sun and a hunter, testifying last year in support of this legislation, stated, "There is a common belief that the hunting of creatures which have no reasonable avenue to escape is not up to traditional standards. Shooting game in confinement is not within these standards."

Canned hunts also are strongly opposed by animal protection groups. As the Humane Society of the United States has said about animals in canned hunts, "the instinct to flee, their greatest natural defense, has been replaced by trust—trust that is rewarded with a cruel and brutal death." Indeed, many animals killed in canned hunts suffer immeasurably as they receive shot after shot to non-vital organs. This practice is intended to preserve the head and chest regions intact so that the animals will make more attractive trophies.

The practice of keeping captive animals for canned hunts may also pose a danger to native wildlife or livestock if the captive animals escape. John Talbott, acting director of the Wyoming Department of Fish and Game, stated that "Tuberculosis and other disease documented among game ranch animals in surrounding States" pose "an extremely serious threat to Wyoming's native big game." This is one reason why Wyoming has banned canned hunts. Other States that have banned these hunts include California, Connecticut, Georgia, Maryland, Massachusetts, Nevada, New Jersey, North Carolina, Rhode Island, and Wisconsin.

Unfortunately, in most States, canned hunts are largely unregulated. The lack of State laws, and the fact that many of these animals move in interstate commerce, make Federal legislation necessary.

I urge my colleagues who want to understand the cruelty involved in a canned hunt to visit my office and view a videotape of an actual canned hunt. You will witness a defenseless Corsican ram, cornered near a fence, being shot over and again with arrows, and clearly experiencing an agonizing death, then only to be dealt a final blow by a firearm. Then I urge you to join me in support of this legislation which will put an end to this needless suffering.

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. 995

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 "Captive Exotic Animal Protection Act of 1997".

SEC. 2. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"§ 48. Exotic animals

"(a) PROHIBITION.—Whoever, in or affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States, that has been held in captivity for the shorter of—

"(A) the greater part of the life of the animal; or

"(B) a period of 1 year;

whether or not the defendant knew the length of the captivity; and

"(2) the term 'captivity' does not include any period during which an animal—

"(A) lives as it would in the wild, surviving primarily by foraging for naturally occurring food, roaming at will over an open area of not less than 1,000 acres; and

"(B) has the opportunity to avoid hunters.".

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

"48. Exotic animals.".

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in U.S. district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; to the Committee on the Judiciary.

ARBITRATION LEGISLATION

Mr. GRASSLEY. Mr. President, I rise at this time to introduce two bills. Both bills are designed to encourage what is known in the legal world as arbitration, which is a type of alternative dispute resolution and a means of settling differences instead of litigating them in the costly environment and adversarial environment of the courts.

Our great American leader, Abraham Lincoln, wrote over 140 years ago, in 1840: "Discourage litigation. Persuade your neighbors to compromise whenever you can." That is exactly what these two bills are designed to do.

For over 20 years now, all three branches have looked for ways to alleviate the courts' crowded docket and to enable a civil litigant to have his complaint heard in a more expedient fashion. In 1976, in search of alternatives, Chief Justice Burger convened the Pound Conference on the Causes of Popular Dissatisfaction with the Administration of Justice and asked its members: "Isn't there a better way?"

There is, and that way is called alternative dispute resolution. Most State and Federal bar associations now have alternative dispute resolution committees. Some have even elevated consideration of ADR approaches to a matter

of professional ethics or its equivalent. Almost all law schools across the country now offer their students classes in ADR. Many graduate programs, especially business schools, have added ADR courses to their curriculum. And numerous legal and business publications are committed exclusively to the topic of alternative dispute resolution.

Contracts, be they between nations, major corporations, or even private individuals, now more often than not include arbitration clauses. There are numerous professional and trade associations under the umbrella of alternative dispute resolution. ADR is not a legal vogue, nor is it second-class justice. ADR is an intelligent and efficient alternative to litigation, and it is a way to ensure that civil matters can be handled as quickly as possible with low cost to the parties and with an outstanding settlement and satisfaction rate among all entities involved. Arbitration in particular combines procedural protections with the informality necessary for parties to discuss their positions in a manner that promotes settlement and allows for a detailed exploration of the issues.

In 1990, Congress enacted bills to authorize implementation of ADR programs throughout the administrative agency apparatus and to ask Federal courts to consider ADR as a means to reduce cost. For example, on November 15, 1990, President Bush signed into law a bill which I introduced called the Administrative Dispute Resolutions Act. This act authorized and promoted the use of alternative dispute resolution by Federal Government agencies.

Almost immediately, the success of the bill became evident. In 1992, for example, agencies reported that over 70 percent of the disputes submitted to ADR reached settlement. Often mere discussion of what ADR techniques to apply led to agreement between the parties. Last year, in a unified showing of support for the idea of ADR, including arbitration, we permanently reauthorized that 1990 act. 1990 also saw the passage of the Negotiated Rulemaking Act, which authorized the use of negotiated rulemaking as an alternative to adversarial rulemaking in Federal agencies, and the Civil Justice Reform Act, which required every Federal district court to develop a civil justice expense and delay reduction plan.

To test the ADR waters in the article III courts, in 1988, Congress amended the Judiciary and Judicial Procedure Act and authorized pilot programs in 20 Federal district courts. The amendment made court-annexed, nonbinding arbitration mandatory in 10 districts and voluntary in the other 10. The results are in, and they are more than encouraging. Therefore, the first bill I am introducing today will permanently extend authorization of these pilot programs so that these courts can continue to provide litigants with efficient and successful alternatives to trial. Senator SPECTER, whose own home State of Pennsylvania has participated in this program, is joining me in this effort.

Over half of the Nation's 94 districts currently offer some type of alternative dispute resolution. This number seems low, and the reason for that is because many districts are not sure whether courts other than those authorized by statute may offer ADR. Therefore, to eliminate this uncertainty, the second bill I am introducing not only authorizes district courts across the Nation to implement arbitration programs and procedures, it demands such implementation. It will then be left to the discretion of each judge, however, whether to make use of the implemented programs and procedures.

The major goal of arbitration is to encourage litigants to settle their disputes without going through the lengthy and costly process of a full-blown trial. This will not only lessen the burden on the judicial branch, but also enable people who feel they have been wronged to get a decision without waiting months for the usual verdict and without spending tons of money on attorney's fees.

Let me just give an example, and this is according to the National Law Journal. It was an article that was published last year. It has been determined that out of every dollar spent in asbestos litigation, only 39 cents goes to victims, with approximately 33 to 50 percent of the awards collected allocated as attorney's fees.

My arbitration bills are designed to curb exactly this type of "plaintiff-milking." In the pilot program districts, the majority of arbitration cases closed before even reaching the arbitration hearing level and over two-thirds did not return to the court's regular calendar, thus saving not only the litigants, but also the courts and, therefore, the public both time and money. In the New Jersey program, about 20 percent of the civil case filings qualified for mandatory arbitration over the 8-year period which the program operated. Less than 2 percent of those cases required trial; in other words, 98 percent of those cases could be settled via arbitration.

A majority of the attorneys involved in arbitration cases agreed that referring the case to the program directly resulted in earlier settlement discussions and, most important, in avoiding litigation. For the parties involved, that means their issues were resolved from 2 to 18 months sooner than if the case had gone to trial. In the Eastern District of Pennsylvania, as an example, the median time until a dispute is resolved through ADR is 5 months. Only 7 percent of the district's arbitration cases lasted beyond 9 months and the percentage of cases tried de novo is less than 10 percent.

Litigants, attorneys, and judges all are more than laudatory of the program's results. As a matter of fact, positive reaction could be documented almost as soon as the program was implemented. A 1990 report by the Federal Judicial Center illustrates this point. Over 80 percent of the litigants surveyed praised the fairness of the ADR process; 84 percent of attorneys surveyed said that they approved of arbitration both as a concept and, more important, as implemented in their specific districts.

Also, an overwhelming 97 percent of the judges involved in the program agreed that their civil caseload was reduced since less than a third of the arbitration caseload returns to the regular trial calendar. The resounding consensus was that other districts should also adopt this outstanding program as a result of this experiment.

Let me give you another example of the success of ADR. A November 1996 study of the Judicial Council of California, on California's Civil Action Mediation Act, showed that litigant satisfaction for arbitration in the Los Angeles County Superior Court was 84 percent and that 94 percent of the overall respondents would use arbitration again.

Incidentally, that same study showed that the program's mediation process within 2 years produced savings five times higher than what the California Legislature had targeted for 5 years. In other words, California had targeted $250,000 after 5 years to consider the mediation program a success. ADR saved the courts a total of $1.3 million in just 2 years. Whether it is mediation, arbitration, or any other of the ADR techniques, alternative dispute resolution undoubtedly is successful in creating huge savings for both the public and the litigants.

The benefits of arbitration, not only to the judicial branch, but, more important, to the litigants, are impossible to ignore. Skeptics argue that the litigant will feel he is being subjected to second-class justice, but, quite frankly, the opposite is the case. Litigants feel that they are much more closely involved in the process than would be the case if there was formal adjudication. Litigants can participate much more actively and have much more control over what is decided and how it is decided. Negotiation, rather than adjudication, is the goal. And when all is said and done, unlike after a trial, the parties on opposite sides of the table often still have some type of positive relationship.

On top of that, the process is private, unlike the public trial. In such a private, somewhat informal setting, the parties involved have much more flexibility, not only regarding procedure but also remedies. Generally, as we know, an article III court in a civil matter will limit remedies to a dollar

figure. Arbitration can go beyond that. Often all a plaintiff wants might be an apology, or the injured worker who can't perform his job any more just wants another job. Arbitration can give a party those results.

Arbitration is a legal concept that makes sense, saves time, and saves money. As a matter of fact, the Eastern District of Pennsylvania, one of the pilot programs, estimates that arbitration has produced a 5-to-1 savings in private and public costs.

So the two bills that I am introducing today will, therefore, help give the public efficient and expedient access to the Federal courts and will help alleviate the caseload burden on the judicial branch.

I ask unanimous consent, Mr. President, that my two bills be printed in the RECORD.

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

S. 996

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

SECTION 1. ARBITRATION IN DISTRICT COURTS.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking "for each of the fiscal years 1994 through 1997" and inserting "for each fiscal year".

S. 997

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

SECTION 1. ARBITRATION IN DISTRICT COURTS.

(a) AUTHORIZATION OF ARBITRATION.—Section 651(a) of title 28, United States Code, is amended to read as follows:

"(a) AUTHORITY.—Each United States district court shall authorize by local rule the use of arbitration in any civil action, including adversary proceedings in bankruptcy, in accordance with this chapter.".

(b) ACTIONS REFERRED TO ARBITRATION.—Section 652(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking "and section 901(c)" and all that follows through "651" and inserting "a district court"; and

(B) in subparagraph (B) by striking "$100,000" and inserting "$150,000"; and

(2) in paragraph (2) by striking "$100,000" and inserting "$150,000".

(c) CERTIFICATION OF ARBITRATORS.—Section 656(a) of title 28, United States Code, is amended by striking "listed in section 658".

(d) REMOVAL OF LIMITATION.—Section 658 of title 28, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 44 of title 28, United States Code, are repealed.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 63

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 63, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. BYRD] 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. 208

At the request of Mr. BOND, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. CLELAND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Montana [Mr. BURNS], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 208, a bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of 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.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of 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.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was withdrawn as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 509

At the request of Mr. BURNS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 686

At the request of Mr. SARBANES, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 686, a bill to establish the National Military Museum Foundation, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Michigan [Mr. ABRAHAM], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 916

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 916, a bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the "Blaine H. Eaton Post Office Building".

S. 927

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Texas

[Mr. GRAMM] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Arizona [Mr. KYL], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 424

At the request of Mr. GORTON the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 424 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from New York [Mr. D'AMATO], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 648

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 648 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 712

At the request of Mr. CLELAND the names of the Senator from Georgia [Mr. COVERDELL] and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of amendment No. 712 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE CONCURRENT RESOLUTION 36—COMMEMORATING THE BICENTENNIAL OF TUNISIAN-AMERICAN RELATIONS

Mr. BREAUX submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations.

S. CON. RES. 36

Whereas August 28, 1997, will mark the 200th anniversary of the first Tunisian-American Treaty and the opening of diplomatic relations between Tunisia and the United States;

Whereas Tunisia guaranteed to the young American Republic freedom of navigation in Tunisia's territorial waters and freedom of trade with Tunisian citizens;

Whereas Tunisia supported the Allies politically and militarily during World War II and has become the final resting place of thousands of American soldiers fallen in battle;

Whereas the United States was the first great power to recognize Tunisia's independence from France in 1956;

Whereas Tunisia was a steady and reliable ally of the United States during the darkest days of the Cold War, providing naval facilities to the United States Sixth Fleet and supporting the United States at the United Nations and other international bodies;

Whereas Tunisia after independence received more aid from the United States than from any other donor country in the form of governmental loans and technical assistance;

Whereas Tunisia efficiently utilized American assistance and its own resources to drastically improve social conditions, further economic development, and establish an open market economy and a tolerant society based on the principles of democracy, social peace, and justice;

Whereas Tunisia has consistently supported a peaceful resolution to the Arab-Israeli conflict and United States efforts to bring peace to the Middle East; and

Whereas Tunisia and the United States have always shared mutual interests in regional security and have built a close partnership in that regard; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby acknowledges with gratitude and appreciation the bicentennial of the Tunisian-American Treaty of 1797 and expresses to the people of Tunisia its hopes and wishes for continued friendship and amity between our two great nations.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President with the request that he further transmit a copy to the Government of Tunisia.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

CONRAD (AND DORGAN) AMENDMENT NO. 730

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 313, line 20, strike out "(e)" and insert in lieu thereof the following:

"(e) RETENTION OF B-52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B-52H bomber aircraft. For the purposes of subsection (a), the number specified for B-52H bomber aircraft in paragraph (1) of such subsection shall be deemed to be 94. The applicability of the limitation under that subsection to the 94 B-52H bomber aircraft may not be waived under subsection (b).

"(2) For purposes of carrying out upgrades of B-52H bomber aircraft during fiscal year 1998, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the six-year period beginning on October 1, 1997.

"(f) ASSESSMENT OF PROPOSED REDUCTION OF B-52H BOMBER AIRCRAFT FLEET.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the National Defense Panel established under section 924 of Public Law 104-201 (110 Stat. 2626), shall—

"(A) thoroughly assess the proposed retirement of B-52H bomber aircraft to reduce the fleet of B-52H bomber aircraft to 71 such aircraft; and

"(B) submit the assessment to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

"(2) The assessment under paragraph (1) shall include the following:

"(A) A discussion of the following matters:

"(i) The operational advantages, arms control implications, and budgetary impact of

employing an additional combat-coded squadron of B–52H bomber aircraft above the level provided for in the future-years defense program submitted to Congress in fiscal year 1997, reconstituted out of the B–52H aircraft attrition reserve.

"(ii) The implications of designating and using such an additional squadron as an associate reserve squadron.

"(iii) The operational impact of an engine modernization program involving replacement of the engines on B–52H bomber aircraft with commercial, off-the-shelf engines, as assessed in accordance with the Department of Defense Appropriation Act, 1997 (title I through VIII section 101(b) of Public Law 104–208).

"(iv) The operational, arms control, and budgetary implications of modifying capabilities of aircraft comprising a portion of the fleet of B–52H bomber aircraft so that the modified aircraft have the capability to deliver only conventional munitions.

"(v) The number of B–52H aircraft that, together with other combat aircraft within the force structure, would be necessary, in a major theater war initiated with minimum advance warning, to disrupt the flow of enemy forces to the extent necessary for the United States (and any allies) to defeat advancing enemy forces in detail with the United States (or allied) forces in place as the advancing enemy forces arrive in locations to engage the United States (or allied) forces.

"(B) The views of the Chairman of the Joint Chiefs of Staff on the Secretary's assessment.

"(C) The views of the National Defense Panel on the Secretary's assessment.

"(3) If the Secretary submits the Secretary's annual report to Congress under section 113(c) of title 10, United States Code, within 120 days after the date of the enactment of this Act, the Secretary may include in that report the assessment required under paragraph (1).

"(g)".

COVERDELL AMENDMENT NO. 731

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of the amendment add the following:

( ) LIMITATIONS ON AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF PERU AND COLOMBIA.—(1) The Secretary of Defense may exercise the authority provided in section 1022(a) only with the concurrence of the Secretary of State.

(2)(A) The Secretary may not obligate or expend funds to provide a government with support under section 1022 until the Secretary of Defense, in coordination with the heads of other Federal agencies involved in international counter-drug activities, has developed a riverine counter-drug plan and submitted the plan to the committees referred to in subsection (f)(2) of such section. The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

(B) The limitation in subparagraph (A) is in addition to the limitation in section 1022(f)(1).

THURMOND AMENDMENTS NOS. 732–733

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 732

At the appropriate place in the amendment, insert the following:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

AMENDMENT NO. 733

At the end of the matter relating to proposed section 2206, add the following:

(c) AMENDMENT.—The agreement of the Senate to the amendment proposing this subsection shall be deemed to constitute the agreement of the Senate to amendments to section 141 as follows:

(1) Insert "(a) PROHIBITION.—" before "None".

(2) Add at the end the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

LEVIN (AND OTHERS) AMENDMENT NO. 734

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Mr. REED, and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 674 by Mr. FEINGOLD to the bill, S. 936, supra; as follows:

Strike out "'; Provided," and all that follows and insert in lieu thereof the following: in section 301B.

SEC. 301A. SENSE OF CONGRESS REGARDING A FOLLOW-ON FORCE FOR BOSNIA AND HERZEGOVINA.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Indentity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in a neighboring country; and

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina.

SEC. 301B. AMOUNTS FOR OPERATION AND MAINTENANCE.

The amounts authorized to be appropriated under section 301 are as follows:

MCCAIN AMENDMENT NO. 735

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to amendment No. 618 submitted by Mr. GLENN to the bill, S. 936, supra; as follows:

Strike the period at the end of the amendment, and insert in lieu thereof the following:

"At the appropriate place in the bill, add the following new section:

"SEC. XXXX. ANNUAL REPORT ON CONGRESSIONAL AND NONCONGRESSIONAL ACTIVITIES OF THE GENERAL ACCOUNTING OFFICE.

(1) Section 719(b) of title 31, United States Code, is amended by adding at the end the following:

'(3)(A) The report under subsection (a) shall include, for the latest fiscal year ending before the date of the report, the amount and cost of the work that the General Accounting Office performed during the fiscal year for the following:

(i) Audits, evaluations, other reviews, and reports requested by the Chairman of a committee of Congress, the Chairman of a subcommittee of such a committee, or any other member of Congress.

(ii) Audits, evaluations, other reviews, and reports not described in clause (i) and not required by law to be performed by the General Accounting Office.

(B) In the report, amounts of work referred to in subparagraph (A) shall be expressed as hours of labor.'.

(2) Paragraph (1) of such section is amended—

(A) by striking out 'and' at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof '; and'; and

(C) by adding at the end the following:

'(D) the matters required by paragraph (3).'.".

CONRAD AMENDMENT NO. 736

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to amendment No. 696 submitted by Mrs. HUTCHINSON to the bill, S. 936, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

Subtitle ____—National Missile Defense

SEC. __01. SHORT TITLE.

This subtitle may be cited as the "Common Sense National Missile Defense Act of 1997".

SEC. __02. NATIONAL MISSILE DEFENSE POLICY.

(a) NATIONAL MISSILE DEFENSE POLICY.—It is the policy of the United States to develop

a limited national missile defense system based on the Minuteman III missile system that could be deployed by 2003 at Grand Forks, North Dakota.

(b) GENERAL REQUIREMENTS.—The national missile defense system developed under subsection (a) for possible deployment should include the elements set forth in section 3 in a manner which—

(1) provides for the defense of the United States against a nuclear missile attack consisting of at least five nuclear warheads;

(2) is affordable;

(3) complies with the ABM Treaty; and

(4) maximizes the utilization of missile technology and infrastructure in use as of the date of enactment of this Act

(c) ASSESSMENT OF DEPLOYMENT.—Not later than March 31, 2000, the President shall submit to Congress a report on the deployment of the national missile defense system referred to in subsection (a). The report shall contain—

(1) the determination of the President as to the advisability of deploying the system; and

(2) if the President determines that the system should be deployed, a specification as to the preferred architecture for the system.

SEC. 3. SYSTEM ARCHITECTURE.

The national missile defense system developed under section 2 for possible deployment shall contain the following elements:

(1) An interceptor system that—

(A) utilizes a kinetic kill vehicle in development as of the date of enactment of this Act that is delivered by the Minuteman III missile system in existence as of such date;

(B) could be deployed in existing Minuteman III missile silos within the deployment area permitted under the ABM Treaty; and

(C) could consist of between 20 and 100 operational interceptors.

(2) Early warning ground-based radar utilizing ground-based radars in existence as of such date, or modifications or upgrades of such radars.

(3) To the maximum extent practicable, battle management, command, control, and communications systems in existence as of such date, or modifications or upgrades of such systems.

SEC. 4. IMPLEMENTATION OF DEVELOPMENT.

The Secretary of Defense shall—

(1) initiate promptly such preparatory and planning actions as are necessary to ensure that the national missile defense system developed under section 2 is deployable in accordance with subsection (a) of that section;

(2) not later than September 30, 2000, conduct an integrated systems test of the system; and

(3) prescribe such policies and procedures (including acquisition policies and procedures) as are necessary to eliminate unnecessary costs and inefficiencies in the development of the system.

SEC. 5. REPORT ON PLAN FOR DEVELOPMENT AND DEPLOYMENT.

(a) REQUIREMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for the development and deployment of the national missile defense system referred to in section 2.

(b) REPORT ELEMENTS.—The report shall include—

(1) the Secretary's plan for meeting the requirements of this subtitle, including a detailed description of the system architecture selected for development; and

(2) the Secretary's estimate of the funds required for research, development, test, and evaluation, and for procurement, in each of fiscal years 1998 through 2003 in order to ensure that the system is deployable in accordance with section 2(a).

SEC. 6. POLICY REGARDING THE ABM TREATY.

(a) POLICY.—It is the policy of the United States that—

(1) the ABM Treaty remains the foundation of stability among the nuclear powers and must not be abrogated or fundamentally altered;

(2) any United States national missile defense system raises concerns about United States compliance with the ABM Treaty; and

(3) the President should undertake such consultations with the Russian Federation as are necessary to achieve an agreement between the United States and the Russian Federation on an amendment or clarification of the ABM Treaty in order to permit the deployment of the national missile defense system referred to in section 2.

(b) REVIEW OF SYSTEM.—In light of the policy set forth in subsection (a), it is the sense of Congress that the President initiate immediately a full review of the implications of the development and deployment of the national missile defense system referred to in section 2 on United States compliance with the ABM Treaty. The review should address any modifications to the system that may be required in order to ensure that the system meets United States obligations under the ABM Treaty.

(c) REPORT ON CONSULTATIONS.—The President shall include an assessment of the results, if any, of the consultations undertaken under subsection (a)(3) in the report submitted under section 2(c).

SEC. 7. DEFINITION.

In this subtitle, the term "ABM Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

REID AMENDMENT NO. 737

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On line 10, page 44, insert after "$50,000,000" the following: "and shall include not less than $2,000,000 to be authorized for technology development for detecting, locating, and removing the threat of abandoned landmines and for operation of a test and evaluation facility at the Nevada Test Site for countermine proof-of-concept testing and performance evaluation."

ALLARD AMENDMENT NO. 738

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to amendment No. 701 submitted by Mr. CAMPBELL to the bill, S. 936, supra; as follows:

Beginning on page 2, strike out line 14 and all that follows through "any well," on page 4, line 22, and insert in lieu thereof the following:

Number 1 for purposes of mineral leasing and multiple use management.

"(2) Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

"(3)(A) Except as provided in subparagraph (B), the Secretary of Energy shall continue after the transfer of administrative jurisdiction over public domain lands within an oil shale reserve under this subsection to be responsible for taking any actions that are necessary to ensure that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

"(B) The responsibility of the Secretary of Energy with respect to public domain lands of an oil shale reserve under subparagraph (A) shall terminate upon certification by the Secretary to the Secretary of the Interior that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

"(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other sections of this chapter shall cease to apply with respect to the transferred lands.

"(b) AUTHORITY TO LEASE.—(1) Beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserve Numbered 1 and the developed tract of Oil Shale Reserve Numbered 3. Any such lease shall be made in accordance with the requirements of the Act entitled "An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", approved February 25, 1920 (commonly known as the "Mineral Leasing Act") (30 U.S.C. 181 et seq.), regarding the lease of oil and gas lands and shall be subject to valid existing rights.

"(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

"(c) MANAGEMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

"(d) TRANSFER OF EXISTING EQUIPMENT.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, production facility,

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BAUCUS AMENDMENT NO. 739

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without

consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the "Corporation"), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing the homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district;

(ii) one duplex housing unit located on the property;

(iii) two steel buildings (nos. 7 and 8) located on the property;

(iv) two tin buildings (nos. 37 and 44) located on the property; and

(v) miscellaneous personal property located on the property that is associated with the buildings conveyed under this subparagraph; and

(B) grant the school district access to the property for purposes of removing such homes and buildings, the housing unit, and such personal property from the property.

(3) That the Corporation—

(A) convey to the District 4 Human Resources Development Council, Montana, eight single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the council; and

(B) grant the council access to the property for purposes of removing such homes from the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) FUNDING FOR COSTS OF CORPORATION ASSOCIATED WITH CONVEYANCES.—Of the amounts authorized to be appropriated by this Act, the Secretary shall make available to the Corporation such sums as the Secretary and the Corporation jointly agree are necessary to cover the costs of the Corporation in meeting the conditions specified in subsection (b).

MURKOWSKI AMENDMENT NO. 740

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 630 submitted by him to the bill, S. 936, supra; as follows:

Beginning on line 8, strike "If the Secretary" and all that follows and insert the following: "If the Secretary purchases a facility for the production of tritium, the Nuclear Regulatory Commission shall have licensing and related regulatory authority pursuant to chapters 6, 7, 8, and 10 of this Act, and the Secretary shall be a person for purposes of section 103 of this Act, with respect to that facility.".

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 741

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASE.—Notwithstanding any other provision of this Act the amount authorized to be appropriated under section 104 for chemical and biological defense counterproliferation programs is hereby increased by $67,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 301(4) for Air Force Operations & Maintenance is hereby decreased by $51,000,000.

FAIRCLOTH AMENDMENT NO. 742

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 608 proposed by Mr. THURMOND to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

Of the amount authorized to be appropriated under section 201(3), $1,651,000,000 is available for engineering manufacturing and development under the F-22 aircraft program.

SEC. 221. MULTITECHNOLOGY INTEGRATION IN MIXED-MODE ELECTRONICS.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(4), $9,000,000 is available for Multitechnology Integration in Mixed-Mode Electronics.

(b) ADJUSTMENTS TO AUTHORIZATIONS OF APPROPRIATIONS.—(1) The amount authorized to be appropriated under section 201(4) is hereby increased by $9,000,000.

(2) The amount authorized to be appropriated under section 2204(a)(2) is reduced by $9,000,000.

CRAIG AMENDMENT NO. 743

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle D of title V, add the following:

SEC. 535. COLD WAR SERVICE MEDAL.

(a) AUTHORITY.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following:

"§ 1131. Cold War service medal

"(a) MEDAL REQUIRED.—The Secretary concerned shall issue the Cold War service medal to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) ELIGIBLE PERSONS.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member of an armed force during the Cold War;

"(B) completed the initial term of enlistment;

"(C) after the expiration of the initial term of enlistment, reenlisted in an armed force for an additional term or was appointed as a commissioned officer or warrant officer in an armed force; and

"(D) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant office in an armed force during the Cold War;

"(B) completed the initial service obligation as an officer;

"(C) served in the armed forces after completing the initial service obligation; and

"(D) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge less favorable than an honorable discharge.

"(c) ONE AWARD AUTHORIZED.—Not more than one Cold War service medal may be issued to any one person.

"(d) ISSUANCE TO REPRESENTATIVE OF DECEASED.—If a person referred to in subsection (b) dies before being issued the Cold War service medal, the medal may be issued to the person's representative, as designated by the Secretary concerned.

"(e) REPLACEMENT.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) UNIFORM REGULATIONS.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(g) DEFINITIONS.—In this section, the term 'Cold War' means the period beginning on August 15, 1974, and terminating at the end of December 21, 1991.".

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following: "Sec. 1131. Cold War service medal.".

THURMOND AMENDMENT NO. 744

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out "1997" and inserting in lieu thereof "1999".

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out "not less than 10" and inserting in lieu thereof "the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other"

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out "Committees on Armed Services of the Senate and" and inserting in lieu thereof "Committee on Armed Services of the Senate and the Committee on National Security of";

(2) by redesignating paragraph (3) as paragraph (4);

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

"(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

"(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of the program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B)."; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out "The Secretary" and inserting in lieu thereof "Not later than May 1, 2000, the Secretary".

HELMS AMENDMENT NO. 745

Mr. THURMOND (for Mr. HELMS) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

JEFFORDS AMENDMENT NO. 746

Mr. THURMOND (for Mr. JEFFORDS) proposed an amendment to the bill, S. 936, supra; as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

HARKIN (AND DURBIN) AMENDMENT NO. 747

Mr. LEVIN (for Mr. HARKIN, for himself and Mr. DURBIN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 59, after line 14, add the following new paragraph (3):

"(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment."

On page 101, between lines 21 and 22, insert the following:

"(3) For the purposes of this section, the term 'best commercial inventory practice' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs."

On page 268, line 8, strike out "(L)" and insert in lieu thereof the following:

"(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

"(M)".

THOMPSON (AND GLENN) AMENDMENT NO. 748

Mr. THURMOND (for Mr. THOMPSON, for himself and Mr. GLENN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. ___. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

(a) POLICY.—Section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426) is amended to read as follows:

"SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL PROCUREMENT.

"(a) IN GENERAL.—The head of each executive agency, after consulting with the Administrator, shall establish, maintain, and use, to the maximum extent that is practicable and cost-effective, procedures and processes that employ electronic commerce in the conduct and administration of its procurement system.

"(b) APPLICABLE STANDARDS.—In conducting electronic commerce, the head of an agency shall apply nationally and internationally recognized standards that broaden interoperability and ease the electronic interchange of information.

"(c) AGENCY PROCEDURES.—The head of each executive agency shall ensure that systems, technologies, procedures, and processes established pursuant to this section—

"(1) are implemented with uniformity throughout the agency, to the extent practicable;

"(2) facilitate access to Federal Government procurement opportunities, including opportunities for small business concerns, socially and economically disadvantaged small business concerns, and business concerns owned predominantly by women; and

"(3) ensure that any notice of agency requirements or agency solicitation for contract opportunities is provided in a form that allows convenient and universal user access through a single, government-wide point of entry.

"(d) IMPLEMENTATION.—The Administrator shall, in carrying out the requirements of this section—

"(1) issue policies to promote, to the maximum extent practicable, uniform implementation of this section by executive agencies, with due regard for differences in program requirements among agencies that may require departures from uniform procedures and processes in appropriate cases, when warranted because of the agency mission;

"(2) ensure that the head of each executive agency complies with the requirements of subsection (c) with respect to the agency systems, technologies, procedures, and processes established pursuant to this section; and

"(3) consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the

National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

"(e) ELECTRONIC COMMERCE DEFINED.—For the purposes of this section, the term 'electronic commerce' means electronic techniques for accomplishing business transactions, including electronic mail or messaging, World Wide Web technology, electronic bulletin boards, purchase cards, electronic funds transfers, and electronic data interchange.".

(b) REPEAL OF REQUIREMENTS FOR IMPLEMENTATION OF FACNET CAPABILITY.—Section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) is repealed.

(c) REPEAL OF REQUIREMENT FOR GAO REPORT.—Section 9004 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 426a note) is repealed.

(d) REPEAL OF CONDITION FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES.—Section 31 of the Office of Federal Procurement Policy Act (41 U.S.C. 427) is amended—

(1) by striking out subsection (e); and

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

(e) AMENDMENTS TO PROCUREMENT NOTICE REQUIREMENTS.—(1) Section 8(g)(1) of the Small Business Act (15 U.S.C. 637(g)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(2) Section 18(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(c)(1)) is amended—

(A) by striking out subparagraphs (A) and (B);

(B) by redesignating subparagraphs (C), (D), (E), (F), (G), and (H) as subparagraphs (B), (C), (D), (E), (F), and (G), respectively; and

(C) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

"(A) the proposed procurement is for an amount not greater than the simplified acquisition threshold and is to be conducted by—

"(i) using widespread electronic public notice of the solicitation in a form that allows convenient and universal user access through a single, governmentwide point of entry; and

"(ii) permitting the public to respond to the solicitation electronically.".

(3) The amendments made by paragraphs (1) and (2) shall be implemented in a manner consistent with any applicable international agreements.

(f) CONFORMING AND TECHNICAL AMENDMENTS.—(1) Section 5061 of the Federal Acquisition Streamlining Act of 1994 (41 U.S.C. 413 note) is amended—

(A) in subsection (c)(4)—

(i) by striking out "the Federal acquisition computer network ('FACNET')" and inserting in lieu thereof "the electronic commerce"; and

(ii) by striking out "(as added by section 9001)"; and

(B) in subsection (e)(9)(A), by striking out ", or by dissemination through FACNET,".

(2) Section 5401 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1501) is amended—

(A) in subsection (a)—

(i) by striking out "through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')"; and

(ii) by striking out the last sentence;

(B) in subsection (b)—

(i) by striking out "ADDITIONAL FACNET FUNCTIONS.—" and all that follows through "(41 U.S.C. 426(b)), the FACNET architecture" and inserting in lieu thereof "FUNCTIONS.—(1) The system for providing on-line computer access"; and

(ii) in paragraph (2), by striking out "The FACNET architecture" and inserting in lieu there for "The system for providing on-line computer access";

(C) in subsection (c)(1), by striking out "the FACNET architecture" and inserting in lieu thereof "the system for providing on-line computer access"; and

(D) by striking out subsection (d).

(3)(A) Section 2302c of title 10, United States Code, is amended to read as follows:

"§ 2302c. Implementation of electronic commerce capability

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each agency named in paragraphs (1), (5) and (6) shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) The Secretary of Defense shall act through the Under Secretary of Defense for Acquisition and Technology to implement the capability within the Department of Defense.

"(3) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an agency referred to in paragraph (1) shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each agency named in paragraph (5) or (6) of section 2303 of this title shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 2304(g)(4) of such title 10 is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(4)(A) Section 302C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252c) is amended to read as follows:

"SEC. 302C. IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.

"(a) IMPLEMENTATION OF ELECTRONIC COMMERCE CAPABILITY.—(1) The head of each executive agency shall implement the electronic commerce capability required by section 30 of the Office of Federal Procurement Policy Act (41 U.S.C. 426).

"(2) In implementing the electronic commerce capability pursuant to paragraph (1), the head of an executive agency shall consult with the Administrator for Federal Procurement Policy.

"(b) DESIGNATION OF AGENCY OFFICIAL.—The head of each executive agency shall designate a program manager to implement the electronic commerce capability for that agency. The program manager shall report directly to an official at a level not lower than the senior procurement executive designated for the executive agency under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).".

(B) Section 303(g)(5) of the Federal Property and Administrative Services Act (41 U.S.C. 253(g)(5)) is amended by striking out "31(g)" and inserting in lieu thereof "31(f)".

(h) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The repeal made by subsection (c) of this section shall take effect on the date of the enactment of this Act.

SEC. ___. CONFORMANCE OF POLICY ON PERFORMANCE BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED FOR DEFENSE ACQUISITION PROGRAMS.

(a) PERFORMANCE GOALS.—Section 313(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 263(a)) is amended to read as follows:

"(a) CONGRESSIONAL POLICY.—It is the policy of Congress that the head of each executive agency should achieve, on average, 90 percent of the cost, performance, and schedule goals established for major acquisition programs of the agency.".

(b) CONFORMING AMENDMENT TO REPORTING REQUIREMENT.—Section 6(k) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(k)) is amended by inserting "regarding major acquisitions that is" in the first sentence after "policy".

SEC. ___. MODIFICATION OF PROCESS REQUIREMENTS FOR THE SOLUTIONS-BASED CONTACTING PILOT PROGRAM.

(a) SOURCE SELECTION.—Paragraph (9) of section 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 40 U.S.C. 1492(c)) is amended—

(1) in subparagraph (A), by striking out ", and ranking of alternative sources," and inserting in lieu thereof "or sources,";

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by inserting "(or a longer period, if approved by the Administrator)" after "30 to 60 days";

(B) in clause (i), by inserting "or sources" after "source"; and

(C) in clause (ii), by striking out "that source" and inserting in lieu thereof "the source whose offer is determined to be most advantageous to the Government"; and

(3) in subparagraph (C), by striking out "with alternative sources (in the order ranked)".

(b) TIME MANAGEMENT DISCIPLINE.—Paragraph (12) of such section is amended by inserting before the period at the end the following: ", except that the Administrator may approve the application of a longer standard period".

GRAHAM AMENDMENT NO. 749

Mr. LEVIN (for Mr. GRAHAM) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 10 . REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) FINDINGS.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

SANTORUM (AND LIEBERMAN) AMENDMENT NO. 750

Mr. THURMOND (for Mr. SANTORUM, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 844. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out "October 1, 1997" and inserting in lieu thereof "October 1, 1999".

HARKIN (AND KEMPTHORNE) AMENDMENT NO. 751

Mr. LEVIN (for Mr. HARKIN, for himself and Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title V, add the following:

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o)) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

"(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).".

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

WARNER AMENDMENT NO. 752

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle F of title V, add the following:

SEC. 557. GRADE OF DEFENSE ATTACHÉ IN FRANCE.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall take actions appropriate to ensure that each officer selected for assignment to the position of defense attaché in France is an officer who holds, or is promotable to, the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

MURKOWSKI AMENDMENT. NO. 753

Mr. MURKOWSKI proposed an amendment to the bill, S. 936, supra; as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other incentives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

INHOFE AMENDMENT NO. 754

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 692 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

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

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

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

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 755

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 694 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

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

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

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

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 756

(Ordered to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 695 proposed by Mrs. HUTCHISON to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

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

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to

Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

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

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

INHOFE AMENDMENT NO. 757

(Order to lie on the table.)

Mr. INHOFE submitted an amendment intended to be proposed by him to amendment No. 698 proposed by Mr. GRAMM to the bill, S. 936, supra; as follows:

Beginning on page 1, strike out the section heading and all that follows and insert in lieu thereof the following:

SEC. 319. DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) DEPOT-LEVEL MAINTENANCE AND REPAIR DEFINED.—Chapter 146 of title 10, United States Code, is amended by inserting before section 2461 the following new section:

"§ 2460. Definition of depot-level maintenance and repair

"(a) IN GENERAL.—In this chapter, the term 'depot-level maintenance and repair' means materiel maintenance or repair requiring the overhaul or rebuilding of parts, assemblies, or subassemblies, and the testing and reclamation of equipment as necessary, regardless of the source of funds for the maintenance or repair. The term includes all aspects of software maintenance and such portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services that are described in the preceding sentence.

"(b) EXCEPTION.—The term does not include the following:

"(1) Ship modernization activities that were not considered to be depot-level maintenance and repair activities under regulations of the Department of Defense in effect on March 30, 1997.

"(2) A procurement of a modification or upgrade of a major weapon system."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 2461 the following new item:

"2460. Definition of depot-level maintenance and repair.".

SEC. 320. RESTRICTIONS ON CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR AT CERTAIN FACILITIES.

Section 2469 of title 10, United States Code, is amended—

(1) in subsections (a) and (b), by striking out "or repair" and inserting in lieu thereof "and repair"; and

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

"(d) RESTRICTION ON CONTRACTS AT CERTAIN FACILITIES.—

"(1) RESTRICTION.—The Secretary of Defense may not enter into any contract for the performance of depot-level maintenance and repair of any weapon system or any other military equipment of the Department of Defense, or for the performance of management functions related to depot-level maintenance and repair of any such system or equipment, at any military installation of the Air Force where a depot-level maintenance and repair facility was approved in 1995 for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note). In the preceding sentence, the term 'military installation of the Air Force' includes a former military installation closed or realigned under the Act that was a military installation of the Air Force when it was approved for closure or realignment under the Act.

"(2) EXCEPTION.—Paragraph (1) shall not apply with respect to an installation or former installation described in such paragraph if the Secretary of Defense certifies to Congress, not later than 45 days before entering into a contract for performance of depot-level maintenance and repair at the installation or former installation, that—

"(A) not less than 75 percent of the capacity at each of the depot-level maintenance and repair activities of the Air Force is being utilized on an ongoing basis to perform industrial operations in support of the depot-level maintenance and repair of weapon systems and other military equipment of the Department of Defense;

"(B) the Secretary has determined, on the basis of a detailed analysis (which the Secretary shall submit to Congress with the certification), that the total amount of the costs of the proposed contract to the Government, both recurring and nonrecurring and including any costs associated with planning for and executing the proposed contract, would be less than the costs that would otherwise be incurred if the depot-level maintenance and repair to be performed under the contract were performed using equipment and facilities of the Department of Defense;

"(C) all of the information upon which the Secretary determined that the total costs to the Government would be less under the contract is available for examination; and

"(D) none of the depot-level maintenance and repair to be performed under the contract was considered, before July 1, 1995, to be a core logistics capability of the Air Force pursuant to section 2464 of this title.

"(3) CAPACITY OF DEPOT-LEVEL ACTIVITIES.—For purposes of paragraph (2)(A), the capacity of depot-level maintenance and repair activities shall be considered to be the same as the maximum potential capacity identified by the Defense Base Closure and Realignment Commission for purposes of the selection in 1995 of military installations for closure or realignment under the Defense Base Closure and Realignment Act of 1990, without regard to any limitation on the maximum number of Federal employees (expressed as full time equivalent employees or

otherwise) in effect after 1995, Federal employment levels after 1995, or the actual availability of equipment to support depot-level maintenance and repair after 1995.

"(4) GAO REVIEW.—Not later than the date on which the Secretary submits the certification and analysis to Congress under paragraph (2), the Secretary shall submit a copy of the certification and analysis to the Comptroller General. The Comptroller General shall review the analysis and the information referred to in subparagraph (C) of paragraph (2) and, not later than 30 days after that date, submit to Congress a report containing a statement regarding whether the Comptroller General concurs with the determination of the Secretary included in the certification pursuant to subparagraph (B) of that paragraph.

"(5) APPLICATION.—This subsection shall apply with respect to any contract described in paragraph (1) that is entered into, or proposed to be entered into, after January 1, 1997.".

SEC. 321. CORE LOGISTICS FUNCTIONS OF DEPARTMENT OF DEFENSE.

Section 2464(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out "a logistics capability (including personnel, equipment, and facilities)" and inserting in lieu thereof "a core logistics capability that is Government-owned and Government-operated (including Federal Government personnel and Government-owned and Government-operated equipment and facilities)";

(2) in paragraph (2)—

(A) by inserting "core" before "logistics"; and

(B) by adding at the end the following: "Each year, the Secretary of Defense shall submit to Congress a report describing each logistics capability that the Secretary identifies as a core logistics capability."; and

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

"(3) Those core logistics activities identified under paragraphs (1) and (2) shall include the capability, facilities, and equipment to maintain and repair the types of weapon systems and other military equipment (except systems and equipment under special access programs and aircraft carriers) that are identified by the Secretary, in consultation with the Joint Chiefs of Staff, as necessary to enable the armed forces to fulfill the contingency plans prepared under the responsibility of the Chairman of the Joint Chiefs of Staff set forth in section 153(a)(3) of this title.

"(4) The Secretary of Defense shall require the performance of core logistics functions identified under paragraphs (1), (2), and (3) at Government-owned, Government-operated facilities of the Department of Defense (including Government-owned, Government-operated facilities of a military department) and shall assign such facilities the minimum workloads necessary to ensure cost efficiency and technical proficiency in peacetime while preserving the surge capacity and reconstitution capabilities necessary to support fully the contingency plans referred to in paragraph (3).".

NOTICE OF HEARINGS

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 the nominations of Robert G. Stanton to be Director, National Park Service and Kneeland C. Youngblood to be a member of the U.S. Enrichment Corporation will be considered at the hearing scheduled for Thursday, July 17, 1997, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Flint at (202) 224-5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 22, 1997, at 9 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the Department of the Interior's handling of the Ward Valley land conveyance, the findings of a new General Accounting Office [GAO] report on the issue, and to receive testimony on S. 964, the Ward Valley Land Transfer Act.

Those wishing to submit written statements should contact David Garman of the committee staff at (202) 224-8115.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 8, 1997, at 9 a.m. in SR-328A to receive testimony regarding rural electric loan portfolio and electricity deregulation.

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

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 8, 1997, at 2:15 p.m. in executive session, to consider the nomination of Gen. Wesley K. Clark, USA, to be Commander-in-Chief, U.S. European Command.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee special investigation to meet on Tuesday, July 8, at 10 a.m. for a hearing on campaign financing issues.

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

SUBCOMMITTEE ON ADMINISTRATION OVERSIGHT AND THE COURTS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts, of the Senate Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 9:30 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Oversight of the administrative process for disposing of Government surplus parts and equipment."

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

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the African Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 10 a.m. to hold a hearing.

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

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations to authorized to meet during the session of the Senate on Tuesday, July 8, 1997, at 2:30 p.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

SPECIAL THANKS TO THE TASTY BAKING CO. OF PHILADELPHIA

• Mr. SANTORUM. Mr. President, I would like to take a few moments of Senate business to give a special word of thanks to the Tasty Baking Co. for its generosity to some very special inner-city children.

As many of my colleagues may recall, the Philadelphia Flyers recently faced the Detroit Red Wings in the Stanley Cup Finals. To make the game a bit more interesting, Senator ABRAHAM and I placed a friendly wager on the outcome. Unlike most interests in this series, the junior Senator from Michigan and I each picked a food donor and an inner-city school that would receive a complimentary party. If the Flyers lost, the Tasty Bakery agreed to donate 800 Tastykakes—400 to Warren G. Harding Elementary School in Detroit and 400 to William Penn High School in Philadelphia. If the Red Wings lost, Little Caesars Pizza would give a pizza party to both schools. Regardless of the outcome, the children stood to win.

Mr. President, I'm sorry to say that the Flyers did not bring the Stanley Cup back home to Pennsylvania. So, on June 16, the students of William Penn enjoyed their complimentary Tastykakes and Crazy Bread—which Little Caesars graciously donated despite the Red Wings' victory. Recently, the children of Warren G. Harding Elementary celebrated their victory party.

In closing, I would like to thank Little Caesars and the men and women at the Tasty Bakery for making these parties possible. I would particularly like to thank Kathleen Grim, Tasty Bakery's manager of community affairs, for coordinating this effort. I ask my colleagues to join me in extending the Senate's best wishes for continued success to the Tasty Bakery in Philadelphia, PA.●

SAFER SCHOOLS ACT OF 1997

● Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support legislation introduced by Senator BYRON DORGAN and myself—the Safer Schools Act of 1997—which will ensure that students who bring guns to school can be suspended.

This legislation was originally introduced late last session in reaction to a startling ruling by an appellate court in New York that said a student should not have been suspended from school because the weapon he was carrying was uncovered during a search without a warrant.

We have reached a crisis in this country—a crisis which makes it difficult for parents to see their children off to school in the morning, for fear they will never see them again.

Each day in America, it is estimated that 100,000 guns are brought into American schools. According to the Centers for Disease Control, 2 in 25 high school students, or 7.9 percent, report having carried a gun in the last 30 days. In Los Angeles, according to an ACLU survey conducted earlier this year, 49 percent of high school students said they have seen a weapon in school, many of them guns.

In response to these types of alarming figures, Senator DORGAN and I introduced the Gun Free Schools Act in 1994 to set a zero-tolerance policy to keep America's schools gun-free. The goal of this legislation was to remove firearms from all public schools in the United States.

Although we still have a way to go to make all schools gun-free, this zero-tolerance policy is working to make our schools safer. A preliminary report recently released from the U.S. Department of Education provides irrefutable proof that this law is well on its way toward meeting this important goal. I am told that a full report on all the States will be due out sometime later this summer.

The Gun Free Schools Act has been responsible for the expulsions of more than 6,276 students in 29 States caught during the 1995-96 school year for trying to carry guns to school. This means there were 6,276 fewer opportunities for a child to be killed or injured by gunfire at school in the United States. According to the California Department of Education, there were 1,039 firearms-related expulsions in public schools in California during this same period. The entire State of California has 1,043 school districts. Amazingly, this translates into an average of one expulsion for every district in my State.

Today, each and every one of the 50 States and the District of Columbia have complied with the Gun Free Schools Act by passing laws requiring schools to expel—for at least 1 year—students who are caught carrying a gun.

But the ruling of an appellate court in New York threatens to undermine the progress we have made in setting a zero-tolerance policy for guns in schools.

The appellate court in this particular case applied the same evidentiary standards that apply to criminal proceedings in what was a school disciplinary action. The school, however, refused to lift the student's suspension and as a result, their action was upheld by the State Court of Appeals.

Mr. President, I believe that common sense was cast aside with the appellate court ruling. Incredibly, what the appellate court's decision said was that this student should not have been expelled from school and that his record should be expunged from any wrongdoing in the case.

Our legislation states very clearly that the exclusionary rule should not be applied in school disciplinary proceedings. What the legislation says is that you cannot exclude a gun as evidence in a disciplinary action in school.

This common-sense legislation does not violate the constitutional rights of children. This bill does not exonerate school officials who conduct unreasonable or unlawful searches and persons who have been aggrieved will have every right to pursue judicial or statutory remedies available.

The Safer Schools Act of 1997 will prevent kids who do bring a gun to school from slipping through a school's reasonable disciplinary process.

Fortunately, last September's court ruling that a gun can be excluded from use as evidence in an internal school disciplinary proceeding was ultimately reversed. But a similar ruling could be made in another State.

This legislation would send a clear signal that guns have no place in the hands of our children or in the hallways and classrooms of their schools. All children should be able to go to school without fearing for their safety.

This legislation also would say to school administrators throughout the Nation that it is perfectly legitimate to conduct a disciplinary proceeding in cases where a student has brought a gun to school. The schools can conduct a fair and reasonable proceeding that allows them to ensure the safety of their school grounds.

The bottom line is that the Gun Free Schools Act has helped reduce the threat of guns from our Nation's schools. With the Safer Schools Act of 1997, we give school officials and teachers much needed flexibility to ensure that America's schools are safe havens so that children can escape the violence that engulfs so many of their lives.

I urge my colleagues to support this legislation.●

TRIBUTE TO NEW HAMPSHIRE'S 368TH ENGINEER BATTALION ON THEIR 50TH ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to New Hampshire's 368th Engineer Battalion as they celebrate their 50th anniversary at a gala celebration in Manchester on July 19th.

Mr. President, I wish to honor the nearly 1,000 men and women of New Hampshire's 368th Engineer Battalion who are known as much for their efforts in international peace building campaigns as their wartime readiness. They have earned an enviable reputation from their community action projects that include building roads, bridges, schools, hospitals to disaster relief projects.

The 368th Engineer Battalion was formed in 1947 from engineer and heavy maintenance units. The battalion has been headquartered in Concord and Manchester and they have also had units in Laconia, Rochester, Gilford, West Lebanon, NH, as well as White River Junction, VT, and Attleboro and Danvers, MA.

The 368th Battalion has made a substantial contribution to the quality of life for residents of the Granite State. The Engineer Battalion has developed disaster relief models for such disasters as the recent Alton, NH dam breach where the unit played a critical role in clearing flood debris, stabilizing erosion and restoring local transportation facilities for the residents of the small Lakes Region community, which I and the citizens of Alton are very thankful for their exceptional work in that time of crisis. Helping others is the cornerstone of the 368th Engineer Battalion, making the Granite State a safer place to live and raise a family.

The 368th has seen their share of service on foreign soils in their 50-year history, where they have lived and cooperated with the civilian community including the countries of Italy, Germany, Honduras, Guatemala, Korea, and Kenya. They have continued their community action projects in building clinics, roads, and sanitation facilities which have had long term impact on the quality of civilian life and health for the people of the world.

The decision by the U.S. Government to invest $17 million to create a new joint service reserve center at Manchester Airport is a testament to the professionalism and commitment to

excellence embodied in the 368th. The facility will enable the 368th to continue serving our Nation with distinction well into the next century.

I commend New Hampshire's 368th Engineer Battalion for their dedication to the community which is the embodiment of the American ideal. People like the members of the 368th are the backbone of their communities and our Nation. I am proud to represent them in the U.S. Senate. Happy 50th anniversary.•

TRIBUTE TO NEW JERSEY WORLD WAR II HEROES

• Mr. TORRICELLI. Mr. President, I rise today to acknowledge the courage and sacrifice of 2d Lt. George A. Ward, of Hoboken, and S. Sgt. William Drager, of Hackettstown, NJ. Lieutenant Ward was the bombadier and Sergeant Drager the gunner on a B-24J airplane during World War II flying missions out of a base near Liuzhou, China.

On August 31, 1944, Lieutenant Ward, Sergeant Drager and eight other crewmen off for what would be their second and final mission. The bomber successfully attacked Japanese ships and dropped mines near Taiwan before heading back to base. However, the plane was diverted because their base was under attack, and bad weather at the alternate landing site resulted in orders to circle while awaiting clearance to land.

They never made it. Their B-24 crashed into a cliff 6,000 feet up the side of Maoer Mountain, southern China's highest peak, where dense bamboo and grotto-like slashes in the granite face swallowed the wreckage and the bodies of all 10 crewmen.

The crash site lay undisturbed for 52 years until two Chinese farmers hunting for wild herbs found it last October. The discovery finally solved the mystery of what happened to the crew, and brought both some comfort and renewed heartache to the families of the airmen.

As we approach the 221st anniversary of our Nation's independence, it is appropriate that we remember the bravery and commitment of individuals like Lieutenant Ward and Sergeant Drager. We continue to enjoy the freedoms that we have cherished since the founding of the Republic because of the sacrifice of millions of courageous men and women who heeded the call to duty when our Nation needed them.

America is profoundly thankful for the patriotism of these men, and for this reason I stand today to recognize them for their accomplishments.•

TRIBUTE TO DR. RUTH WRIGHT HAYRE

• Mr. SANTORUM. Mr. President, I rise today to honor Dr. Ruth Wright Hayre upon her retirement as president of the Philadelphia School District's Board of Education.

Dr. Hayre is a remarkable woman whose successful career was built on the strong work ethic she developed early in life. At the age of 15, Dr. Hayre graduated with honors from West Philadelphia High School. After winning the mayor's scholarship to the University of Pennsylvania, she earned both her undergraduate and graduate degrees.

Once Ruth completed her studies, she began a distinguished career in the field of education. Dr. Hayre's teaching career began at Arkansas State College, but eventually, Ruth returned to Philadelphia to teach English at Sulzberger Junior High School. At William Penn High School, she was promoted from teacher to vice principal and then to principal. Dr. Hayre's achievements are even more impressive considering that she was the very first African-American teacher in the Philadelphia school system, the first African-American high school teacher, and the first African-American principal of a Philadelphia senior high school. Still, this was only the beginning. Ruth rose to the position of superintendent of district four. Once again, her list of firsts grew, since she was the first African-American superintendent of a Philadelphia public school. On December 2, 1985, she received an appointment to the Philadelphia Board of Education. Five years later, Dr. Hayre was unanimously elected president of the board—becoming the first female to hold this position. In 1991, she was reelected as president of the board. Moreover, she has taught a course in urban education and administration at the University of Pennsylvania. After years of dedication to the children of Philadelphia, she is retiring this year.

In addition to her commitment to education, Ruth has served her community in numerous other ways. She has served on the boards of many prestigious organizations including Blue Cross, the Philadelphia Council of Boy Scouts, the Afro-American Historical and Cultural Museum, the Educational Alumni of the University of Pennsylvania, and most currently, the Dr. Ruth W. Hayre Scholarship Fund. Dr. Hayre is also actively involved in religious, civic, and community service organizations such as the Northeasterners, the Coalition of 100 Black Women, and the Alpha Kappa Alpha sorority.

Dr. Hayre has received numerous awards and commendations for her contributions to the field of education. For instance, the Governor of Pennsylvania honored her as a Distinguished Daughter of Pennsylvania for establishing the Wings to Excellence Program at William Penn High School. Likewise, she received the Philadelphia Award for her efforts to provide quality education for all. The University of Pennsylvania and Temple University have each granted her honorary doctoral degrees. Similarly, she received national recognition for establishing a fund at Temple University to provide college tuition for 119 graduates of the sixth grade classes of the Kenderton and Wright Schools who complete high school and are admitted to an accredited college. All of her achievements notwithstanding, Dr. Hayre once remarked that her greatest accomplishment was, "Being a wife, a mother, and a grandmother."

Mr. President, Dr. Hayre is truly a great American. She has dedicated her life to one of the single most important vocations—educating young people. I ask my colleagues to join me in honoring Dr. Ruth W. Hayre for her lifelong accomplishments and in extending the Senate's best wishes for continued happiness as she retires.•

REV. ROSCOE C. WILSON

• Mr. HOLLINGS. Mr. President, I rise today in recognition of one of South Carolina's finest citizens, Rev. Roscoe C. Wilson, pastor of Saint John Baptist Church in Columbia. For the past 50 years, Reverend Wilson has presided over the same church and during this time, the congregation has increased from 150 to over 800 members.

Roscoe Wilson began his career of public service very early. In 1942, after graduation from high school, he joined the U.S. Army where he served for the next 4½ years. Upon his discharge in 1946, young Roscoe moved to Columbia, SC, and entered Benedict College where he earned his bachelor of arts and bachelor of divinity degrees. It was there that he met his future wife, the late Ethel Celeste Williams.

In 1948, at an unusually tender age, Roscoe Wilson was appointed pastor of Saint John Baptist Church. Together Roscoe and Ethel Wilson built a strong parish and became part of the tightly knit Benedict College community. Ethel Wilson worked at the college and was fondly named "Ma" by the students. The Wilsons often provided housing for out-of-town students who were unable to afford a room on campus. Reverend Wilson still refers to them as his foster children. The Wilsons raised two of their own, Roscoe, Jr., and Preston. Roscoe, Jr., director of the Midlands Marine Institute, a foundation for troubled youth, is married to the former Eva Rakes, and has two children, Renaldo and Asia. Preston is a well-known carpenter in the Columbia area, most noted for his woodwork.

Social activism has appropriately been the hallmark of Reverend Wilson's pastoral career. During the early civil rights movement, he worked to peacefully integrate public health facilities such as the Crafts-Farrow Mental Hospital and the Bryan S. Dorn

Veterans Hospital. Saint John Baptist Church, which has a large outreach ministry, runs a progressive preschool serving approximately 100 children between the ages of 3 and 5 years old. This preschool program has been an enormous success. Its pupils begin first grade with strong skills and high confidence.

In the little free time he has, Reverend Wilson enjoys the outdoors. He loves to hunt and fish and occasionally returns to Texas to visit family. It is at home in Columbia, though, where he indulges his true passion, gardening. He says that tending his roses helps him to focus on the important things. It is this care and focus which has made him such a successful pastor. He tends his congregation like his rose bed. Saint John Baptist Church will dearly miss Reverend Wilson though his work with the church and the community will undoubtedly continue. All of us in South Carolina are very grateful for this Texas transplant. We wish him the very best in his future endeavors.•

RURAL CREDIT NEEDS

• Mr. BENNETT. Mr. President, I address today an issue of significant importance to my home State of Utah. As you know, the State of Utah is largely rural. Of 29 counties in the State of Utah, 25 are classified as rural by the U.S. Department of Agriculture [USDA]. For this reason, I have a keen interest in rural issues in general and, as a member of the banking committee, rural credit issues in particular.

I have read with interest the recent reports from the Rural Policy Research Institute [RUPRI], the General Accounting Office [GAO], and the USDA on rural credit needs. I have also reviewed the proceedings of the Kansas City Fed's conference on "Financing Rural America." These documents present no surprises for those of us who represent rural areas. While each study approaches its task in a unique manner, all of these reports are similar in their conclusions. They note that while rural financial markets work reasonably well, not all market segments are equally well served. They all agree that small businesses from rural areas can have a difficult time obtaining financing, have fewer credit options, and may well pay more for their credit than comparable urban enterprises. At a time when small businesses are being recognized for their valuable contributions to our economic growth and stability, small businesses are facing increasing demands for credit, and Small Business Administration funding is frequently being challenged.

Historically, rural economic activity has been synonymous with agricultural production. Today, this is no longer the case. The number of farms in the United States has declined dramatically from about 6 million in the first half of this century, to about 2 million farms in 1990. While agriculture is still an important component of rural America and its credit needs are reasonably well addressed; the financial needs of rural nonagricultural business require attention now more than ever.

While government sponsored enterprises [GSE's] have contributed to the successes of agriculture and rural housing by providing competitive and reliable credit, there has been no GSE financing for rural nonagricultural businesses. As all of these reports point out, credit options for nonagricultural business are relatively scarce, expensive, and sometimes nonexistent. Yet, as the GAO and the Fed reports point out, economic development in these areas is actually hindered by these borrowers' difficulties in obtaining capital.

The facts are worrisome. As the RUPRI study points out, many rural areas were bypassed by recent employment growth. Existing rural employment is concentrated in slow-growth or declining industries. Job growth in rural areas, particularly rural areas that are not adjacent to metropolitan areas, is biased toward low-skill, low-wage activities. USDA has stated that "Rural economies are characterized by a preponderance of small businesses, fewer and smaller local sources of financial capital, less diversification of business and industry, and fewer ties to non-local economic activity."

Rural nonagricultural businessmen seek to be contributing members of our economic society. They do not seek a Federal hand out. They look for equal credit opportunities and an opportunity to participate fully in the same business activities of their urban counterparts.

As a political body, we need to consider the plight of rural nonagricultural businesses and the great potential that they offer our economy. I bring this issue to the attention of my colleagues in the hope we can work together and review constructive solutions to this program.•

GUYANA

• Mr. TORRICELLI. Mr. President, I rise today to recognize Guyana as it celebrates the thirty-first anniversary of its independence. The Guyanese American community has a great deal of history to celebrate, and I wish to recognize the changes and advancements that have been made in Guyana in the past 31 years.

For 32 years, the country of Guyana has worked to improve its standing within the international community and establish itself as a well-respected democracy. I am sure you will agree that Guyana has succeeded in these two goals. Participation in both the United Nations and the Caribbean Free Trade Area have meant better relations with the rest of the world. In addition, the smooth transition of power between President Hoyte and President Jagan in 1992 signify the end of political oppression in Guyana.

I have been pleased with the United States' decision to reinstate the economic assistance to Guyana it had suspended in 1982 because it represents our willingness to take an active interest in Guyana. I hope that this partnership between Guyana and the United States will continue to flourish as Guyana capitalizes on the progress that independence has encouraged. Privatization, growth and decreased inflation are only a few of the ways in which the quality of life in Guyana has improved. These reforms can and must continue.

The Guyanese have made tremendous achievements so far. With the continued commitment of its population, ongoing growth can be a reality. I look forward to 32 more years of positive news from this country.•

TRIBUTE TO WILLIAM F. LUEBBERT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to William F. Luebbert of Hanover, NH, for his outstanding service as a volunteer executive in Vladivostok, Russia.

William worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization which sends retired Americans to assist businesses and private enterprises in the developing countries and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

William assisted the Vladivostok State University of Economics with its computer technology. He is the retired director of academic computing at USMA (West Point). William is also a retired U.S. Army colonel.

William, and his wife Nancy, spent a month in Russia. Their outstanding patriotic engagement provides active assistance for people in need and helps build strong ties of trust and respect between Russia and America. William's mission aids at ending the cycle of dependency on foreign assistance.

I commend William for his dedicated service and I am proud to represent him in the U.S. Senate.•

SOUTH CAROLINA WATERMELONS: MOTHER NATURE'S PERFECT CANDY

• Mr. HOLLINGS. Mr. President, as Americans across the United States celebrated Independence Day this past weekend, many enjoyed the summer delight of a red, juicy watermelon. I rise today to recognize watermelon farmers, the people who make this Fourth of July tradition possible.

All day yesterday and today, my staff, along with the staffs of Representative JOHN SPRATT and Representative JIM CLYBURN, will be delivering South Carolina watermelons to offices throughout the Senate and House of Representatives. Thanks to South Carolina watermelon farmers such as Jim Williams of Lodge in Colleton County, those of us here in Washington will be able to cool off from the summer heat with a delicious South Carolina watermelon.

This year, farmers across South Carolina planted more than 11,000 acres of watermelons. These are some of the finest watermelons produced anywhere in the United States. Watermelons of all varieties—Jubilees, Sangrias, Allsweets, Star Brites, Crimson Sweets, red seedless, yellow seedlesss, and other hybrids are produced in South Carolina and marketed across the Nation.

Through the end of this month, farmers in Allendale, Bamberg, Barnwell, Colleton, Hampton, and other southern South Carolina counties will harvest hundreds of thousands of watermelons. In the Pee Dee areas around Chesterfield, Darlington, and Florence counties, the harvest will continue until about August 20.

Mr. President, as we savor the taste of these watermelons, we should remember the work and labor that goes into producing such a delicious fruit. While Americans enjoyed watermelons at the beach and at backyard barbecues all over the Nation this past weekend, most did not stop to consider where they came from. Farmers will be laboring all summer in the heat and humidity to bring us what we call Mother Nature's perfect candy. These remarkable watermelons are sweet, succulent and, most importantly, nutritious and fat free. The truth is, Mr. President, that our farmers are too often the forgotten workers in our country. Through their dedication and commitment, our Nation is able to enjoy a wonderful selection of fresh fruit, vegetables and other foods. In fact, our agricultural system is the envy of the world.

South Carolina farmers lead the way in the production of watermelons. For example, my State was a leader in the development of black plastic and irrigation to expand the watermelon growing season. By covering the earth in the spring with black plastic, farmers are able to speed up the melons' growth by raising soil temperatures. In addition, the plastic allows farmers to shut out much of the visible light, which inhibits weed growth. In addition, I am pleased to note that the scientists at the USDA Vegetable Laboratory in my hometown of Charleston continue to strive to find even more efficient and effective ways to produce one of our State's most popular fruits.

Therefore, as Congressmen and their staffs feast on watermelons this week, I hope they all will remember the folks in South Carolina who made this endeavor possible: Jim Williams of Williams Farms in Lodge; Les Tindal, our State agriculture commissioner; Martin Eubanks and Minta Wade of the South Carolina Department of Agriculture; Randy Cockrell and the members of the South Carolina Watermelon Association; and finally, Bennie Hughes and the South Carolina Watermelon Board in Columbia. They all have worked extremely hard to ensure that Congressmen can get a taste of South Carolina.

So, I hope everyone in our Nation's Capital will be smiling as they enjoy the pleasure of a South Carolina watermelon.•

NATO ENLARGEMENT AT THE SUMMIT OF THE EIGHT

• Mr. D'AMATO. Mr. President, I rise today to call to my colleagues' attention a column by Jim Hoagland of the Washington Post that was published in today's edition on page A19. This column is entitled "'Diktat' From Washington," and discusses what happened after the announcement that the United States would support only the admission of Poland, the Czech Republic, and Hungary into NATO.

As Chairman of the Commission on Security and Cooperation in Europe, better known as the Helsinki Commission, I held a series of hearings on human rights and NATO enlargement, and last week released a Commission report assessing the readiness of candidate states to join the Alliance, based upon our evaluation of their human rights compliance. In the course of these hearings, I expressed my support for the inclusion of Lithuania, Latvia, Estonia, Poland, Hungary, the Czech Republic, Slovenia, and Romania in the first round of NATO expansion.

Now, Mr. Hoagland has recounted how the U.S. policy choice was conveyed to our allies and how they received it, both before and at the Summit of the Eight, just concluded in Denver. I commend this account to my colleagues and suggest that they consider what Hoagland calls the creation of at least a temporary line dividing nations that suffered equally under Soviet rule, and its probable consequences in central and eastern Europe.

While I do not believe that equality of suffering is the standard by which candidate NATO members should be judged, I am afraid that omitting Slovenia, Romania, and the Baltic states could cause future problems that could be avoided if we admitted them now. I will have more to say on this subject as we approach the Madrid Summit.

Mr. President, I ask that the aforementioned Jim Hoagland column be printed in the RECORD.

The column follows:

[From the Washington Post, June 25, 1997]

DIKTAT FROM WASHINGTON

(By Jim Hoagland)

NEW YORK—The devil that always lurks in the details of cosmic feats of diplomacy has suddenly emerged to jab President Clinton's plans for NATO expansion with several sharp pitchforks.

The pitchforks will not derail the administration's rush for expansion of the Atlantic alliance. But they could tarnish an event Clinton had confidently expected to be a crown jewel in his presidential legacy—the NATO summit in Madrid two weeks away.

That meeting now will be approached without great enthusiasm by many of America's European allies, who are disturbed by what some see as an American attempt to "dictate" to them who will be admitted as new members of the alliance.

France and a half-dozen other countries will continue to press at the Madrid summit to add Romania and Slovenia to the list of approved candidates, French President Jacques Chirac told Clinton in Denver last weekend during the Summit of the Eight, according to a senior French official aware of the contents of the conversation.

The French do not expect to shake America's insistence that only the Czech Republic, Hungary and Poland will be issued invitations at Madrid on July 7. All 16 members accept those three candidates; nine of the 16 favor expanding expansion to five.

But Chirac's remarks represent a rebuff for an American attempt to shut off debate on the numbers game. Deputy Secretary of State Strobe Talbott convoked the ambassadors from NATO states on June 12 and delivered what diplomats from three of America's closest allies described to me later as a "Diktat" that stunned them. The normally elegantly mannered Talbott's demand for silence would have done justice to Ring Lardner's great line: "Shut up," he explained."

The tone between Clinton and Chirac in Denver was far more cordial, but their failure to agree was clear: "Each one spoke as if disappointed that he had not been able to convince the other of a very good argument," a French official said.

The Clintonites feel they minimize the initial problems of expansion by sticking to three clearly qualified candidates. Chirac argues that rejection of Romania is unfair, immoral and certain to further destabilize NATO's troubled southern flank.

The bilateral French-U.S. meeting at the economic summit also failed, as expected, to resolve differences between Paris and Washington on internal NATO command arrangements. This means that the original U.S. hope that France would formally rejoin NATO's military command at the Madrid gathering and make it an even more glittering celebration has to be abandoned.

A third maximum U.S. goal got hooked by gremlins at Denver when President Boris Yeltsin made it clear that Russia would not treat the Madrid summit as a high-level celebration of unity and harmony.

Yeltsin curtly rejected a suggestion that he attend the gathering, saying pointedly that he would send his ambassador in Madrid instead. Later he was inveigled to upgrade Russia's representation to a deputy prime minister.

Chirac, who worked hard to persuade Washington not to back Yeltsin into a corner on NATO expansion, finds Yeltsin much more at ease now that NATO and Moscow

have signed an agreement establishing a NATO-Russia Council. Russian participation in the Denver summit provided Yeltsin with good arguments to use to explain NATO expansion to the Russian public, Chirac believes.

Yeltsin, Chirac and other Europeans seem to fear that the Clintonites will attempt to turn Madrid into an event that combines holding a beauty contest for potential members and a crowning of the American president as king of NATO.

The Czechs, Poles and Hungarians could hardly be blamed for using Madrid and its invitation to NATO as a seal of approval by the world's most important capitalist powers. They will advertise their NATO-approved stability to potential investors considering putting money into investment-hungry Central and Eastern Europe, widening the gap between them and Romania, Bulgaria, et al.

That situation draws at least a temporary line dividing nations that suffered equally under Soviet rule. But the administration is unwilling to discuss publicly and frankly the consequences of that line-drawing. Nor does it squarely address the existential questions that its vague promises of future NATO expansion raise for the Baltics, Ukraine and other former Soviet republics want into the organization.

Those questions will be forced on the administration in the U.S. Senate when it comes time to amend the alliance treaty and discuss U.S. responsibilities in Europe. Madrid, with all its devilish but surmountable details, is the beginning of a grand debate, not the end.•

ECONOMISTS ENDORSE RAISING TOBACCO TAXES TO CURB YOUTH SMOKING

• Mr. KENNEDY. Mr. President, as Congress considers an increase in the Federal cigarette tax in the budget reconciliation bill, I urge my coleagues to read an excellent article by economists Michael Grossman and Frank J. Chaloupka, both of whom have written extensively on the impact of tobacco taxes on teenage smoking.

The article is entitled "Cigarette Taxes: The Straw to Break the Camel's Back," and is published in the July/August 1997 edition of Public Health Reports. It finds that raising tobacco taxes would be a powerful weapon against youth smoking, since children have less income to spend on cigarettes than adults. According to Grossman and Chaloupka, the 43 cents per pack cigarette tax increase in the legislation that Senator HATCH and I introduced earlier this year would reduce teenage smoking by 16 percent, saving the lives of over 830,000 children. In addition, the proceeds from the tobacco tax increase would be used to provide health insurance for millions of American children who are uninsured today.

It's time for Congress to say "no" to Joe Camel, the Marlboro Man, and the tobacco lobby, and say "yes" to the Nation's children. I ask that the Public Health Reports article be printed in the RECORD.

The article follows:

[From the Public Health Reports, July/August 1997]

CIGARETTE TAXES: THE STRAW TO BREAK THE CAMEL'S BACK

(By Michael Grossman, Ph.D. and Frank J. Chaloupka, Ph.D.)

SYNOPSIS

Teenage cigarette smoking is sensitive to the price of cigarettes. The most recent research suggests that a 10% increase in price would reduce the number of teenagers who smoke by 7%. If the proposed 43-cent hike in the Federal excise tax rate on cigarettes contained in the Hatch-Kennedy Bill were enacted, the number of teenage smokers would fall by approximately 16%. This translates into more than 2.6 million fewer smokers and more than 850,000 fewer smoking related premature deaths in the current cohort of 0 to 17-year-olds. Adjusted for inflation, the current 24-cent-a-pack tax costs the buyer about half of the original cigarette tax of 8 cents imposed in 1951. A substantial tax hike would curb youth smoking; this strategy should move to the forefront of the antismoking campaign.

These are not good times for the U.S. cigarette industry. For decades, policy makers and consumer activists have unsuccessfully attempted to rein in the tobacco industry. Now, new legal strategies are bearing fruit, more stringent regulations regarding the marketing and sales of cigarettes are being implemented, and a bill to significantly increase cigarette taxes has been put before the Senate. A large cigarette tax complements the gains made on other fronts by making cigarettes less desirable to teenagers, the next generation of addicts.

Numerous studies have shown that roughly 90% of smokers begin the habit as teenagers. Each day, approximately 6000 youths try a cigarette for the first time, and about half of them become daily smokers. Among people who have ever smoked daily, 82% began smoking before age 18. Thus, cigarette control policies that discourage smoking by teenagers may be the most effective way of achieving long-run reductions in smoking in all segments of the population.

The upward trend in teenage smoking in the 1990s is alarming to public health advocates. Between 1993 and 1996 the number of high school seniors who smoke grew by 14%. At the same time the number of tenth grade smokers rose by 23%, and the number of eighth grade smokers rose by 26%.

The FDA regulations approach the problem of youth smoking by curtailing access to cigarettes and attempting to reduce the appeal of cigarettes by putting limits on cigarette advertising. Increased taxation, which results in higher prices, is another means to accomplish the goal of discouraging young people from smoking. Unfortunately, increases in the Federal excise tax rate on cigarettes have not been motivated by a desire to curtail smoking. The purpose of each of the three tax increases since 1951 was to raise tax revenue or reduce the Federal deficit rather than to discourage smoking. The tax was fixed at 8 cents per pack between November 1, 1951, and the end of 1982. It rose to 16 cents per pack effective January 1, 1983, as part of the Tax Equity and Fiscal Responsibility Act of 1982. The tax was increased further to 20 cents per pack effective January 1, 1991, and to 24-cents per pack effective January 1, 1992, part of the Omnibus Budget Reconciliation Act of 1990. But if the tax had simply been adjusted for inflation each year since 1951, it would be 47 cents per pack today: therefore, in effect today tax is much lower than the 1951.

A 43-cent tax hike is proposed in a bill introduced by Senators Orrin G. Hatch and Edward M. Kennedy in this Congress. As with past tax increases, the primary focus is not to discourage teenage smoking. The goal of the tax increase in the Hatch-Kennedy Bill is to finance health insurance for low-income children who are currently uninsured. Two-thirds of the estimated annual $6 billion increase in tax revenue would be allocated for grants to the states to provide health insurance for children below the age of 15 whose low-income working parents do not qualify for Medicaid. The remaining one-third would be applied to reducing the Federal deficit.

The industry has known and public health advocates have come to realize, however, that an increase in the cigarette tax can influence the behavior of smokers. The American Cancer Society, the Robert Wood Johnson Foundation, and other members of the antismoking lobby are supporting a proposal to raise state cigarette tax rates to a uniform 32 per pack nationwide in the next few years, from the current range of 2.5 cents in Virginia to 92.5 cents in Washington State. According to John D. Giglio, manager of tobacco control advocacy for the American Cancer Society: Raising tobacco taxes is our number one strategy to damage the tobacco industry. The . . . industry has found ways around everything else we have done, but they can't repeal the laws of economics.

The cigarette industry's recognition of the potency of excise tax hikes as a tool to discourage teenage smoking is reflected in a September 1991 Philip Morris internal memorandum written by Myron Johnson, a company economist, to his boss, Harry G. Daniel, manager of research on smoking by teenagers. The memo was written in reaction to a Natural Bureau of Economic Research (NBER) report authored by Michael Grossman, Eugene M. Lewit, and Douglas Coate, which was later published in the *Journal of Law and Economics*. In the memo Johnson wrote: "Because of the quality of the work, the prestige (and objectivity) of the NBER, and the fact that the excise tax on cigarettes has not changed in nearly 30 years we need to take seriously their statement that . . . if future reductions in youth smoking are desired, an increase in the Federal excise tax is a potent policy to accomplish this goal. (Grossman et al.) calculate that . . . a 10% increase in the price of cigarettes would lead to a decline of 12% in the number of teenagers who would otherwise smoke.

WHY TAXES WORK

There are strong logical reasons for expecting teenagers to be more responsive to the price of cigarettes than adults. First, the proportion of disposable income that a youthful smoker spends on cigarettes is likely to exceed the corresponding proportion of an adult smoker's income. Second, peer pressure effects are much more important in the case of youth smoking than in the case of adult smoking. Interestingly, peer pressure has a positive multiplying effect when applied to teenage smokers: a rise in price curtails youth consumption directly and then again indirectly through its impact on peer consumption (if fewer teenagers are smoking, fewer other teenagers will want to emulate them). Third, young people have a greater tendency than adults to discount the future.

The "full" price to an individual of a harmful smoking addiction is the price of cigarettes plus the monetary and emotional costs to the individual of future adverse health effects. The importance and value placed on these future health effects varies

among individuals and especially with age. Becker, Grossman, and Murphy have shown that young people are more responsive to the price of cigarettes than adults because they give little weight to the future, while adults are more sensitive to perceived or known future consequences. Young people may underestimate the health hazards of and the likelihood that initiation of this behavior leads to long-term dependency. And, even when fully informed, teenagers have a tendency to give a great deal of weight to present satisfaction and very little weight to the future consequences of their actions.

Becker and Mulligan argue that children become more future oriented as the result of an investment process. Many of the activities of parents and schools can be understood as attempts to make children care more about the future. Some parents and schools succeed in these efforts; but others do not. These failures are particularly troublesome because of the two-way causality between addiction and lack of a future orientation. People who discount the future more heavily are more likely to become addicted to nicotine and other substances. And the advance health consequences of these substances make a future orientation even less appealing.

Consumers are not unaware of the dangers of smoking. A survey of Viscusi suggests that both smokers and nonsmokers overestimate, not underestimate, the possibility of death and illness from lung cancer due to tobacco. Teenagers, who have less information than adults, actually attach much higher risks to smoking than the rest of the population. Other risks of cigarette smoking, including the risk of becoming addicted, may, however, be underestimated.

Cigarette smokers harm others (external costs) in addition to harming themselves (internal costs). The ignored internal costs of smoking can interact with the external costs. A striking example is smoking by pregnant teenage women, who may engage in this behavior because they heavily discount the future consequences of their current actions. Pregnant women who smoke impose large external costs on their fetuses. Numerous studies show that these women are more likely to miscarry and to give birth to low birth weight infants. Some of these infants die within the first month of life. More require extensive neonatal intensive care and suffer long-term impairments to physical and intellectual development.

The conventional wisdom argues that people who are addicted to nicotine are less sensitive to price than others. Therefore, adults should be less responsive to price than young people because adult smokers are more likely to be addicted to nicotine and if so, are likely to be more heavily addicted or to have been addicted for longer periods of time. The conventional wisdom that addicted smokers are less sensitive to price has been challenged in a formal economic model of addictive behavior developed by Becker and Murphy, which shows that a price increase can have a cumulative effect over time.

Since cigarettes are addictive, current consumption depends on past consumption. A current price increase has no retroactive effect on "past consumption" and therefore reduces the amount smoked by an addicted smoker by a very small amount in the short run. But the size of the effect would grow over time because even a small reduction in smoking during the first year after a price increase would also mean a reduction in smoking in all subsequent years. So, for example, 10 years after a price hike, "past consumption" would have varied over a 10-year period.

Changes in the total number of young people who smoke are due primarily to changes in the number of new smokers (starts). Among adults, changes in the total number of smokers occur primarily because current smokers quit (quits). Clearly, quits are inversely related to past consumption—there are more quitters among those who have smoked the least—while starts are independent of past consumption. Thus, the effect of price on choosing whether to smoke should be larger for young people than for adults.

THE EVIDENCE

Suggestive evidence of the responsiveness of teenage smoking to the price of cigarettes can be found in recent upward trends in smoking. In April 1993, the Philip Morris Companies cut the price of Marlboro cigarettes by 40 cents. Competitors followed suit. Marlboros are popular among teenagers: 60% reported that Marlboro was their brand of choice in 1993, while Marlboro had an overall market share of 23.5% in the same year. In 1993, 23.5% of teenagers in the eighth, tenth, and twelfth grades smoked. In 1996, 28.0% of the students in these grades smoked; this represented a 19% increase over a three-year period. Yet during this period, the number of smokers ages 18 years and older remained the same. Some attribute this increase in teenage smoking to a broad range of social forces thought to be associated with increases in other risky behaviors by teenagers, especially the use of marijuana. But we attribute it to a fall in cigarette prices: between 1993 and 1996 the real price of a pack of cigarettes (the cost of a pack of cigarettes in a given year divided by the Consumer Price Index for all goods for that year) fell by 13%.

More definitive evidence of the price sensitivity of teenage smoking can be found in two NBER studies that used large nationally representative samples of thousands of young people between the ages of 12 and 17. These studies capitalized both on the substantial variation in cigarette prices across states (primarily because of different state excise tax rates on this good) and on other state-specified factors such as parents' education and labor market status that may affect the decision to smoke and the quantity of cigarettes consumed. The findings of a 1981 study by Grossman, Lewit, and Coate—the subject of the 1981 Philip Morris internal memoradum—were used by the news media throughout the 1980s and early 1990s to project the effects of Federal excise tax hikes. The authors' 1996 study has been cited by Senators Hatch and Kennedy as evidence that a major benefit of the tax increase in their health insurance bill would be to discourage youth smoking.

The Grossman et al. 1981 study used data from Cycle III of the U.S. Health Examination Survey, a survey of almost 7000 young people between the ages of 12 and 17 conducted between 1966 and 1970 by the National Center for Health Statistics. The authors found that a 10% increase in the price of cigarettes would reduce the total number of youth smokers by 12%. Yet teenagers who already smoked proved much less sensitive to price: a 10% increase in price would cause daily consumption to fall by only 2%.

In our 1996 study, we used data from the 1992, 1993, and 1994 surveys of eighth, tenth, and twelfth grade students conducted by the Institute for Social Research at the University of Michigan as part of the Monitoring the Future Project. Taken together, these three nationally representative samples included approximately 150,000 young people. We found that a 10% increase in price would lower the number of youthful smokers by 7%, a somewhat smaller effect than the 12% projected in the 1981 study. Consumption among smokers, however, would decline by 6%, which is three times larger than the decline projected in the 1981 study.

Comparable studies of adults have found smaller effects of a projected 10% price increase. In a 1982 study of people age 20 years and older, Lewit and Coate reported that a 10% rise in price would cause the number of adults who smoke to fall by 3% and a decline of 1% in the number of cigarettes smoked per day by those who smoke. In a 1991 study of adult smokers, Wasserman et al. found that a 10% increase in price would cause the number who smoked to fall by 2% and the number of cigarettes smoked per day to fall by 1% while in a 1995 study Evans and Farrelly found declines of 1% in both categories. Based on the most recent estimates, a 10% increase in the price of cigarettes would reduce the number of teenagers who smoke by 7%, while it would reduce the number of adults who smoke by only 1%. Daily consumption of teenage smokers would fall by 6%, while daily consumption of adult smokers would fall by 1%.

PRICE INCREASES AS A POLICY TOOL

The proposed 43-cent cigarette tax hike in the Hatch-Kennedy Bill would, if fully passed on to consumers, raise the price of a pack of cigarettes by approximately 23%. According to our 1996 study, the number of teenage smokers would fall by approximately 16% and the number of cigarettes consumed by teenage smokers would decline by approximately 14%. Some of these smokers might compensate for a reduction in the number of cigarettes smoked by switching to higher nicotine and tar brands, inhaling more deeply, or reducing idle burn time. These factors, while representing a public health concern, are not relevant in evaluating the effect of an excise tax hike on whether an individual chooses to smoke at all.

Since very few smokers begin smoking after the ages of 20, these relatively large reductions in this total number of teenage smokers imply that excise tax increases are very effective ways to prevent the onset of a habitual behavior with serious future health consequences. A 16% decline in the number of young smokers associated with a 43-cent tax hike translates into over 2.6 million fewer smokers in the current cohort of 0 to 17-year-olds. Using a common estimate that one in three smokers dies prematurely from smoking-related illnesses, we can calculate that over time a real (adjusted for inflation) 43-cent tax increase would reduce smoking-related premature deaths in this cohort by over $50,000. And larger tax increases would result in even bigger reductions in the number of young smokers and the number of premature deaths.

A tax hike would continue to discourage smoking for successive generations of young people and would gradually affect the smoking levels of older age groups as the smoking-discouraged cohorts move through the age spectrum. Over a period of several decades, aggregate smoking and its associated detrimental health effects would decline substantially.

The effect of a price or tax hike also grows over time because of the addictive nature of smoking; a small reduction in current cigarette consumption by smokers due to a tax hike would decrease consumption in all future years to follow: Becker, Grossman, and

Murphy have estimated that each 10% rise in price causes the number of cigarettes consumed by a fixed population (number of smokers multiplied by cigarettes consumed per smoker) to fall by 4% after one year and by as much as 8% after approximately 20 years.

Caveats. Several caveats are required in evaluating the benefits of a tax hike. First, for a cigarette tax increase to continue at the same level in real terms, it would have to be indexed to the rate of inflation. The same objective could hypothetically be accomplished by converting to an ad valorem cigarette excise tax system under which the cigarette tax is expressed as a fixed percentage of the manufacturer's price. The latter approach has one limitation: the Congressional Budget Office points out that it might induce manufacturers to lower sales prices to company-controlled wholesalers to avoid part of the tax.

Second, Ohsfeldt, Boyle, and Capilouto have reported that the number of males between the ages of 16 and 24 who use smokeless tobacco would rise by approximately 12% if a state excise tax rate on cigarettes rose by 10%. Some would view such an increase with alarm because smokeless tobacco increases the risks of oral cancer and other oral diseases. On the other hand, Rodu argues that these elevated risks are very small and are more than offset by reductions in cigarette-related cancers and heart disease. The substitution of smokeless tobacco for cigarettes could be discouraged by raising the Federal excise tax on smokeless tobacco. But this would raise the cost of a safer nicotine delivery system than cigarettes and could be viewed as an unfair penalty on those who cannot give up their addiction.

Third, in strictly financial terms, we would expect a tax hike to yield higher rates of return in the short run than in the long run because of its cumulative effect in reducing smoking. The Becker et al. study implies that a Federal excise tax rate on cigarettes of approximately $1.00 a pack would maximize long-run Federal revenue from the tax at roughly $13.3 billion annually approximately 10 to 20 years after the new rate is in effect—only $7.6 billion more than the revenue from today's 24-cent tax. Clearly, the 67-cent tax in the Hatch-Kennedy Bill, which is expected to yield an additional $6 billion annually for the next few years, will have a much smaller yield in the long run.

The gap between long-run and short-run tax yields highlights a danger of justifying a cigarette tax increase to achieve goals other than reductions in smoking. For a while, public health advocates can have their cake and eat it too. But after a number of years, the large cumulative reduction in smoking would take a big bite out of the tax revenues initially generated by the tax hike. One would hardly like to see the development of a situation in which fiscal needs create pressure on the governments to encourage smoking or at least not discourage it. The extensive advertising campaigns conducted by state-run lotteries are examples of the danger of the government becoming too dependent on revenue from a harmful addiction.

CONCLUSION

We would like to see politicians and public health advocates focus discussions of the appropriate Federal cigarette excise tax rate squarely on the issue of reducing smoking. Both external costs and ignored internal costs justify the adoption of government policies that interfere with private decisions regarding the consumption of cigarettes.

Taxing cigarettes to reduce smoking by teenagers is a rather blunt instrument because it imposes costs on other smokers. But an excise tax hike is a very effective policy with regard to teenagers because they are so sensitive to price. The current Federal excise tax of 24 cents on a pack of cigarettes is worth about half in real terms of the 8-cent tax in effect in 1951. A substantial real tax hike to curb youth smoking should move to the forefront of the antismoking campaign.•

TRIBUTE TO DAVID SUSSMAN

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to David Sussman of Charlestown, NH, former professor at Holyoke Community College, for his outstanding service as a volunteer executive in Feodosia, Ukraine.

David worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization which sends retired Americans to assist businesses and private enterprises in the developing countries and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

David assisted the Feodosia Institute of Management and Business, a business college, in developing plans for exchange of faculty and students with U.S. Colleges and for joint research.

David, and his wife Claire, spent a month in the Ukraine. Their outstanding patriotic engagement provides active assistance for people in need and helps build strong ties of trust and respect between the Ukraine and America. David's mission aids at ending the cycle of dependency on foreign assistance.

I commend David for his dedicated service and I am proud to represent him in the U.S. Senate.•

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS NOS. 105–10, 105–11, AND 105–12

Mr. LOTT. As in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 8, 1997, by the President of the United States: Extradition Treaty with Luxembourg (Treaty Document No. 105–10); Mutual Legal Assistance Treaty with Luxembourg (Treaty Document No. 105–11); and Mutual Legal Assistance Treaty with Poland (Treaty Document No. 105–12). I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg, signed at Washington on October 1, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries, and thereby make a significant contribution to international law enforcement efforts. It will supersede, with certain noted exceptions, the Extradition Treaty between the United States of America and the Grand Duchy of Luxembourg signed at Berlin on October 29, 1883, and the Supplementary Extradition Convention between the United States and Luxembourg signed at Luxembourg on April 24, 1935.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg on Mutual Legal Assistance in Criminal Matters, signed at Washington on March 13, 1997, and a related exchange of notes. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including those involved in drug trafficking, terrorism, other violent crime, and money laundering, fiscal fraud, and other "white-collar" crime. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking testimony or statements of persons; providing documents, records, and articles of evidence; transferring persons in custody for testimony or other purposes; locating or identifying persons and items;

serving documents; executing requests for searches and seizures; immobilizing assets; assisting in proceedings related to forfeiture and restitution; and rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Republic of Poland on Mutual Legal Assistance in Criminal Matters, signed at Washington on July 10, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of crimes, including "white-collar" crime and drug trafficking offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and articles of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to immobilization and forfeiture of assets, restitution to the victims of crime, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 8, 1997*.

ORDERS FOR WEDNESDAY, JULY 9, 1997

Mr. LOTT. I ask unanimous consent, Mr. President, that when the Senate completes it business today it stand in adjournment until the hour of 9:15 a.m., Wednesday, July 9. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period of morning business until the hour of 11 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator MACK or his designee, 60 minutes from 9:15 a.m. to 10:15 a.m.; and Senator DASCHLE or his designee, 30 minutes.

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

Mr. LOTT. Mr. President, I further ask unanimous consent that at 11 a.m., the Senate resume consideration of S. 936, the Defense authorization bill.

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

PROGRAM

Mr. LOTT. Mr. President, the Senate will be in a period for morning business until the hour of 11 a.m. in the morning. At 11 a.m., the Senate will resume consideration of this very important Defense authorization bill. Senators can expect a series of rollcall votes on pending amendments to the bill later in the day as we make progress on this important legislation.

We do have some Senators that are attending the Madrid meeting at this time in a very important role that they are fulfilling as NATO enlargement observers. They will be returning in the afternoon, and that is why we are trying to accommodate their schedules to make sure that they make these important votes. As always, Members will be notified accordingly when votes on amendments are ordered.

As a reminder to Senators, this evening a cloture motion was filed, and all first-degree amendments then must be filed by 1 p.m. on Wednesday. That is one of the benefits of the cloture motion. All first-degree amendments have to be filed on Wednesday, so we will have a real good look at what is pending out there.

As previously stated, it is the intention to complete action on the bill by week's end, so Members should expect long, busy days with a number of votes occurring throughout the week.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. LOTT. 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 6:55 p.m., adjourned until Wednesday, July 9, 1997, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 8, 1997:

DEPARTMENT OF STATE

RICHARD DALE KAUZLARICH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

DONNA JEAN HRINAK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOLIVIA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. LANCE W. LORD, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROGER G. THOMPSON, JR., [redacted]
MAJ. GEN. MICHAEL S. DAVISON, JR. [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. WARREN C. EDWARDS, [redacted]

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, 628, AND 531:

To be lieutenant colonel

DANIEL J. ADELSTEIN, [redacted]
J. REX. HASTEY, JR., [redacted]
*ALAN S. MCCOY, [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE U.S. MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 4333:

To be lieutenant colonel

MAUREEN K. LEBOEUF, [redacted]

THE FOLLOWING-NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTION 12203 AND 12211:

To be colonel

JAMES A. BARRINEAU, JR., [redacted]
EDMUND T. BACKETTE, [redacted]
RICHARD R. BUCHANAN, [redacted]
MIRIAM L. FIELDS, [redacted]
DONNIE F. GARRETT, [redacted]
NANCY K. GAVI, [redacted]
LLOYD M. LACOSTE, JR., [redacted]
ROBERT W. PEARSON, [redacted]
PAUL C. REDD, [redacted]
ALBERT C. REYNAUD, [redacted]
DANIEL S. ROBERTS, [redacted]
JAMES D. SIMPSON, [redacted]
DEBORAH C. WHEELING, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

ANTHONY J. ZELL, [redacted]

To be major

MARK G. GARCIA, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS, FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 5721:

To be lieutenant commander

LAYNE M.K. ARAKI, [redacted]
THOMAS P. BRASEK, [redacted]
MATTHEW G. CAMPBELL, [redacted]
WILLIAM R. CAMPBELL, [redacted]
MATTHEW J. COLBURN, [redacted]
ANTHONY C. CONANT, [redacted]
TIMOTHY W. CONWAY, IV, [redacted]
VICTOR V. COOPER, [redacted]
MICHAEL R. CURTIS, [redacted]
MICHAEL R. DARGEL, [redacted]
JEFFREY S. DAVIS, [redacted]
STEVEN M. DEWITT, [redacted]
KEVIN A. DOYLE, [redacted]
MICHAEL E. ELMSTROM, [redacted]
BRUCE C. FAUVER, [redacted]
DOUGLAS K. GLESSNER, [redacted]
RAYMOND D. GOYET, [redacted]
LOUIS J. GREGUS, JR., [redacted]
GLENN E. GROESCH, [redacted]

WALTER O. HARDIN, X...
LESLIE H. HARRIS, X...
HARRY D. HAWK, X...
ALAN L. HERRMANN, X...
JEFFREY D. HICKS, X...
STEVEN A. HILL, X...
TIMOTHY E. ISEMINGER, X...
JAY A. KADOWAKI, X...
HERBERT L. KENNEDY, X...
TODD K. KNUTSON, X...
RICHARD J. KOTTKE, X...
CLIFFORD S. LANPHIER, X...
JOHN E. LEFEBVRE, X...
NATHAN H. MARTIN, X...
MICHAEL G. MCCLOSKEY, X...
WILLIAM P. MCKINLEY, X...
THAD E. NISBITT, X...
ALBERT D. PERPUSE, X...
RODRICK B. PHILLIPS, X...
JOHN W. PLOHETSKI, X...
PAUL H. POWELL, X...
BRADLEY W. ROBERSON, X...
FRANCIS M. SIDES, X...
PAUL S. SNODGRASS, X...
DANIEL SPAGONE, X...
BLAZE A. STANCAMPIANO, X...
KIRK S. STORK, X...
MATTHEW D. SWANHART, X...
MICHAEL T. TALAGA, X...
MICHAEL J. TESAR, X...
JOHN D. THOMAS, X...
RICHARD E. THOMAS, X...
JOHN J. THOMPSON, X...
JOHN E. TODD, X...
JOHN N. TOLLIVER, X...
JOHN T. WALTERS, X...
ROBERT T. WINFIELD, X...
JOHN E. WIX, X...
CHARLES F. WRIGHTSON, X...

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE U.S. AIR FORCE UNDER TITLE 10, UNITED STATES CODE, SECTION 531:

To be captain

JAMES M. ABATTI, X...
KENNETH G. ABBOTT, X...
WILLARD L. ABERNATHY, X...
LAURIE A. ABNEY, X...
TODD E. ACKERMAN, X...
MARK R. ADAIR, X...
CHRISTOPHER W. ADAM, X...
ANTHONY J. ADAMO, X...
CRAIG L. ADAMS, X...
JEROME P. ADAMS, X...
RONALD E. ADAMSON, X...
LARRY D. ADKINS, X...
RHONDA R. ADLER, X...
KAREN L. AGRES, X...
JENNIFER M. AGULTO, X...
VAROZ JOSEPH J. AIGNER, X...
QAIS M. AJALAT, X...
PATRICIA L. AKEN, X...
CHRISTOPHER D. ALEXANDER, X...
TERRY D. ALEXANDER, X...
GRAIG L. ALLEN, X...
JAMES M. ALLEN, X...
JAMES M. ALLEN, X...
JEFFREY S. ALLEN, X...
RICHARD G. ALLEN, X...
ROBERT S. ALLEN, X...
SUSAN S. ALLEN, X...
DARRIN L. ALLGOOD, X...
GREGORY S. ALLORI, X...
JOEL O. ALMOSARA, X...
JOHN S. ALTO, X...
THOMAS L. ALTO, X...
CHRISTOPHER ANASTASSATOS, X...
DWIGHT E. ANDERSEN, X...
BRADLEY E. ANDERSON, X...
JAMES A. ANDERSON, X...
JOHN H. ANDERSON III, X...
RAE ANDERSON, X...
ROSS R. ANDERSON, X...
TRACY L. ANDERSON, X...
ANTHONY C. ANDRE, X...
ROGER L. ANGEL, X...
THOMAS M. ANGELO, X...
MARY J. ANTE, X...
JOHN S.R. ANTTONEN, X...
BRADLEY A. APOSTOLO, X...
PAUL W. ARBIZZANI, X...
PAUL A. ARCHULETTA, X...
ELNORA ARMSTEAD, X...
CRAIG L. ARNOLD, X...
DALE R. ARNOLD, X...
HARLON R. ARNOLD, X...
MARK G. ARNOLD, X...
NEIL P. ARNOLD, X...
WILLIAM H. ARNOLD, X...
MARK ARREDONDO, X...
GERARDO E. ARTACHE, X...
CHRISTOPHER K. ARZBERGER, X...
CHRISTOPHER B. ASHBY, X...
KAREN J. ASHLEY, X...
THOMAS H. ATKINSON IV, X...
JAMES C. AULT, X...
MARK C. AUSTELL, X...
DALE R. AUSTIN, X...
MATTHEW C. AUSTIN, X...
JULIO C. AYALA, X...
MICHAEL J. BABYAK, X...
GEOFFREY S. BACON, X...
BERNADETTE B. BAEZ, X...
VALORIE L. BAGGENSTOSS, X...
DEREK C. BAILEY, X...
JAMES LAWRENCE BAILEY, X...
THOMAS E. BAILEY, X...
MELVIN A. BAIRD, X...
KENNETH L. BAKER, JR., X...
WILLIAM E. BAKER III, X...
PETER I. BAKO, X...
CHRISTOPHER J. BALCIK, X...
PAUL C.G. BALE, X...
JORGE F. BALLESTER, X...
SCOTT J. BALSITIS, X...
FRANK L. BANKS, X...
JAMES R. BARNES, JR., X...
JOHN D. BARNETT, X...
GREG A. BARNHART, X...
JAMES W. BARROW, X...
ALLEN J. BARTON, X...
LORRAINE R. BARTON, X...
GREGORY C. BARTOS, X...
MICHAEL A. BASLOCK, X...
ERIC R. BASS, X...
LAURA A. BASS, X...
MELISSA L. BATTEN, X...
FRANK BATTISTELLI, X...
BRIEN J. BAUDE, X...
JEROLD J. BAUER, X...
GUY C. BAUM, X...
KRIS A. BAUMAN, X...
COLIN K. BEAL, X...
CHARLES E. BEAM, X...
SHARON K. BEARD, X...
THOMAS A. BEATIE, X...
FRANK J. BEAUPRE, X...
EUGENE V. BECKER, X...
JOSEPH M. BECKER, X...
DAVID A. BEEBE, X...
CHARLES G. BEEM, X...
JAMES BELL, X...
JEFFREY S. BELL, X...
ROSE M. BELL, X...
LANE M. BENEFIELD, X...
DAVID W. BENNETT, X...
LAYNE D. BENNION, X...
PAULA A. BENSONREYNOLDS, X...
DAVID P. BENTLEY, X...
HAROLD W. BENTON, X...
CHRISTOPHER N. BERG, X...
ROBERT J. BERGEVIN, X...
JON M. BERGSTROM, X...
BRIAN J. BERNING, X...
ANDREW J. BERRY, X...
YVONNE M. BESSELLIEU, X...
DANIEL J. BESSMER, X...
BRENT D. BIGGER, X...
TIMOTHY J. BILTZ, X...
DEANNA L. BINGHAM, X...
RACHEL H. BINGUE, X...
DAVID R. BIRCH, X...
BRYAN P. BIRCHEM, X...
DANIEL A. BIRKLE, X...
LEONARD T. BISSON, X...
JOHN E. BLACK, X...
THOMAS C. BLACK, X...
DAVID S. BLADES, X...
DREW A. BLAHNICK, X...
DANIEL E. BLAKE, JR., X...
CHARLES I. BLANK, III, X...
BRENDI B. BLANSETT, X...
MICHAEL S. BLASS, X...
DAVID P. BLAZEK, X...
RICHARD T. BLECHER, X...
YOLANDA D. BLEDSOE, X...
JOHN E. BLEUEL, X...
WILLIAM H. BLOOD, X...
NICOLE E. BLOOMER, X...
SHAWN P. BLOOMER, X...
GARRATH K. BLUCKER, X...
RODEL V. BOBADILLA, X...
DAVID W. BOBB, X...
MATTHEW J. BOBB, X...
GREGORY D. BOBEL, X...
FREDERICK H. BOEHM, X...
KEVIN L. BOERMA, X...
TIMOTHY A. BOESE, X...
ELIZABETH S. BOGDAN, X...
THOMAS K. BOGER, X...
JERRY BOGERT, X...
BRYAN L. BOGGS, X...
BRIAN C. BOHANNON, X...
JAMES I. BONG, X...
MALCOLM A. BONNER, JR., X...
JEFFREY P. BONS, X...
DAVID J. BORBELY, X...
DONALD E. BORCHERT, X...
JAMES R. BORTREE, X...
JAMES BOURASSA, X...
MATTHEW A. BOURASSA, X...
JESSE BOURQUE, JR., X...
KELLY D. BOUZIGARD, X...
ROBERT P. BOVENDER, X...
MARK E. BOWEN, X...
ANNETTE A. BOWER, X...
KENNETH B. BOWLING, X...
JAMES K. BOWMAN, X...
JEFFREY L. BOZARTH, X...
ANDREW R. BRABSON, X...
SUE A. BRADBURY, X...
DAVID A. BRADFIELD, X...
REED E. BRADFORD, X...
DANIEL J. BRADLEY, X...
JEFF C. BRADLEY, X...
JOHN W. BRADLEY III, X...
OWEN L. BRADLEY, X...
MICHAEL H. BRADY, X...
BRYCE H. BRAKMAN, X...
DEBORAH J. BRANCH, X...
TIMOTHY S. BRANDON, X...
MARK W. BRANTLEY, X...
MIKE M. BRANTLEY, X...
COLSON L. BRASCH, X...
NORMITA C. BRAVO, X...
LAMBERTO M. BRAZA, X...
PETER G. BREED, X...
SANDRA L.H. BRENNAN, X...
ERIC J. BRESNAHAN, X...
SAINO M. BREW, X...
RICHARD L. BREWER, JR., X...
FRANK L. BRICEL, JR., X...
BRUCE A. BRIDEL, X...
SCOTT C. BRIDGERS, X...
PATRICIA ANN BRIDGES, X...
JEFFREY W. BRIGHT, X...
DANIEL A. BRINGHAM, X...
JOHN U. BRINKMAN, X...
GREGORY S. BRINSFIELD, X...
ROBERT A. BRISSON, X...
JEFFREY S. BRITTIG, X...
PATRICK T. BRODERICK, X...
PEYTON T. BRODERICK, X...
JOHN B. BRODEUR, JR., X...
LINDA S. BROECKL, X...
JOSEPH R. BROOKE, JR., X...
SHANE M. BROTHERTON, X...
JOHN F. BROWER, X...
MICHAEL E. BROWERS, X...
ARTHUR S. BROWN, X...
BRIAN A. BROWN, X...
GERALD Q. BROWN, X...
SCOTT T. BROWN, X...
SUSAN BROWN, X...
THOMAS S. BROWNING, X...
WILLIAM D. BRUENING, JR., X...
MICHAEL H. BRUMETT, X...
BLAINE R. BRUNSON, X...
ANTHONY P. BRUSCA, X...
LAURA L. BRYAN, X...
KURT N. BUCHANAN, X...
ROBERT A. BUENTE, X...
DAVID S. BUNZ, X...
RICHARD W. BURBAGE, X...
BENJAMIN W. BURFORD, X...
DAVID A. BURGESS, X...
ROBERT G. BURGESS, X...
KIMBERLY A. BURKET, X...
JEFFREY W. BURKETT, X...
JAMES R. BURNETT, JR., X...
DAVID R. BURNS, X...
GEORGE E. BUSH III, X...
WILLIAM E. BUSH, X...
VICTORIA T. BUSKA, X...
CHARLES E. BUTCHER, JR., X...
DAVID S. BUZZARD, X...
PAMELLA A. BYRD, X...
DAVID M. CADE, X...
STEVEN E. CAHANIN, X...
DIANE L. CALIMLIM, X...
DANIEL J. CALLAHAN, X...
TODD W. CALLAHAN, X...
SARAH G. CALLINAN, X...
YOLANDA V. CALLOWAY, X...
BRIAN S. CALLSEN, X...
CAROLYN K. CALVIN, X...
CHARLES H. CAMP III, X...
ANTHONY H. CAMPANARO, X...
CHARLES F. CAMPBELL, JR., X...
SCOTT A. CAMPBELL, X...
CHRISTOPHER S. CAMPLEJOHN, X...
CHARLEY L. CAMPLEN, X...
SHERRY M. CAMPTON, X...
GLEN J. CANEEL, X...
ANNE M. CANNON, X...
SHELLY K. CANNON, X...
REINALDO L. CANTON, X...
JAMES M. CANTRELL, X...
JEFFREY CANTRELL, X...
BARRY H. CAPE, X...
MARGARET M. CAREY, X...
MARY T. CARLISLE, X...
ERIK R. CARLSON, X...
KAREN L. CARPENTER, X...
RICHARD A. CARPENTER, X...
STEVEN G. CARPENTER, X...
KURT J. CARRAWAY, X...
BLAKE M. CARROLL, X...
JAY A. CARROLL, X...
DAVID B. CARTER, X...
TIM R. CARTER, X...
STEVEN L. CASE, X...
SHAWN C. CASEY, X...
KURT D. CASH, X...
VINCENT R. CASSARA, X...
RONALD M. CASSIDY, JR., X...
EUGENE L. CAUDILL, X...
JAMES A. CAUGHIE, X...
JOHN D. CAYE, X...
PAULA C. CERVIA, X...
BRIAN M. CHAMNESS, X...
CHINRAN O. CHANG, X...
CHARLES D. CHAPDELAINE, X...

ALICE S. CHAPMAN, X...
MICHAEL S. CHAPMAN, X...
IAN V. CHASE, X...
JOHN S. CHASE, X...
DOUGLAS J. CHEEK, X...
CLARENCE F. CHENAULT, X...
MICHAEL J. CHESTER, X...
STEVEN S.H. CHIN, X...
SCOTT B. CHMIELARSKI, X...
JULIE A. CHODACKI, X...
STEPHEN S. CHOI, X...
BOGDAN CHOMICKI, X...
ANTHONY P. CHOSA, X...
GWENDOLYN CHRISTIAN, X...
TAMMY E. CHULICK, X...
DAVID A. CHUNN, X...
MARK E. CHURCH, X...
RAYMOND E., CHUVALA, JR., X...
ANTON W. CIHAK II, X...
JEFFREY S. CLARK, X...
MARK S. CLARK, X...
TODD M. CLARK, X...
HARRY B. CLARKE, X...
GREGORY N. CLARY, X...
JODI A. CLAYTON, X...
SHERMAN M. CLAYTON, X...
ARDYCE M. CLEMENTS, X...
JEFFREY T. CLIMER, X...
DEAN A. CLOTHIER, X...
DEDEE L. CLOUD, X...
KATHERINE E. CLOUSE, X...
KEVIN J. CLOWARD, X...
VINCENT A. COBB, X...
LISA A. COBURN, X...
CHRIS A. COCHRAN, X...
JERRY D. COCHRAN, X...
ELIZABETH J. CODDINGTON, X...
WILLIAM J. CODY, X...
CHAD D. COE, X...
CHRISTOPHER A. COFFELT, X...
DAVID COHEN, X...
ALAN B. COKER, X...
CHARLES L. COLE, X...
MADELINE D. COLE, X...
LESIA J. COLEMANLINZY, X...
WENDELL L. COLLINS, X...
BETH A. COMBS, X...
ANITA M. COMPAGNONE, X...
DAVID W. COMPTON, X...
DOUGLAS A. CONDON, X...
KELLIE M. CONDON, X...
ANDREW F. CONLEY, X...
DONALD M. CONLEY, X...
RYLAN S. CONRAD, X...
MELANIE J. CONSTANT, X...
RICHARD S. CONTE, X...
DANIEL J. CONWAY, X...
JOSEPH E. COOGAN, X...
PHILIP R. COOK, JR. X...
DAVID L. COOL, X...
WILLIAM T. COOLEY, X...
ANTHONY O. COPELAND, X...
MICHAEL A. COPLEY, X...
STEPHEN A. COPPI, X...
DONALD R. COPSEY, X...
LONZIO D. CORMIER, X...
CECILIA M. CORRADO, X...
MICHAEL J. CORRICELLI, X...
CHRISTOPHER T. CORTESE, X...
ROGER L. COSIMI, X...
JAMES A. COSTEY, X...
SCOTT M. COSTIN, X...
ROBERT H. COTHRON, LLL, X...
CHARLES E. COULOURAS, X...
ANNE M. COVERSTON, X...
RIM A. COX, X...
DARLENE M. COYNE, X...
DARWIN L. CRAIG, X...
TAL G. CRAIG, X...
CHAD L. CRAWFORD, X...
MICHAEL B. CRAWFORD, X...
ROSE M. CRAYNE, X...
JERROLD E. CREED, X...
JAMES L. CREVER, X...
JAMES A. CREWS, X...
MICHELLE C. CRONE, X...
KYLE E. CROOKS, X...
BRADLEY E. CROSS, X...
NEIL A. CROW, X...
KIM M. CRUSE, X...
BRYAN L. CRUTCHFIELD, X...
CHEUNITA R. CRUZ, X...
KANDIS L. CRUZ, X...
KEVIN W. CULP, X...
JULIA K. CUMMINGS, X...
EDGAR M. CUNANAN, X...
CHRISTOPHER C. CUNNINGHAM, X...
KEITH A. CUNNINGHAM, X...
MILLER CUNNINGHAM, JR., X...
LEE J. CURTIN, X...
JAMES G. CUSIC III, X...
GEORGE, CYHANIUK, X...
LLOYD W. DAGGETT, X...
MARK E. DAHLEMELSAETHER, X...
ROBERT A. DAHLKE, X...
GLYNDA M. DALLAS, X...
JAMES R. DALLY, X...
COLLEEN O. DALY, X...
MATTHEW R. DANA, X...
RONALD K. DANCY, X...
TROY T. DANIELS, X...
VERNON CHARLES DANIELS II, X...
KAREN Y. DAVENPORT, X...
ELTON H. DAVIS, X...
GARY A. DAVIS, X...
KARYL J. DAVIS, X...
JON K. DAWSON, X...
LISA D. DAY, X...
MARK O. DEBENPORT, X...
JOHN K. DECAMP, X...
ELIZABETH A. DECKER, X...
BRENTLY G. DEEN, X...
ANGELA DEESPREBULA, X...
THOMAS E. DEETER, X...
JOSEPH C. DEFENDERFER, X...
DREXEL G. DEFORD, JR., X...
MITCHELL T. DEGEYTER, X...
JOSEPH L. DEGRANDE, X...
CURTIS R. DEKEYREL, X...
STEPHEN P. DEMIANCZYK, X...
JEFFREY A. DENEUI, X...
CHARLES P. DENISON, X...
DAVID B. DENMAN, X...
DANIEL C. DERBAWKA, X...
THOMAS A. DERMODY, X...
MARTHA R. DERR, X...
JEAN A. DESMARAIS, X...
TIMOTHY P. DEVINE, X...
MARK D. DEVOE, X...
ANDREW J. DEWALD, X...
SCOT A. DEWERTH, X...
DOUGLAS S. DICKERSON, X...
TERRY O. DICKINSON, X...
JAMES H. DIENST, X...
JOHN R. DIERCKS, X...
STEPHEN J. DIPPEL, X...
TIMOTHY A. DIRKS, X...
JOHN P. DITTER, X...
TODD A. DIXON, X...
STEPHEN J. DOBRONSKI, X...
DEAN E. DOERING, X...
WAYNE E. DOHERTY, X...
CHRISTIAN H. DOLLWET, X...
JOHN F. DONAHUE, X...
REBECCA L. DONAHUE, X...
STEPHEN K. DONALDSON, X...
BETH DOPLER, X...
MARK J. DORIA, X...
JAMES L. DOROUGH JR., X...
JEFFREY O. DORR, X...
HAMILTON L. DORSEY, X...
MICHAEL M. DOUGHTY, X...
ROBERT E. DOWNES, X...
RICHARD A. DOYLE, X...
ERNEST S. DRAKE, X...
SHELIA M. DRAKE, X...
GARY T. DROUBAY, X...
GLENN R. DUBOIS, X...
MARCUS S. DUBOIS, X...
ANGEL M. DUDINSKY, X...
LAURIE W. DUFFROBERTSON, X...
CHRISTOPHER G. DUFFY, X...
PATRICK J. DULANEY, X...
DARRELL C. DUNN, X...
RONDA L. DUPUIS, X...
GREGORY P. DURAND, X...
PHILIP B. DURDEN, X...
TIMOTHY L. DUREPO, X...
RANDY Q. DURR, X...
CHRISTOPHER G. DUSSEAULT, X...
JOSEPH E. DUVAL, X...
KENNETH H. DWELLE, X...
CHRISTOPHER A. DYER, X...
JEAN MARIE EAGLETON, X...
LIONEL F. EARL, JR., X...
MARK H. EASTERBROOK, X...
DAVID P. EASTERLING, JR., X...
PAUL B. EBERHART, X...
ADRIANA EDEN, X...
DAVID K. EDNEY, X...
AMIR A. EDWARD, X...
ROBERT R. EDWARDS, JR., X...
TISH REMI EDWARDS, X...
TRENT H. EDWARDS, X...
CHARLES D. EICHER, X...
DEONA J. EICKHOFF, X...
MICHAEL D. ELIASON, X...
DEAN L. ELLER, X...
ERIC D. ELLIOTT, X...
WENDY CARLEEN ELLIOTT, X...
JEFFREY I. ELLIS, X...
PRISCILLA Y. ELLIS, X...
TODD C. ELLISON, X...
KRISTINA R. ELSAESSER, X...
CHRISTINE I. ELY, X...
VIRA EM, X...
TEDDI J. EMBREY, X...
MICHAEL T. EMMERTH, X...
GREGORY L. ENDRIS, X...
DAVID W. ENFIELD, X...
DOUGLAS H. ENGBERSON, X...
RICHARD D. ENGLAND, X...
JEFFREY A. ENGLERT, X...
JOHN T. ENYEART, X...
ROBERT L. EPPENS, X...
BRIAN E. EPPLER, X...
LARRY T. EPPLER, X...
SCOTT A. ERICKSON, X...
STEVEN E. ERICKSON, X...
GREGORY W. ERVIN, X...
BERTHA B. ESPINOSA, X...
DOUGLAS B. EVANS, X...
STEVEN M. EVERETT, X...
SHELLEY M. EVERSOLE, X...
TERRENCE L. EVERY, X...
LINDA M. EWERS, X...
BRIAN P. EYRE, X...
GUS M. FADEL, X...
SCOTT R. FARRAR, X...
KURTIS W. FAUBION, X...
DONALD L. FAUST, X...
MICHAEL J. FEDOR, X...
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BRUCE E. FEWKES, X...
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RAYMOND J. FIEDER, X...
RAMONA L. FIELDS, X...
GEORGE F. FINK, X...
TIMOTHY M. FINNEGAN, X...
FREDRIC S. FIREHAMMER, X...
ED J. FISCHER, X...
JEFFREY H. FISCHER, X...
KEITH D. FISCHER, X...
RONALD J. FISCHER, X...
RONALD J. FISCHER, X...
JAMES T. FISH, X...
ERIC S. FISK, X...
CHARLES D. FITZGERALD, X...
MICHAEL T. FITZGERALD, X...
TIMOTHY L. FITZGERALD, X...
EDGAR L. FLERI, JR., X...
BRIAN J. FLETCHER, X...
LOUIS L. FLETCHER, X...
TIMOTHY D. FLORA, X...
RUSSELL C. FLOWERS, X...
ROBERT L. FLOYD, IV, X...
JETH A. FOGG, X...
RICHARD W. FOGG, X...
LOUIS J. FOLEY, JR., X...
RICHARD L. FOLKS, II, X...
RACHAEL FONTANILLA, X...
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WILLIAM A. FORKNER, X...
JOHN RAY FORMAN, X...
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RICHARD J. FORRISTALL, X...
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MICHELLE P. FOSTER, X...
SAMUEL L. FOSTER, X...
JOAN Y. FOURNIER, X...
CHARLES F. FOX, X...
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GREGORY C. FRANKLIN, X...
JEFFREY R. FRANKLIN, X...
RICHARD M. FRANKLIN, X...
LLOYD D. FRAZIER, X...
ROBERT E. FREDRICKSON, JR., X...
BRIAN E. FREDRIKSSON, X...
RICHARD K. FREEMAN, X...
GREGORY A. FRICK, X...
DANIEL J. FRITZ, X...
JOANN C. FRYE, X...
SCOTT L. FUCHS, X...
LISA A. FUENTES, X...
GREG M. FUJIMOTO, X...
CHRISTOPHER T. FULLER, X...
STEPHEN T. FULLER, X...
SUSAN H. FUNKE, X...
VERNE S. FUTAGAWA, X...
CRAIG S. GADDIS, X...
RICHARD E. GADDIS, X...
SEAN T. GALLAGHER, X...
LUIS S. GALLEGOS, X...
JOSEPH M. GAMBRELL, X...
JOAN H. GARBUTT, X...
LISA A. GARCCI, X...
MICHAEL A. GARCIA, X...
STEVE E. GARCIA, X...
STEVEN J. GARCIA, X...
DAVID P. GARFIELD, X...
ROBERT A. GARLAND, JR., X...
ERIC S. GARTNER, X...
TERRY J. GASPER, X...
GEORGE H. GATES, JR., X...
MARK A. GAUBERT, X...
MARK K. GAUGLER, X...
CHRISTOPHER D. GAWLIK, X...
JOHN K. GAY, X...
PAUL L. GAYLORD, X...
GORDON M. GEISSLER, X...
CHERYL A. GENTILE, X...
TODD W. GENTRY, X...
JAMES W. GEORGE, X...
MICHAEL D. GERAGOSIAN, X...
GREGORY R. GIBSON, X...
PEGGY R. GIBSON, X...
DANIEL E. GIFFORD, X...
PAUL G. GIFFORD, X...
CAMERON L. GILBERT, X...
JOHN D. GILBERT, X...
MICHAEL E. GILBERT, X...
RONALD P. GILBERT, X...
PAUL A. GILL, X...
TIMOTHY H. GILL, X...
ROBERT W. GILMORE, X...
NATALIE Y. GISCOMBE, X...
DAVID S. GLICK, X...
THOMAS E. GLOCKZIN, X...
MARK I. GLYNN, X...
JEFFREY S. GODDARD, X...
DAVID E. GOEBEL, X...
REGINA T. GOFF, X...
ALANA C. GOGAN, X...
JAMES D. GOLDEN, X...

FRANK C. GOLICH, X...
MANUEL R. GOMEZ, JR., X...
BRUCE E. GOOCH, X...
JULIA R. GOODE, X...
GERALD V. GOODFELLOW, X...
LAURA J. GOODRICH, X...
BETH A. GOODWILL, X...
DAVID S. GOOSMAN, X...
WILLIAM R. GORDON, X...
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JOHN G. GORSE, X...
PENELOPE F. GORSUCH, X...
LISA M. GOSSETT, X...
DEAN E. GOULD, X...
GORDON D. GOULD, X...
WINSTON A. GOULD, X...
CLAYTON M. GOYA, X...
CARMEN S. GOYETTE, X...
STEPHEN W. GRADY, X...
MARK A. GRAF, X...
DAVID B. GRAFF, X...
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GREGG A. GRAHAM, X...
JOHN G. GRAHAM, X...
LYNN M. GRANDGENETT, X...
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GILLIAN J. GRANT, X...
JOHN A. GRAVES, X...
TODD V. GRAVES, X...
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KENNETH M. GREENSTREET, X...
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STEPHEN E. GREENTREE, X...
BRIAN L. GREENWOOD, X...
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PAULA D. GREGORY, X...
DALE G. GREY, X...
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CEABERT J. GRIFFITH, X...
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CHRISTOPHER K. HADDOCK, X...
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CARLOS HALCOMB, X...
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JASON T. HALL, X...
JOHN E. HALL, X...
PETER R. HALL, X...
MICHAEL J. HALLORAN, X...
EDWARD G. HAMILL, X...
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KEVIN D. HAMPSHIRE, X...
DAVID M. HANF, X...
MARK E. HANLEY, X...
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DAVID K. HAPNER, X...
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HUGH A. HARRIS, X...
MCKINLEY HARRIS III, X...
PAUL H. HARRIS, X...
RONYA A. HARRIS, X...
TAL H. HARRIS, X...
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ROBERT L. HARSHAW, X...
STACI E. HATCH, X...
RYAN E. HATTEN, X...
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GARY F. HAWTHORNE, X...
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STEVEN H. HAYES, X...
THERESA L. HAYGOOD, X...
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MARGARET F. HAYNES, X...
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ROBERT S. HEDDEN, X...
JANE E. HEETDERKSCOX, X...
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JOEL R. HEFT, X...
ERIK W. HEFTYE, X...
JON P. HEILEMAN, X...
DAVID P. HEIN, X...
DENIS A. HEINZ, X...
JULIE M. HEISE, X...
JOHN R. HEISLER, X...
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MICHAEL W. HELVEY, X...
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MARTIN R. HERTZ, X...
MICHAEL H. HEUER, X...
ANDREAS C. HEY, X...
DOUGLAS E. HIESTAND, X...
TODD S. HIGGS, X...
ROBERT W. HIGHLEY, X...
CLARK A. HIGHSTRETE, X...
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MICHAEL S. HILL, X...
ROBERT J. HILL, JR., X...
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RAYMOND R. HINDMAN, X...
DARREL T. HINES, X...
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RICHARD M. HIRSCH, X...
DAVID M. HITTE, X...
DAVID J. HLUSKA, X...
BYRON J.M. HO, X...
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CARL E. HODGES, X...
MARILYN E. HODGES, X...
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JEFFREY S. HOGAN, X...
MARK L. HOLBROOK, X...
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DEBORAH A. HOLINGER, X...
MICHAEL W. HOLL, X...
MICHAEL L.A. HOLLAND, X...
STEVEN W. HOLLIS, X...
MATTHEW H. HOLM, X...
DANIEL T. HOLT, X...
MICHAEL A. HOMSY, X...
THOMAS M. HOMZA, X...
DAVID E. HOOK, X...
TROY E. HOOK, X...
MICHAEL D. HOPPNER, X...
ERIC S. HORNBOSTEL, X...
DAVID J. HORNYAK, X...
FRANK H. HORTON, X...
WALTER G. HORTON, X...
WRAY R. HOSKAMER, X...
DARREN L. HOSKINS, X...
CHARLES W. HOULDING, X...
ROBERT C. HOUSE, JR., X...
TIMOTHY M. HOUSE, X...
PAUL L. HOWE, X...
PAUL E. HOWELL, X...
PAUL B. HROMANIK, X...
ANN S. HRYSHKOMULLEN, X...
JEFFEREY B. HUBBELL, X...
BERT L. HUBERT, X...
ROBERT V. HUCKLEBERRY, X...
JAMES B. HUDGENS, X...
BILLY W. HUDSON, JR., X...
STEPHEN C. HUEHOLT, X...
HEIDI E. HUENIKEN, X...
ALICIA L. HUGHES, X...
RODNEY R. HULLINGER, X...
SCOTT W. HUMMEL, X...
JAMES D. HUNSICKER, X...
PETER A. HUNSUCK, X...
THOMAS M. HUNTER, X...
KYLE N. HUSE, X...
DIANE T. HUSTON, X...
THOMAS H. HUZZARD, X...
RAYMOND L. HYLAND, JR., X...
APRIL L. IACOPELLI, X...
RICHARD D. IANNACCHIONE, X...
JON E. INCERPI, X...
ROBERT L. INGEGNERI, X...
MARK S. INGLES, X...
ROBERT E. INTRONE, X...
JOEL D. IRVIN, X...
JAMES M. ISBEL, JR., X...
PAUL H. ISSLER, X...
HARRY W. JACKSON, X...
ROBERT S. JACKSON, JR., X...
THOMAS N. JACOB, X...
JEFFERY L. JACOBS, X...
GLEN C. JAFFRAY, X...
ALAN D. JAGOLINZER, X...
EDWARD M. JAKES, X...
SERGEJ JAKOVENKO, JR., X...
DANA J. JAMES, X...
KRISTIN K. JAMES, X...
CONNIE M. JAMISON, X...
CHRISTOPHER S. JARKO, X...
LISA R. JASIN, X...
CRAIG A. JASPER, X...
STEVEN P. JATHO, X...
BRIAN K. JEFFERSON, X...
THOMAS B. JEFFREY, X...
DAVID L. JENNINGS, X...
TODD C. JOACHIM, X...
PATRICK E. JOCHEM, X...
TAY W. JOHANNES, X...
CONNIE J. JOHNMEYER, X...
DAVID W. JOHNSON, X...
JAY S. JOHNSON, X...
JOSHUA B. JOHNSON, X...
KENNETH F. JOHNSON, X...
KENT O. JOHNSON, X...
NATHAN H. JOHNSON, X...
PAUL L. JOHNSON, X...
WILLIAM B. JOHNSON, X...
WILLIAM H. JOHNSON III, X...
DREW Y., JOHNSTON, JR., X...
KENNETH T. JOLIVET, X...
LANCE A. JOLLY, X...
ROBERT D. JOLOWSKI, X...
DIANE M. JONES, X...
JAMES E. JONES, X...
JAMES R. JONES, JR., X...
ROBERT W. JONES, JR., X...
CURTIS M. JORDAN, X...
FLOYD A. JORDAN, X...
JAMES A. JOYCE, X...
KENNETH M. JOYNER, X...
ANDREAS JUCKER, X...
DAVID J. JULAZADEH, X...
MARGARET H. JUREK, X...
HENRY C. KAPPES, JR., X...
SHOMELA R. KARIM, X...
TIMOTHY J. KARMONDY, X...
BONNY S. KARR, X...
AMBER R. KASBEER, X...
DONALD G. KATHAN, X...
JEFFREY S. KECKLEY, X...
PATRICIA C. KEENAN, X...
ROBERT B. KEENEY, JR., X...
SANDY J. KEITH, X...
EDNA V. KELLEY, X...
JOHN L. KELLEY, X...
RICHARD E. KELLEY, X...
WAYNE N. KELM, X...
DOUGLAS K. KELSCH, X...
VERONICA N. KEMENY, X...
DOUGLAS B. KENNEDY, X...
KRISTI A. KENNEDY, X...
JACQUELYN E. KERR, X...
ALINA KHALIFE, X...
EDWARD J. KHIM, X...
KATHLEEN H. KIDD, X...
JAMES G. KIMBROUGH, X...
MIKE D. KINCAID, X...
MICHAEL T. KINDT, X...
BRIAN E. KING, X...
SONYA N. KING, X...
WAYNE F. KING, X...
ROBERT G. KINSFATHER, X...
CECILIA M. KIPP, X...
DONALD C. KIRK, X...
VINCENT L. KIRKNER, X...
PRESTON D. KISE, X...
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JAMES F. KLINGMEYER, X...
STEVE M. KLUMP, X...
LISA K. KNIERIEM, X...
WILLIAM M. KNIGHT, X...
KEVIN J. KNISKERN, X...
DANIEL P. KNUTSON, X...
CYNTHIA A. KOCH, X...
THEODORE S. KOCH, X...
SCOTT A. KOEHLER, X...
STEPHEN R. KOENIG, X...
TERESA M. KOHLBECK, X...
MICHAEL L. KONING, X...
BRIAN T. KOONCE, X...
STEPHEN O. KORNITZER, X...
BENJAMIN F. KOUDELKA, JR., X...
JOSEPH V. KRAFT, X...
ROBET L. KRAJECK, JR., X...
GLENN M. KRAMER, X...
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GEOFFREY D. KRASSY, X...
JEFFREY J. KRIENKE, X...
STEVEN E. KRIESE, X...
JAMES P.E. KULKA, X...
CHAD S. KUNTZLEMAN, X...
KRISTINE T. KUSEKVELLANI, X...
MAUREEN A. KUSKE, X...
ANDREW C. KUTH, X...
GLENN A. KYLER, X...
EDWARD A. LAFERTY, X...
DAVID P. LAKE, X...
JAMES A. LAMB, X...
CHRISTOPHER S. LAMBERT, X...
JEFFREY A. LAMBERT, X...
STEPHEN B. LAMBERT, X...
KEVIN S. LANE, X...
LARRY H. LANG, X...
LEIANN M. LANG, X...
MARK A. LANGE, X...
TODD A. LANGENFELD, X...
DOUGLAS N. LARSON, X...
JEFFREY E. LARSON, X...
STEVEN M. LARSON, X...
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TIMOTHY R. LAWRENCE, X...
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THERESA A. LAWSON, X...
ROBERT F. LAWYER, X...
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WENDY J. LEE, X...
WILLIAM M. LEE, X...
LORI LEEDOWDY, X...
CHRISTINE M. LEISTER, X...
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ERVIN LOCKLEAR, X...
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JOHN H. LONG, X...
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MARIA J. LOPEZ, X...
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JOHN H. LOVEALL, X...
LAURIE DENE LOVARK, X...
JOHN G. LOWE, X...
ROBERT R. LOY, X...
ROY E. LOZANO, JR., X...
KEITH A. LUDWIG, X...
TIMOTHY T. LUNDERMAN, X...
DAVID A. LUNGER, X...
GARRY W. LUNSFORD, X...
JAMIE A. LUTES, X...
DAVID L. LYLE, X...
DESIREE L. LYLES, X...
SHANNON D. LYNCH, X...
WANDA V. LYNCH, X...
CHERYL A. LYON, X...
TIMOTHY S. LYON, X...
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WILLIAM D. MAGEE, X...
CHERYL L. MAGNUSON, X...
RICHARD W. MAHARREY, X...
DAVID A. MAHER, X...
BRIAN J. MAHONEY, X...
CAROL C. MALEBRANCHE, X...
PHILIPPE R. MALEBRANCHE, X...
DAVID T. MALLARNEE, X...
ROBERT A. MALLETS, X...
FRANCIS X. MALLOY, X...
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RUSSELL W. MAMMOSER, X...
PAUL R. MANCINI, X...
BERNARD W. MANLEY, X...
ROBERT J. MANSFIELD, X...
CHAD T. MANSKE, X...
KARL W. MARIOTTI, X...
TODD M. MARKWALD, X...
THOMAS H. MARLIN, X...
KEITH E. MARLOW, X...
BARBARA C. MARTIN, X...
LISA A. MARTIN, X...
STEVE A. MARTIN, XX...
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GLENN E. MARTINEZ, X...
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ANTHONY J. MASSA, X...
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JOSEPH P. MATHIS, X...
ESTER L. MATINA, X...
FREDDY A. MATOS, X...
GREGG T. MATSUMOTO, X...
JAMES B. MATTILA, X...
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STEPHEN S. MCCARTY, X...
TERRY W. MCCLAIN, X...
CHARLES J. MCCLOUD, JR., X...
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MILDRED MCGILLVRAY, X...
GERALD T. MCGINTY, X...
ANTHONY K. MCGRAW, X...
STEPHEN I. MCINTYRE, X...
PAUL M. MCKENNA, X...
FREDERICK J. MCKEOWN, X...
MICHAEL J. MCKINNEY, X...
ROSLYN E. MCKINNEY, X...
TIMOTHY J. MCLAIN, X...
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GAYLA MCLAUGHLIN, X...
JESSE O. MCLAUGHLIN, X...
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DAVID M. MCMURRIN, X...
JAMES H. MCNAIR, X...
FRANK R. MCNAMARA, X...
ANTOINETTE M. MCNEARY, X...
JOHN S. MCSPADDEN, X...
ELLEN R. MEANS, X...
VICKY R. MEDLEY, X...
KURT W. MEIDEL, X...
BRIAN B. MEIER, X...
MARY K. MEJASICH, X...
DOUGLAS L.P. MELEGA, X...
LIBERTAD MELENDEZ, X...
RUSSELL C. MELVIN, X...
THOMAS S. MENEFEE, X...
CHARLES E. METROLIS, JR., X...
FREDERICK G. MEYER, X...
GREGORY S. MEYER, X...
MICHAEL C. MEYER, X...
THOMAS E. MEYER, X...
MARK W. MICHAEL, X...
ERIN A. MIDDLETON, X...
MARK A. MIENTEK, X...
CHARLES T. MILLER, X...
JAMES E. MILLER, X...
JEFFREY S. MILLER, X...
KEVIN W. MILLER, X...
RAYMOND S. MILLER, X...
RODNEY L. MILLER, X...
SCOTT S. MILLER, X...
STEVEN P. MILLER, X...
THOMAS E. MILLER, X...
DANIEL R. MILLMAN, X...
GREGORY A. MILLS, X...
MARILYNDA D. MILTEER, X...
MICHAEL A. MINIHAN, X...
CHERYL D. MINTO, X...
JOSEPH B. MIRROW, X...
JOSEPH M. MISSEL, X...
JEFFREY S. MITCHELL, X...
MICHAEL F. MITCHELL, X...
JOSEPH B. MIZZELL, X...
JOHN H. MODINGER, X...
DEREK MOFFA, X...
CHARLES W. MOINETTE, X...
HERBERT S. MOLLER, X...
DONALD T. MOLNAR, X...
SOTIRIOS S. MOLOS, X...
RICHARD P. MONAHAN, X...
ANDREA MOORE, X...
BOBBIE A. MOORE, X...
CATHERINE M. MOORE, X...
DORIS A. MOORE, X...
KIMBERLY ANNCISNEROS MOORE, X...
WILLIAM H. MOORE, X...
ALBERT S. MORENO, X...
GREY L. MORGAN, X...
JOY L. MORIBE, X...
MICHAEL A. MORREALE, X...
SCOTT A. MORRIS, X...
SUSAN D. MORRIS, X...
WILLIAM L. MORRIS, X...
PATRICE H. MORRISON, X...
YANCY A. MOSLEY, X...
GREGORY D. MOSS, X...
TODD C. MOTTL, X...
MICHAEL A. MRAS, X...
LESLIE L. MUHLHAUSER, X...
JOSEPH E. MULLEN, JR., X...
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JAMES P. MULLINS, X...
DEBORAH A. MUNLEY, X...
EVELYN MUNOZ, X...
JENNIFER J. MURPHY, X...
KAREN L. MURPHY, X...
RODERICK T. MURPHY, X...
WENDY L. MURRAY, X...
MYLES M. NAKAMURA, X...
JOSEPH J. NARRIGAN, X...
DANIEL S. NASH, X...
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LORA F. NEELY, X...
MARY C. NEFF, X...
ROBERT E. NEHER, JR., X...
TIMOTHY A. NELL, X...
BRENDA R. NELSON, X...
CATHERINE M. NELSON, X...
MELANIE J. NELSON, X...
REBECCA A. NELSON, X...
DOUGLAS W. NEMSCHICK, JR., X...
ROBER L. NEUMANN, X...
STEVEN T. NEUSER, X...
MICHAEL EUGENE NEWMAN, X...
CHRISTINE L. NG, X...
CLIFTON E. NICHOLS, X...
JAMES R. NICHOLS, X...
JOSEPH K. NICHOLSON, X...
SCOTT P. NICKERSON, X...
ERIC B. NICKISH, X...
CHRISTOPHER T. NICKLAS, X...
DANA S. NIELSEN, X...
TERANCE L. NIVER, X...
LAWRENCE A. NIXON, X...
BRIAN P. NOEL, X...
VAHAN NOKHOUDIAN, X...
STEVEN P. NOLL, X...
DANIEL R. NORDSTROM, X...
DALE W. NORRIS, X...
ROBERT M. NORRIS, X...
JAMES D. NORTON, X...
KEVIN D. NOWAK, X...
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KRISTINA M. O'BRIEN, X...
BARBARA S. OCHSNER, X...
JODY L. OCKER, X...
KEVIN S. O'CONNELL, X...
TIMOTHY J. O'CONNOR, X...
GARY L. O'DANIEL, X...
CLIFFORD W. O'DELL, X...
PATRICIA A. O'DONNELL, X...
VIRGINIA A. O'DONNELL, X...
EDWIN J. OFFUTT, X...
ANGELA MARIE OGAWA, X...
TERENCE J. O'GRADY, X...
TIMOTHY F. OLDENBURG, X...
KEVIN C. OLESEN, X...
RICHARD L. OLIVER II, X...
ELEANOR C. OLIVERIO, X...
FORREST O. OLSON, X...
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ANDREW D. O'NEEL, X...
BRADLEY A. O'NEIL, X...
RICHARD J. ONKEN, X...
JILL J. OREAR, X...
JENNIFER J. ORR, X...
DAVID L. ORTOLANI, X...
KEVIN A. OSBURN, X...
KARL E. OTT, X...
JANICE E. OWINGS, X...
ALFRED J. OZANIAN, X...
MICHAEL A. OZMENT, X...
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ANDREW J. PALOMBELLA, X...
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ELIZABETH A. PARK, X...
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JEANNINE M. PARKER, X...
JEFFREY R. PARKER, X...
MARDIS W. PARKER, X...
RICHARD L. PARKS, X...
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KENNETH J. PASCOE, X...
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KALPESH B. PATEL, X...
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DAVID A. PATTON, X...
BRETT A. PAUER, X...
TODD M. PAVICH, X...
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DWAYNE R. PEOPLES, X...
DANIEL A. PEPPER, X...
GARY L. PERCIVAL, X...
KEVIN E. PERDUE, X...
SEAN W. PERKINS, X...
SUSAN M. PERRY, X...
THEODORE O. PERSINGER, X...
BRADLEY T. PETERS, X...
RONALD F. PETERS, X...
KEVIN S. PETERSON, X...
SAMUEL B. PETTERS, X...
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LINDA G. PHELPS, X...
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MICHAEL A. PHILLIPS, X...
JOSEPH F. PIASECKI, X...
CHARLES PICONE, X...
ERIC A. PIEL, X...

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SCOTT L. PLEUS, X...
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JOHN F. POLANDER, X...
ROBERT W. POLICANO, X...
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THOMAS POLLIO, X...
EDWARD J. POLLOCK, X...
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JOHN R. PRATT, X...
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KENNETH C. RAGSDALE, X...
CARL W. RAHN, X...
CURTIS K. RAHN, X...
TODD G. RAIRDAN, X...
ANTHONY R. RAMAGE, X...
MURIEL RAMIREZSALAS, X...
STEVEN T. RAMSAY, X...
ROBERT L. RAMSDEN, X...
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LOREN W. REDINGER, X...
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PATRICK S. REESE, X...
THOMAS M. REESE, X...
ANTHONY H. REILL, X...
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RICHARD J. REISER, X...
CHARLENE H. REITH, X...
ROBERT S. RENEAU, X...
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DONNA M. REZENDES, X...
STEPHEN L. REZNIK, X...
KENNETH P. RHEIN, X...
KEVIN M. RHOADES, X...
BRIAN K. RHODARMER, X...
KENNETH D. RHUDY, X...
SUSAN R. RICE, X...
MARTIN J. RICHARD, X...
DONNA M. RCIHARDS, X...
THOMAS J. RICHARDS, X...
TODD E. RICHARDS, X...
PARTICIA M. RICHARDSON, X...
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THOMAS A. RIETKERK, X...
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KEVEIN R. RITCHIE, X...
HANS V. RITSCHARD, X...
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STEPHEN L. ROBERTSON, X...
CHARLES T. ROBINSON, X...
DONNAMARIA ROBINSON, X...
JEFFREY D. ROBINSON, X...
ROBERT M. RODGERS, X...
CLIFFORD D. RODMAN, JR., X...
JAMES F. RODRIGUEZ, X...
JENNIFER C. RODRIGUEZ, X...
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ROBERT A. ROGERS, X...
JOANNE M. ROHLMAN, X...
STEPHEN M. ROHRBOUGH, X...
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LIZA BETH ROOS, X...
MARK D. ROOSMA, X...
DONNA K. ROPER, X...
ARMANDO L. ROSALES, X...
JULIE A. ROSELLIRAYA, X...
THOMAS ROSS, X...
TED A. ROSWARSKI, X...
KIM A. ROTH, X...
MICHAEL F. ROTHERMEL, X...
HEIDIE R. ROTHSCHILD, X...
ROBERT B. ROTTSCHAFER, X...
ANDERSON B. ROWAN, X...
KIRK L. ROWE, X...
RICHARD L. ROWE, JR., X...
EUGENE I. ROWELL, JR., X...
MICHAEL W. RUBY, X...
JOANNE R. RUGGERI, X...
DAVID M. RULLI, X...
RALPH J. RUOCCO, X...
BRIAN RUSLER, X...
BRYN A. RUSSELL, X...
DAVID M. RUSSELL, X...
ROBERT D. RUSSELL, X...
TERI JO RUSSELL, X...
MICHAEL J. RUSZKOWSKI, X...
PHILIP E. RUTLEDGE, II, X...
MARK C. RYALS, X...
JON J. RYCHALSKI, X...
ANDREW L. SACKETT, X...
MICHAEL T. SAGE, X...
PAUL A. SAINSBURY, X...
SARA J. SALANSKY, X...
BRIAN R. SALMANS, X...
JUVENAL Q. SALOMON, X...
KELLY ANDERSON SAMOLITIS, X...
TIMOTHY J. SAMOLITIS, X...
KEVIN L. SAMPELS, X...
DAVID S. SANCHEZ, X...
PATRICK G. SANDERS, X...
SHANE L. SANDERS, X...
MICHAEL E. SANTOS, X...
LEVY G. SARINO, JR., X...
BRIAN L. SASSAMAN, X...
RICHARD F. SAUERS, JR., X...
GREGORY G. SAULNIER, X...
TAMMY M. SAVOIE, X...
BARBARA J. SCHACHT, X...
GREGORY SCHECHTMAN, X...
GREGORY C. SCHEER, JR., X...
KURT M. SCHEIBLE, X...
ANTHONY SCHEIDT, X...
GEORGE J. SCHERER, X...
WILLIAM A. SCHEU, X...
KEVIN J. SCHIELDS, X...
KIM L. SCHMIDT, X...
THERESA R. SCHNITZER, X...
PAUL L. SCHOLL, X...
PATRICK J. SCHOLLE, X...
JEFFREY C. SCHROEDER, X...
JESUS C. SCHROEDER, X...
ROBERT C. SCHROEDER, JR., X...
CARL J. SCHULER, JR., X...
MARK J. SCHULER, X...
JON J. SCHULSTAD, X...
CARL D. SCHULTE, X...
MELANIE D. SCHULTZ, X...
ROBIN L. SCHULTZE, X...
LAURA T. SCHWARTZE, X...
TERESA M. SCHWEHM, X...
JONATHAN J. SCILKEN, X...
RANDALL T. SCOGGINS, X...
GEORGE J. SCORDAKIS, X...
CRAIG M. SCOTT, X...
DAVID A. SCOTT, X...
SHARON T. SCOTT, X...
VERNON L. SCRIBNER, X...
DAVID C. SEAVER, X...
REBECCA C. SEESE, X...
ANGELA E. SEITZ, X...
VICTOR H. SEVERIN, X...
ANNE M. SHAFFER, X...
CAROL L. SHAFFER, X...
MELLOR KRISTINE M. SHAFFER, X...
WILLIAM M. SHAFFER, X...
BERNARD J. SHANAHAN, X...
CHRISTOPHER C. SHANNON, X...
MARK E. SHARP, X...
MICHAEL G. SHARP, X...
MICHAEL J. SHENK, X...
MARIAN B. SHEPHERD, X...
RONALD C. SHEPHERD, JR., X...
JAMES W. SHERECK, X...
DAVIN M. SHING, X...
JON J. SHOWALTER, X...
LARRY W. SHRYOCK, X...
ROBERT A. SHULL, X...
TODD C. SHULL, X...
JAMES E. SIEFFERT, X...
DAVID A. SIKORA, X...
DONLEY SILBAUGH, X...
ERIC E. SILBAUGH, X...
BRIAN D. SILKEY, X...
MICHAEL A. SILVER, X...
STEPHEN S. SILVERS, X...
NORMAN H. SIMER, JR., X...
JOHN P. SIMMONS, X...
KIMBERLY J. SIMMONS, X...
DEBORAH L. SIMON, X...
RHONDA R. SIMS, X...
SAMUEL M. SIMS, X...
JON M. SINCLAIR, X...
LAWRENCE E. SINKULA, X...
DEBBIE F. SIPLE, X...
TIMOTHY M. SIPOWICZ, X...
TODD W. SITTIG, X...
JOANN E. SKEEN, X...
ROSE A. SKIRTICH, X...
KEITH E. SKOGEN, X...
LESLEY J. SLATE, X...
KENNETH R. SLATER, X...
WILLIAM S. SLAUGHTER, X...
CRAIG J. SLEBRCH, X...
DENETTE L. SLEETH, X...
JAMES C. SLIFE, X...
DOUGLAS T. SLIPKO, X...
CRAIG T. SLOAN, X...
THOMAS G. SLOAN, X...
BRIAN D. SMITH, X...
BRUCE I. SMITH, X...
BRUCE M. SMITH, X...
COLLIN B. SMITH, X...
DAVID P. SMITH, X...
DIANE L. SMITH, X...
GARY D. SMITH, X...
JAMES B. SMITH, X...
JEFFERY B. SMITH, X...
JEFFERY P. SMITH, X...
JEFFREY E. SMITH, X...
JEFFREY M. SMITH, X...
LOUIS V. SMITH, JR., X...
MARIO F. SMITH, JR., X...
MAURY J. SMITH, X...
ROBERT J. SMITH, JR., X...
ROXANNE M. SMITH, X...
TERESA L. SMITH, X...
WENDEL A. SMITH, X...
MATTHEW C. SMITHAM, X...
KERRY J. SMITHERS, X...
CRAIG A. SMYSER, X...
NEAL A. SNETSKY, X...
BRIAN M. SNIPPEN, X...
BENJAMIN E. SNOW, X...
GORDON D. SNOW, X...
JONATHAN D. SNOWDEN, X...
DAVID D. SNYDER, X...
JENNIFER L. SNYDER, X...
JUDY A. SNYDER, X...
SCOTT A. SNYDER, X...
WILLIAM H. SNYDER, X...
TIMOTHY J. SODERHOLM, X...
JOHN T. SOMMER, X...
DAVID M. SONNTAG, X...
LENA L. SOTO, X...
ERIC P. SOUCY, X...
ANNETTE SOWARDS, X...
DEAN C. SPAHR, X...
RYAN S. SPAULDING, X...
THOMAS R. SPELLMAN, X...
ANNETTA L. SPENCER, X...
JAMES A. SPERL, X...
CHARLES J. SPILLAR, JR., X...
GARY M. SPILLMAN, X...
JUDITH K. SPOERER, X...
JAMES E. SPRAY, X...
JAMES B. SPROUSE, X...
STEVEN G. STAATS, X...
MARY I. STACKER, X...
RODNEY L. STAGGS, X...
DAVID J. STAMPS, X...
DAVID W. STANEK, X...
TIMOTHY R. STANEK, X...
PAUL D. STANG, X...
MICHAEL G. STAUBER, X...
GREGORY C. STAUDENMAIER, X...
LARRY M. STAUFFER, X...
GRANT J. STEDRONSKY, X...
KRISTIN A. STEEL, X...
PHILLIP G. STEEL, X...
JOSEPH D. STEELE, X...
JERALD W. STEEN JR., X...
KAREN B. STEINER, X...
DENNIS W. STEININGER, X...
DAVID M. STEPHAN, X...
RONALD L. STEPHENS, X...
MICHAEL W. STERN, X...
JOHN P. STEVENS, X...
MICHAEL D. STEVENS, X...
BRIAN S. STEWART, X...
THOMAS J. STEWART, X...
JEFFREY A. STINSON, X...
BRENT A. STIRLING, X...
BRIAN A. STIVES, X...
THERESA A. STOCKDALE, X...
CARY L. STOKES, X...
ALESSANDRA STOKSTAD, X...
BRYAN M. STOKSTAD, X...
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DANIEL J. STRIEDIECK, X...
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HEATHER J. STUMBO, X...
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JOSLYN M. SULLEN, X...
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SCOTT H. SUMMERS, X...
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ARAS P. SUZIEDELIS, X...
STEVEN A. SVEJDA, X...
JOHN P. SVOBODA, X...
MICHAEL W. SWANN, X...
LAWRENCE J. SWANSON, X...
ROBERT J.C. SWANSON, X...
ROBERT C. SWARINGEN II, X...
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RALPH A. SWINDLER, X...
JOHN M. SYLOR, X...

TERENCE L. SYMONDS, X...
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ANDREW G. SZMEREKOVSKY, X...
GEORGE P. TADDA, X...
MICHAEL R. TAHERI, X...
KARL S. TALKE, X...
JOSEPH H.Y. TAM, X...
MICHAEL L. TAPPAN, X...
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DAVID L. TARTER, X...
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JOHN R. TAYLOR II, X...
JOSEPH A. TAYLOR JR., X...
KAREN A. TAYLOR, X...
SYLVIA C. TAYLOR, X...
SHAWN E. TEAGAN, X...
GARIN P. TENTSCHERT, X...
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DAVID M. TERRINONI, X...
JOHN P. TERRY, X...
ROYCE M. TERRY, X...
KEVIN M. TESSIER, X...
JOSEPH B. THALMAN, X...
TODD L. THIBAULT, X...
DONALD G. THIBEAULT, X...
GEOFFREY P. THOMAS, X...
HOWARD M. THOMAS, X...
JACQUELINE D. THOMAS, X...
KENT A. THOMAS, X...
CHARITY J. THOMASOS, X...
BILLY D. THOMPSON, X...
BRAD R. THOMPSON, X...
GREGORY F. THOMPSON, X...
MATTHEW H. THOMPSON, X...
JEFFREY A. TIBBITS, X...
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GRACIELA E. TISCARENOSATO, X...
MICHAEL A. TODD, X...
PATRICK M. TOM, X...
MICHAEL J. TOMASULO, X...
LYNN A. TOMLONSON, X...
DONNA L. TONEY, X...
LAWRENCE O. TORRES, X...
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PHILLIP P. TRAHAN, X...
JAMES W. TRAVIS, X...
JULIE D. TRAVNICEK, X...
JENNIFER C. TRAYLOR, X...
CHESTER A. TRELOAR, X...
KIRK A. TRESCH, X...
RUBEN TREVINO, X...
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MICHELLE M. TRIGG, X...
JAMES D. TRIMBLE, X...
JULIE P. TSEH, X...
RAYMOND TSUI, X...
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TROY TUCKER, X...
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DENISE VERGA TURNBAUGH, X...
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DEBORAH A. JOHNSON TURNER, X...
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ROBERT E. TUTTLE, X...
AMY E. TWEED, X...
WILLIAM R. TYRA, X...
DAVID F. UBELHOR, X...
BLAKE P. UHL, X...
JEFFREY R. ULLMANN, X...
JODI L. UNSINGER, X...
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JOHN M. VAIL, X...
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TERRY F. VANN, X...
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BRIAN T. VARN, X...
DAVID S. VAUGHN, X...
NANCY VEGA, X...
FREDERICK H. VICCELLIO, X...
ROMMEL B. C. VILLALOBOS, X...
JUAN C. VILLARREAL, X...
MICHAEL G. VINSON, X...
DAVID E. VIPPERMAN, X...
STEPHEN R. VIRNIG, X...
JOHN M. VITACCA, X...
LEAMON K. VIVEROS, X...
SCOTT G. VOGEL, X...
KARL A. VOGELHEIM, X...
GREGORY S. VOYLES, X...
BRIAN WACTER, X...
GEOFFREY E. WADE, X...
KIRSTEN A. WADE, X...
BERNARD D. WADSWORTH, X...
JAMES D. WAGGLE, X...
MARGARET M. WAGNER, X...
SUSAN J. WAID, X...
CURTIS A. WAITE, X...
CHARLES E. WAITS, X...
TRESSIE L. WALDO, X...
CRAIG J. WALKER, X...
DARRYL D. WALKER, X...
DAVID S. WALKER, X...
BRIAN D. WALL, X...
JEFFREY S. WALLACE, X...
JONATHAN M. WALLEVAND, X...
KAREN D. WALLS, X...
SCOTT F. WALTER, X...
SHELDON D. WALTER, X...
JOSEPH M. WALZ, X...
DEAN A. WARD, X...
ROBERT J. WARD, X...
ERIC L. WARNER, X...
LEAH C. WARNER, X...
SCOTT A. WARNER, X...
JAMES L. WARNKE, X...
ELAINE R. WASHINGTON, X...
LORENZO S. WASHINGTON, X...
MARK E. WASSER, X...
BILLY J. WATKINS, JR., X...
MICHAEL G. WATSON, X...
CHRISTIAN G. WATT, X...
KATHERINE A. WEBB, X...
RICHARD E. WEBB, JR., X...
MICHAEL R. WEHMEYER, X...
DAN K. WEIBLE, X...
TERI L. WEIDE, X...
GREGORY S. WEISE, X...
KIRK K. WEISSENFLUH, X...
NANCY L. WEITZEL, X...
PATRICK T. WELCH, X...
MARK D. WELTER, X...
JAMES C. WEST, X...
WILLIAM P. WEST, X...
GARY A. WETTENGEL, JR., X...
BRYAN A. WHATLEY, X...
SEABORN J. WHATLEY III, X...
MONICA L. WHEATON, X...
CATHERINE A. WHEELER, X...
MARK C. WHEELHOUSE, X...
TOBY S. WHELCHEL, X...
CHRISTOPHER G. WHELESS, X...
JEFFREY WHETSTONE, X...
WILLIAM S. WHIPPLE, X...
DAVID G. WHITE III, X...
ROBIN L. WHITE, X...
TONY A. WHITESIDE, X...
LUKE D. WHITNEY, X...
WILSON W. WICKISER, JR., X...
WENDY S. WICKWIRE, X...
ROBERT WILLIAM WIDO, JR., X...
ROBIN A. WIEGAND, X...
JEFFREY A. WILCOX, X...
SHEILA H. WILHITE, X...
JOHN M. WILKENS, X...
PEGGY ANNE WILKINS, X...
MARK W. WILKINSON, X...
MICHAEL D. WILKINSON, X...
BRETT T. WILLIAMS, X...
CLIFFORD D. WILLIAMS, X...
DALE R. WILLIAMS, X...
DANIEL R. WILLIAMS, X...
DOUGLAS A. WILLIAMS, X...
GREG A. WILLIAMS, X...
JEFFREY G. WILLIAMS, X...
KENNETH A. WILLIAMS, X...
LYNDON J. WILLIAMS, X...
NEICKO C. WILLIAMS, X...
NNEKA C. WILLIAMS, X...
ROBIN B. WILLIAMS, X...
SHUN V. WILLIAMS, X...
JEFFREY S. WILLIS, X...
JOHNDAVID W. WILLIS, X...
MATTHEW B. WILLIS, X...
CHRISTOPHER A.D. WILLISTON, X...
R. BREC WILSHUSEN, X...
ALEXANDER M. WILSON, X...
CLIFFORD A. WILSON, X...
KENNETH R. WILSON, X...
TERRY A. WILSON, X...
MAJORIE E. WIMMER, X...
PATRICK J. WINDEY, X...
TRACY A. WINGERT, X...
MARYELLEN WINKLER, X...
TERRENCE E. WINNIE, X...
RICHARD S. WISE, X...
TRACY M. WITCHER, X...
MARK E. WITSKEN, X...
JEROME E. WIZDA, X...
JEFFREY S. WOELBLING, X...
DANIEL T. WOLF, X...
KEVIN M. WOLF, X...
KEVIN S. WOLFE, X...
JOSEPH L. WOLFER, X...
JOSEPH L. WOLFKIEL, X...
JASON L. WOOD, X...
THERESA G. WOOD, X...
RIPLEY E. WOODARD, X...
ANDREW D. WOODROW, X...
ROBERT S. WOODWARD, X...
TIMOTHY M. WOODYARD, X...
MICHAEL W. WOOLLEY, X...
JAMES O. WOOTEN, X...
RHONDA S. WOOTTON, X...
TODD A. WORMS, X...
BRADLEY K. WRIGHT, X...
JACK D. WRIGHT, JR., X...
KARYN E. WRIGHT, X...
RICHARD D. WRIGHT, X...
ANTHONY J. WURMSTEIN, X...
JUSTIN R. WYMORE, X...
PAUL A. YARBROUGH, X...
ERIC W. YATES, X...
JAMES H. YEAGER, X...
JOHN P. YEATMAN, X...
MARY ANNE C. YIP, X...
PATRICIA L. YORK, X...
JOHN S. YOUNG, X...
GREGORY J. YUEN, X...
ELIZABETH A. ZEIGER, X...
KEVIN M. ZELLER, X...
KAREN K. ZEPP, X...
KENNETH S. ZEPP, X...
MICHAEL J. ZIGAN, X...
DOUGLAS J. ZIMMER, X...
JAMES B. ZIMMERMAN, X...
MICHAEL J. ZUBER, X...
SCOTT A. ZUERLEIN, X...

HOUSE OF REPRESENTATIVES—*Tuesday, July 8, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. PETRI].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 8, 1997.

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

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

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

H.R. 2014. An act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998; and

H.R. 2015. An act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2014) "An Act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; and the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2015) "An Act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the concurrent resolution on the budget for fiscal year 1998," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on the Budget: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. GRAMM, Mr. LAUTENBERG, Mr. CONRAD, and Mrs. BOXER; the Committee on Agriculture, Nutrition, and Forestry: Mr. LUGAR, Mr. HELMS, and Mr. HARKIN; the Committee on Banking, Housing, and Urban Affairs: Mr. D'AMATO, Mr. SHELBY, and Mr. SARBANES; the Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, and Mr. HOLLINGS; the Committee on Energy and Natural Resources: Mr. MURKOWSKI, Mr. CRAIG, and Mr. BUMPERS; the Committee on Finance: Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN; the Committee on Governmental Affairs: Mr. THOMPSON, Ms. COLLINS, and Mr. GLENN; the Committee on Labor and Human Resources: Mr. JEFFORDS, Mr. COATS, and Mr. KENNEDY; and the Committee on Veterans' Affairs: Mr. SPECTER, Mr. THURMOND, and Mr. ROCKEFELLER, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 417. An act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from Alabama [Mr. SESSIONS], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, the Chair, on behalf of the Vice President, appoints the Senator from California [Mrs. FEINSTEIN], as a member of the United States Senate Caucus on International Narcotics Control.

The message also announced that pursuant to Public Law 101–509, the Chair announces, on behalf of the Secretary of the Senate, his appointment of James F. Blumstein, of Tennessee, to the Advisory Committee on the Records of Congress.

The message also announced that pursuant to Public Law 104–293, the Chair, on behalf of the Democratic Leader, appoints J. James Exon of Nebraska, as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. STEARNS] for 5 minutes.

FDA AND EPA SHOULD POSTPONE ACTION AFFECTING ASTHMA PATIENTS

Mr. STEARNS. Mr. Speaker, I rise today to bring our colleagues' attention to the FDA's proposed policy that would deny asthma patients the medicines they need to help them breathe. I and the gentleman from New Jersey [Mr. SMITH] expect to propose a resolution urging the FDA and the EPA to postpone action on this matter.

Mr. Speaker, 30 million people in the United States today rely on these medications and as each of us know, some better than others, these people use a product called a metered dose inhaler, which I will refer to as MDI, to deliver the medications they need into their lungs. Over the past 25 years, we have developed many new treatments for people with asthma, chronic pulmonary disease, and other airway diseases that prevent people from breathing. In fact, there are now 70 different products available in metered dose inhalers. For people who cannot breathe, these products are lifesavers and allow people to lead normal lives.

On March 6, 1997, the Food and Drug Administration surprisingly issued an advance notice of proposed rulemaking that sets in motion a process to take these medications away from patients. According to the FDA, this proposed rule was developed in collaboration with the Environmental Protection Agency because of EPA's desire to eliminate all uses of chlorofluorocarbons. These are what are called CFC's, which I will refer to them as.

CFC's are important in this picture because all metered dose inhalers, except one, use CFC's, a propellant that gets the medicine from the inhaler canister into the patients' lungs. Until recently, CFC's were the only propellant approved by the FDA to do so.

I am told the makers of metered dose inhalers believe that elimination of CFC's is a worthy goal. Therefore, that is why the United States and 140 other countries signed a treaty to phase out CFC's use. I believe this treaty did a good job establishing a process that allows companies that make products

that use CFC's to develop alternatives and get these to the customers.

The treaty went for the big users of CFC's first. In the United States we no longer use CFC's in hair sprays, air fresheners, new cars containing air-conditioning systems, and new refrigerators. Some of us here in the House may question this altogether, but it is done.

The treaty, however, also acknowledged that some uses were more difficult to phase out. Asthma medicines were one of them. So why is the FDA now proposing action that would unnecessarily move up the time line provided in this international treaty? Why, when FDA's mission is to provide patients with safe and effective medicines, is it seeking to ban the safe and effective medicines from patients who require them?

Thousands of Americans fear this proposed policy. I am keenly aware of the fear my constituents have. A woman in Ocala, my hometown of Florida, said,

I understand there is an FDA proposal to withdraw certain inhaler medications. As an asthmatic patient with a daughter and 3 grandchildren who are also asthmatic, I protest your proposal vehemently. The CFC and the metered dose inhalers have minimal impact on the environment, and any one of my family could suffer or die because of your phasing out the proposal. You will be responsible.

Another man from Ocala, FL, writes,

In September 1993, I was discharged from the hospital under the care of a hospice. I had been confined for almost a month with viral pneumonia and was being treated with a wide range of medications, including 16 liters a minute of oxygen. The pulmonary specialist who had attended me had given up hope and estimated that I could live for perhaps 2 weeks. Needless to say, they were wrong and I survived but my lungs are severely damaged. I have been using three different MDI medications ever since my 'recovery' and would not survive without them. Great strides have been made in elimination of these products in refrigeration systems and in various aerosol sprays but MDI products must be viewed in a totally different way. They are essential to the health of many persons as opposed to the other products which were used for comfort or convenience. Moreover, reasonable substitutes have been found for nonmedical products. This is not the case for MDI's. Potential substitutes must be subjected to the usual comprehensive scrutiny that the FDA applies to all medications. I cannot believe that the tiny amount of CFC's released by MDI's would produce a detectable level of CFC in the atmosphere between now and the time a medically safe substitute can be developed. I urge the FDA and the EPA to postpone action on elimination of CFC's from metered dose inhalers until such a medically safe substitute is found.

In conclusion, another woman from Ocala states,

My life depends on MDI's and I am never without three of them, and they all contain different medicines. I'm 69 years of age and I've used them most of my adult life and I cannot understand the big rush suddenly to ban the MDI's. It is frightening to think of the ban since my very life depends upon it.

Mr. Speaker, these are just a few of the 10,000 letters that the FDA has received. I hope my colleagues will sponsor my bill. We must halt the FDA's action, which is harmful to patients.

TRIBUTE TO THE LIFE OF CHARLES KURALT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. PRICE] is recognized during morning hour debates for 2 minutes.

Mr. PRICE of North Carolina. Mr. Speaker, Charles Kuralt was an ambassador for North Carolina. With a crinkled road map and a two-man camera crew, he set out to see America. He was a wonderfully gifted storyteller and the story he told was ours. He wanted to showcase the very best of America, not the headlines or the lead stories in the news but the America of ordinary people living extraordinary lives. Charles Kuralt knew that many people report on the mayhem of the world, but he had a more important story to tell.

When Walter Cronkite stepped down from anchoring, Charles Kuralt had the opportunity to take the helm but he turned it down so he could continue to see America his way, traveling the forgotten State highways in his rambling RV, stopping in the small country stores to "sit a spell."

He gave a voice to every American. Interviewing the North Carolina woman who at 104 years old visited nursing homes each week to sing and to bring a smile to tired faces. Or the story of the poor southern family that worked to send all nine kids to college. Charles Kuralt believed these families and their stories were not only "small town" America, they were the very essence of America. We understand ourselves and each other better because of the work he did among us.

An ambassador for North Carolina who made us proud, Charles Kuralt is being honored at this moment at a memorial service at his alma mater, the University of North Carolina at Chapel Hill. He was a North Carolinian who set out to understand America and today, after an incredible journey, he will come back home to rest beneath the magnolia trees in Chapel Hill.

LEGISLATION TO EASE IRS BURDEN ON ELECTION OFFICIALS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Pennsylvania [Mr. GEKAS] is recognized during morning hour debates for 5 minutes.

Mr. GEKAS. Mr. Speaker, it is not an overstatement to say that our system of free elections, which is the envy of the world and the envy of the history of civilization, depends a great deal on the volunteer election system that we have in manning and womaning the polls, our election workers who come from our neighborhoods and who help every single election day to put through a process which, as I say, is the envy of the world. Yet over the last several years we have found a subtle threat to these free elections. I say again I am not overstating it. What has happened is that the IRS has mandated that even these workers who only work once or twice a year, who most of the time are senior citizens who have long since retired and are only helping out in their precincts because they have been requested to and because they want to help out, they are being subjected to the same tax regulations as the high-earning citizens of our communities.

A long time ago the Congress took a step to try to help the situation, to say that if a person earns less than $1,000 a year, they would not have to file FICA, the Social Security mandated provisions. What my legislation does is to take it a step further and to say that those who are earning $1,000 or less, and most of those people would be found in the category of these election workers, if they earn $1,000 or less not only would they not have to comply with Social Security as is already the law, but now they would not have to file the W–4's in response to the W–2's and that the local election officials would not have to bother with that if they are reasonably certain that the people they are employing for these 1- or 2-day-a-year jobs would not be earning more than the $1,000 that would qualify them for the Social Security in the first place.

This is a problem for every single Member of the House and of the Senate. The election workers are the people who make our system work. The less we bother them with details that are meaningless, the better off we are and the better off they are. They will be more easily recruited for these positions on the election precinct basis and we can be certain that the free elections of which we are so proud can be guaranteed.

So I am offering the legislation. I have the cosponsorship of the gentleman from Texas [Mr. FROST], who is well aware of the program that we are trying to inject into the system. Now I invite the cosponsorship of others. It is a simple in my judgment technical amendment to conform to another technical amendment that already is on the books that would exempt our senior citizen election officials from the FICA portions, now we want to exclude them from all the paperwork that has been so burdensome to them and to the county officials who have to implement the election laws.

INTRODUCTION OF INTERNATIONAL TOBACCO RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. DOGGETT] is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Mr. Speaker, this week I am introducing the International Tobacco Responsibility Act. To some, this title will itself appear contradictory, for clearly the tobacco lobby has never been known to accept responsibility for the death and disease that its products cause. But now, under the terms of the proposed tobacco settlement, American companies have agreed to impose more meaningful labeling and warning requirements on their products and on their advertisements. Under this settlement's terms, for the first time cigarette packs will carry warnings such as "Smoking Kills," which it obviously does; "Smoking is Addictive"; and "Smoking Causes Cancer, Heart Disease and Emphysema." Yet while the settlement requires these warnings on tobacco sold here at home, it makes no effort to curb the export of death.

As noted in a recent front page article in the New York Times entitled "Fenced in at Home, Marlboro Man Looks Abroad":

> If there is a heaven for beleaguered cigarette manufacturers of the West, it is the developing markets of eastern Europe, Asia and the Middle East, half a world away from . . . assertive regulators. . . .

□ 1245

Indeed, in agreeing to settle the lawsuits brought against them here in America, the corporate nicotine dealers made sure that they retained full authority to promote a nicotine fix that hooks kids around the world with their deadly products, and they are doing that just as fast as they can.

Since 1990, Philip Morris, for example, has had its sales go up by 4.7 percent here in the United States but abroad, it has grown 80 percent. The world's children, the children are the newest target of Big Tobacco's continued addiction itself to making money at the expense of human lives. Joe Camel and the Marlboro cowboy, they have not gone away; they are just taking a trip overseas where they will appear on a billboard next to someone else's school and on the pages of a youth-oriented magazine in another language.

Big Tobacco knows that it can pay any penalties that we impose in America with profits earned at the expense of someone else's children. That is wrong. If America is to call itself a world leader, it must also lead in the battle to save the lives of young children from nicotine addiction, and that leadership means more than just saving lives in my home State of Texas or in Ohio; it means being concerned about the lives of young children in Poland or in Korea.

The tragic consequences of nicotine addiction do not know any national boundaries. Tobacco does not discriminate. It kills people regardless of race, creed, color or national origin, and American tobacco companies should have the responsibility to warn smokers everywhere across this world of the ghastly health effects of their products.

The International Tobacco Act of 1997 would take three important steps toward addressing this worldwide health menace.

First, it would require that American tobacco companies apply the same warning labels to their products sold overseas and their advertisements as they are required to do in the United States. While current United States law requires labels on domestic cigarette packs, it specifically exempts exported cigarettes. This bill would repeal that loophole and require labels on tobacco products produced here or wherever their ultimate destination.

Second, the International Tobacco Responsibility Act would prohibit the existing subsidy, yes subsidy, by American taxpayers for promoting overseas tobacco sales. Too often in the past Federal officials in our own Government have been accomplices to exporting death and disease throughout the world. Employees of our Government, paid with our tax money, have promoted tobacco abroad and brought down advertising restrictions in other countries that were designed to prevent addicting children and others overseas from the very way that they have been exploited here at home.

Third, the International Tobacco Responsibility Act would call on the United States of America to exercise some moral leadership on this vital issue. If we can achieve an international accord to restrict the trade in ivory to protect elephant herds around the world, surely we can seek accords to restrict the marketing of lethal tobacco products to the world's children.

This bill would urge the President to seek, through the United Nations, an international conference to implement measures such as those in the proposed settlement agreement to reduce nicotine consumption worldwide. In Japan, one warning label modestly suggests "let us carefully observe smoking manners." Clearly it would be the ultimate hypocrisy to continue to promote death abroad at the same time we address the needs of our own children here at home.

As we move toward consideration of the proposed tobacco settlement, we must not default on our obligation as a world leader. We should seize this unique opportunity to act responsibly ourselves, while seeking concerted international action to limit trafficking in a highly addictive drug that kills more people worldwide than any other.

PRESERVE FUNDING FOR THE ARTS

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

Mr. MCGOVERN. Mr. Speaker, some of my colleagues have been arguing that the Federal Government should bear no responsibility for funding the arts. They claim that the National Endowment for the Arts is a shameful bureaucracy, out of touch with the American people; that it is a bastion of elitism; that Americans would be better off without it.

Mr. Speaker, those colleagues are wrong, and I rise today to set the record straight.

I was in my hometown of Worcester, MA, for the Fourth of July festivities. Before the fireworks took to the sky, I sat with 30,000 of my constituents as we were collectively awed by the Central Massachusetts Symphony Orchestra performance. It was a breathtaking experience. The concert was free to the public; the music, a gift to everyone who gathered at East Park. The Central Massachusetts Symphony Orchestra is a beneficiary of grants from the Worcester Cultural Commission and the Massachusetts Cultural Counsel which receives funding from the National Endowment for the Arts.

The NEA is not the exclusive funding source for arts in America. The lion's share of their funding comes from private individuals and corporations, and eliminating the NEA will not eliminate the arts; but it will curb average Americans' abilities to access them, to learn and grow from them and to enrich their children with them.

If the NEA is eliminated, the arts will become a private enterprise, the exclusive domain of the wealthy and well connected. The work of the American theater troops, musicians, painters, writers, and photographers belong to every American, not just those who can afford season tickets, private passes, and A-list invitations. As the arts preserve, reinvent and create our national heritage, they serve each of us. Their creations should be available for all of us to see, hear, feel and experience. The NEA helps make this happen.

The growth of museums, dance and opera companies, symphony orchestras and presenting groups is the direct result of NEA resources. Without the NEA, States like Massachusetts will

become a tale of two cities. Larger cities like Boston will always find the resources to preserve the cultural centers. It is medium-sized and small cities, it is rural communities like those in my district that will suffer without Federal arts funding.

One glorious example of the NEA's handiwork is the Worcester Art Museum. Because of a $15,000 NEA grant, the Worcester Art Museum was able to open the landmark exhibition entitled Grant Wood: An American master revealed. Over 57,000 men, women, and children throughout the area marveled at this exhibition. Free tours were given to over 3,800 students and a family day with hands-on art activities drew close to 2,000 people. Worcester Art Museum is expecting tens of thousands more people from Massachusetts and throughout New England to attend exhibitions planned for this coming year, and each of them is being made possible through NEA funding.

The NEA has done much to fund and recognize the educational value of the arts. Arts in the classroom have been proven to increase student attendance, bolster self-esteem, broaden vocabulary and boost overall academic progress. By teaching about the arts in our schools we not only enrich our students' cultural education, we actually help them learn. I have long been committed to reining in wasteful Government spending; but to target the NEA as the source of that waste demonstrates a fundamental misunderstanding of the Federal budget. Sadly, as this Congress seeks to eliminate the modest Federal funding for museums, symphony orchestras, and theater groups across this Nation in the name of deficit reduction, it has succeeded in pouring billions and billions of dollars more into B-2 bombers that even the Pentagon says it does not need and does not want. It is absurd.

The former Governor of New York, Mario Cuomo, spoke eloquently about the current state of our society. He said that it is simply a tragedy that so many of our Nation's children will hear the sounds of gunfire before they hear the sounds of a symphony.

It is not simply a matter of resources, Mr. Speaker, it is a matter of priorities. Each taxpayer contributes less than 70 cents per year to the NEA, and I think that is a small price to pay to protect our heritage and preserve our culture. If anything, the NEA actually helps balance the budget. The NEA's investment in the Nation's arts acts as a catalyst for over $3.4 billion in Federal tax revenue. It stimulates local economies and urban renewal. In my district, cities, and towns from Worcester to Fall River have witnessed the benefits of increased tourism and economic growth as a result of the NEA.

What message will we be sending to the Nation if the National Endowment for the Arts is eliminated? To cut the NEA is to reduce our national commitment to cultural activity. It is to decrease national visibility for cultural education, and it may prompt the States and local governments to cut the funding for the arts as well.

The arts bring people together, heal communities, and provide us with a common language. Supporting the arts is central both to our understanding of past civilizations and to constructing a shared vision for the future.

In conclusion, if we care that historical monuments will continue to be treasured and experienced by all, if we care that traveling exhibitions will make it beyond our Nation's largest cities, if we care that our children will be able to open the doors to America's culture and history, if we believe that music, drama and visual works, these flowers of our national experience must be made available to all, then we must support the National Endowment for the Arts.

GAY AND LESBIAN PRIDE CELEBRATION 1997

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, during the month of June, gay and lesbian people throughout this country celebrated our presence in this country. That is a tradition that has now gone on for more than 20 years, but this year there was one difference. As Herb and I prepared to go to New York to participate in the New York celebration, I carried with me a statement from the President of the United States in which he welcomed the gay and lesbian pride celebrations and reaffirmed his commitment, the President's commitment, to fighting anti-gay and lesbian prejudice.

Bill Clinton is the first President in our history to confront this prejudice. Unfortunately, by the norms of American political discourse, you generally today get criticized by people when they are unhappy and ignored when you have done something that they should be applauding.

President Clinton is entitled to a good deal of praise for his willingness to confront one of the enduring prejudices that has blighted our ability as a nation to fully realize our constitutional ideals. I believe Mr. Speaker, given the historic nature of this proclamation which I was pleased to get a copy of from Richard Socarides, a very able aid at the White House who worked on these issues, I think it is appropriate that the President's statement on Gay and Lesbian Pride Celebration 1997 be shared here in this Chamber. So I will now, with unanimous consent, proceed to read the President's celebration:

Warm greetings to all those participating in the 1997 Gay and Lesbian Pride Celebration.

Throughout America's history, we have overcome tremendous challenges by drawing strength from our great diversity. We must never believe that our diversity is a weakness. The talents, contributions and goodwill of people from so many different backgrounds have enriched our national life and have enabled us to fulfill our common hopes and dreams. As we stand at the dawn of a new century, we must all rededicate ourselves to reaching the vital goals of acceptance and inclusion. America's continued success will depend on our ability to understand, appreciate, and care for one another.

We're not there yet, and that is why our efforts to end discrimination against lesbians and gays are so important. Like each of you, I remain dedicated to ending discrimination and preserving the civil rights of every citizen in our society. We have begun to wage an all-out campaign against hate crimes in America, crimes that are often viciously directed at gay men and lesbians. I have also endorsed and fought for civil rights legislation that would protect gay and lesbian Americans from discrimination. The Employment Nondiscrimination Act now being considered in Congress would put an end to discrimination against gay men and lesbians in the workplace, discrimination that is currently legal in 39 States. These efforts reflect our belief in the right of every American to be judged on his or her merits and ability, and to be allowed to contribute to society without facing discrimination on the basis of sexual orientation. And they reflect our ongoing fight against bigotry and intolerance in our country and in our hearts.

My Administration's record of inclusiveness is a strong one, but it is a record to build on. I am proud of the many openly gay men and lesbians who serve with distinction in my Administration, and their impact will continue to be significant in the years ahead. I pledge to you that I will continue striving to foster compassion and understanding, working not simply to tolerate our differences, but to celebrate them.

Best wishes for a memorable celebration. Bill Clinton.

□ 1300

Mr. Speaker, I congratulate the President on his willingness to speak out. It is consonant with the many actions he has taken in a number of areas to ban discrimination and to fight for the right of all Americans, as he said, to be judged on their individual merits, without being held back by some irrational prejudice.

RECESS

The SPEAKER pro tempore (Mr. PETRI). Pursuant to clause 12 of rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 2 p.m.

PRAYER

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

Enable us, O gracious God, to translate our noble words and affirmations into acts and deeds of value and worth. Encourage us to transpose our postures of goodness and charity into food for the hungry, shelter for the homeless, and peace and security for the troubled. Inspire us to convert our creeds of faith into works of justice and into accomplishments that heal the soul and comfort every person. Bless us, O God, as we seek to be Your people and do those deeds that honor You and serve people in their need. In Your name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. WICKER] come forward and lead the House in the Pledge of Allegiance.

Mr. WICKER led the Pledge of Allegiance as follows:

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 30, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on Monday, June 30, 1997 at 10:45 a.m.:

that the Senate passed without amendment H.R. 173;

that the Senate passed without amendment H.R. 649.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

COMMUNICATION FROM STAFF MEMBER OF HON. ROBERT L. LIVINGSTON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Betty S. Barnes, staff assistant for the Hon. ROBERT L. LIVINGSTON, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court for the Parish of Orleans, State of Louisiana.

After consultation with the General Counsel, I have determined that compliance is consistent with the privileges of the House.

Sincerely,

BETTY S. BARNES.

THE LIBERALS AND TAX CUTS

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

Mr. HEFLEY. Mr. Speaker, the last time taxes were cut in the 1980's several things happened. Many people like to call it the Reagan boom. It followed the tough times people faced in the 1970's.

During the Reagan boom, 18 million jobs were created; 18 million jobs were created. Manufacturing production increased by almost 50 percent. These are good-paying manufacturing jobs, Mr. Speaker. Incomes went up across the board. Taken together, we can say that prosperity went up.

Yes, the deficit also went up, but the dirty little secret that one never ever hears the liberals talk about is that spending went up, and spending increases are what caused the deficit to increase.

What about revenues? Why do we not ask the liberals if revenues increased or decreased? They increased.

Why do we not ask them to tell us if tax cuts resulted in revenues going up or going down? They went up.

Why do we not ask them to explain to us how the tax cuts caused the deficit? They did not. Why do we not learn from experience, Mr. Speaker?

CRAFTING A BALANCED BUDGET RESOLUTION

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

Mr. PALLONE. Mr. Speaker, now that we have returned from the Independence Day district work period, negotiators between the House and the Senate will get down to business hammering out a final version of the balanced budget resolution. Democrats have argued in favor of tax cuts primarily for the middle class while Republicans seem intent on large tax breaks for their wealthy friends. A recent Treasury Department report indicated that in the last year of the Republican budget proposal, affluent Americans would be the primary beneficiaries of the tax cuts. Over half of the tax cuts would benefit those making nearly a quarter of a million dollars and more. President Clinton's and other Democratic proposals seek to give more back to the middle class. Our tax proposals provide more money for education expenses and for working families.

Mr. Speaker, the budget negotiators must move to lighten the burden on low- and middle-income families if they are to gain the President's approval and not break the promises that were made to working families as part of this budget deal.

SUPPORT H.R. 1917, HARDROCK MINING PROTECTION ACT OF 1997

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

Mr. GIBBONS. Mr. Speaker, mining is one of the most important and needed industries in the United States. However, the Bureau of Land Management's decision to enforce a final rule on reclamation bonding of hardrock mineral operations is having a negative impact on large and small miners alike as well as their suppliers, contractors and the economy.

Mr. Speaker, the good news is that I have introduced legislation that will transfer the authority of the Bureau of Land Management to require bonds or other financial guarantees for the reclamation of mineral operations to State governments. Once again the current Federal rule is a mandate of action on the States and does not give them the option of solving local problems at local levels. My bill will allow States to work in cooperation with miners, contractors and suppliers to develop a strategy that will protect our public lands while supporting an industry that every American is dependent upon. I urge my colleagues to support H.R. 1917, the Hardrock Mining Protection Act of 1997. We must protect the future of mining and the thousands of jobs it produces for American families.

TELLING IT LIKE IT IS

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

Mr. TRAFICANT. Mr. Speaker, let us tell it like it is. When monks and nuns who take a vow of poverty give $140,000 to a presidential campaign, ladies and gentlemen, when a welfare worker who makes $20,000 a year gives the entire $20,000 to a presidential campaign, something is funny.

If that is not enough to freeze your stir fry, when an Assistant Secretary of Commerce responsible for international trade raises 3.5 million Chinese dollars for a presidential campaign, this is not China-gate, this is

sewer-gate. This is not about Democrats, this is not about Republicans. This is about national security and Communists, Communists who may have compromised big people in high places in our Government.

But let me say this, Congress. These Chinese Communists did not provide all those bucks because they are enamored with and love America. Beam me up, Mr. Speaker. I say, let the dragon chips fall where they may.

TREASURY DEPARTMENT LIKENED TO OLIVER STONE IN TAX CUT DEBATE

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

Mr. BALLENGER. Mr. Speaker, White House figures showing that the tax cut package mainly benefits the rich have as much credibility as an Oliver Stone movie. Like Oliver Stone, the Treasury Department has decided to make stuff up.

It is even worse than that. Like Oliver Stone, the Treasury Department uses tax numbers in a way that deliberately is designed to deceive. Again like Oliver Stone, the Treasury Department is counting on the fact that most people will not be able to tell the difference between what is the truth and what is fiction.

I am talking about the Treasury Department's fraudulent use of family economic income, a new, ingenious way to make middle-class families look rich. Family economic income, you ask? What is that?

Now you begin to see what I am talking about. Oh, sure, imputed rent income, unreported income you never knew you had, unrealized capital gains you never knew you had. Stuff like that. It is so dishonest it would make even Oliver Stone proud.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 886

Ms. NORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. FRANK) be removed as a cosponsor of my bill, H.R. 886.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

PREVIEW OF SPECIAL ORDER COMMEMORATING LIFE OF BETTY SHABAZZ

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

Ms. NORTON. Mr. Speaker, this coming Thursday I will lead a special order on the life of Dr. Betty Shabazz. Her tragic death from burns to her body cannot overwhelm her triumphant life. Betty's life teaches that it is possible to rise against all the odds. She became a devoted mother and grandmother and a distinguished educator and bearer of the legacy of a great man.

Like her husband, Malcolm X, Betty Shabazz was not defeated by life's cruel terms but used them to become a better, deeper, stronger person. Malcolm left behind racial bitterness and embraced orthodox Islam and universal human rights. Like Malcolm X, Betty Shabazz took the best of her old life and created a new reality, of devotion to family, educational excellence, and human rights. Please join me in celebrating the life of Betty Shabazz this Thursday in a special order.

TAX RELIEF FOR THE MIDDLE CLASS

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

Mr. TIAHRT. Mr. Speaker, I have seen information from the 1996 Statistical Abstract of the United States, and on page 461 is a table of statistics that shows the median household income in 1994, the latest year of which figures are available, was $32,264. An American household earning $32,264 is about as middle class as middle class can be.

So the question I have is should middle-class households, such as one earning $32,264 a year, be given tax relief? Should Washington spend a little bit less money so that families with incomes of about $32,000 a year can have a little more?

I think we should. I think we should let middle-income families keep a little more of what is already theirs, their hard-earned money, and that tax relief package that was passed by Congress was designed exactly for the middle class.

My mind keeps going back to the single mother working at an aircraft company in Wichita, KS. She has three children. She is working hard trying to keep the three kids in school, properly clothed, never going hungry, living in a good home. Should she be able to keep more of her hard-earned money? I think so. Yes, Mr. Speaker, she should.

TIME TO BAN LAND MINES

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

Mr. MORAN of Virginia. Mr. Speaker, we have to assume greater responsibility for and take greater leadership against the proliferation of land mines throughout the world. Land mines were responsible for one-third of all the casualties in the Vietnam war. Likewise in the Persian Gulf war, they were responsible for one-third of the casualties. Already there have been 284 casualties due to land mines in Bosnia.

But it is not just professional military forces that suffer from these horrible instruments of death. Last year over 26,000 people were killed or maimed by land mines. That is one person every 20 minutes. Most of these victims were not members of the military. Most of them were children. Many of these children are victims of wars long ended, of conflicts long forgotten, but land mines can stay active for over 50 years, Mr. Speaker. They will kill children whose parents are not even born yet. And even though some countries have more active land mines in their territory than people, we continue to plant 2 million more land mines every year. It is time to ban them.

CYPRUS PEACE TALKS

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

Mr. PAPPAS. Mr. Speaker, this week Greek Cypriot President Glafcos Clerides, and Rauf Denktash, the Turkish Cypriot leader, have agreed to meet in upstate New York to start serious bilateral peace negotiations.

It has been 23 years since the Turkish invasion of the Island of Cyprus, and a significant military presence on both sides still remains. It is my hope that the discussions will concentrate on the removal of Turkish troops, the restoration of the territorial integrity of the Republic of Cyprus, and the implementation of a constitutional democracy.

Just as neighboring Greece, the birthplace of my grandparents, is the birthplace of democracy, it is very important that Cyprus serve as another cradle of democracy in southeast Europe.

Today marks a positive first step forward. Opening a line of communication can only lead to greater understanding.

Mr. Speaker, I wish both sides well and hope for a lasting and peaceful resolution for the people of Cyprus.

□ 1415

A TAX SYSTEM THAT REWARDS AMERICAN VIRTUES

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

Ms. DUNN. Mr. Speaker, in the huge best seller, "The Book of Virtues," by William J. Bennett, the author compiles a collection of moral tales for children. Children are taught through these stories that they should live their lives with concern to moral virtues. The lessons they are taught include such virtues as self-discipline, responsibility, courage, perseverance, and honesty.

Mr. Speaker, those are the very virtues that are so often the hallmark of people who have worked their way up from the bottom and have realized the American dream. They are the virtues that so often bring about prosperity and economic security.

Mr. Speaker, in my view designing a tax system that rewards those virtues, that rewards hard work, that rewards playing by the rules, thrift, diligence, is exactly the kind of tax system that our country needs. The Republican tax cut is a step in that direction. It rewards the virtues that we all admire. It is a statement about how we live our lives.

Let us make a change in that direction, Mr. Speaker, and pass the tax relief package and encourage the President to sign the tax relief package before the Congress.

THE REPUBLICAN PARTY STANDS FOR LOWER TAXES

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, President Reagan was an admired figure for many reasons. One of the reasons he is admired is because he called for tax cuts during the 1980 Presidential campaign and he delivered on his promises after he became President. He did not suddenly discover that the economy was in worse shape than he thought and use that as some kind of an excuse not only to cancel the tax cuts but actually increase taxes, which is what we saw in 1992. It is time to take a cue from Ronald Reagan.

Mr. Speaker, the Republican Party stands for lower taxes, and my constituents decided to send me to Washington because they expect Republicans to deliver some long overdue tax relief to American workers. Now is the time to deliver. The tax bill that the House is considering contains tax relief for all taxpayers, with middle class families getting the biggest break of all. Regardless of income, the Republican Party thinks our constituents should keep more of it. That was Ronald Reagan's philosophy, and I could not agree more.

BE CAREFUL OF GENERALIZING AMERICANS OF PACIFIC OR ASIAN ANCESTRY

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

Mr. FALEOMAVAEGA. Mr. Speaker, this morning the other body started its hearings on alleged violations of certain individuals and companies about our campaign laws, and I want to commend my good friend, the Senator from the great State of Hawaii, Senator DANIEL K. AKAKA, for reminding his colleagues and Members of this institution to be careful of generalizing the issues and the implications. Sometimes the media in its feeding frenzy is questioning the integrity and the honesty of the entire Asia Pacific community in our Nation, that their honest contributions made in our national and local elections sometimes are being questioned simply because these Americans are of Asian or Pacific ancestry. Let me give my colleagues a little bit of history about the sacrifices of the Asia Pacific community, and it is sealed in their blood.

The Japanese-Americans of the 100th battalion, 442d infantry combat troops, after fighting our enemies in Europe: 9,000 Purple Hearts, 560 Silver Stars, 65 Distinguished Service Crosses, and only 1 Medal of Honor.

I ask my colleagues, let us be careful of generalizing people and the composite view of our Nation here in our country, and I thank the Speaker for giving me this chance.

IT IS TIME FOR THE NEA TO SAY GOODBYE

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

Mr. CHABOT. Mr. Speaker, the White House has been sending signals that the President will veto the Interior appropriations bill if the National Endowment for the Arts is phased out. The NEA, my colleagues will remember, is that bureaucratically bloated $100 million-per-year Federal agency that purports to decide what does or does not constitute quality taxpayer-funded art.

Can the Republic survive without government art? I think it probably can, but the President apparently does not. He feels so strongly about this pet program that in order to save it he is willing to jeopardize the funding of such Federal entities as the National Park Service, the Smithsonian, the Kennedy Center and the Holocaust Museum, all funded in the Interior bill.

Mr. Speaker, let us not create a legislative log jam to satisfy the elite special interests in the arts community. Let us say goodbye to the NEA once and for all, and let us hope that President Clinton does not stand in the way.

PASS A TAX BILL THAT PUTS MONEY BACK IN THE POCKETS OF AVERAGE AMERICANS

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

Ms. DELAURO. Mr. Speaker, when it comes to tax cuts the question before this House is a simple one: Who should benefit? President Clinton and the House Democrats believe that the middle class should. That is why the bulk of benefits from the Democratic tax proposals go to families who need it most, hard-working, average, middle class families. My colleagues on the other side of the aisle disagree. Their tax proposal helps big business and the wealthy at the expense of the middle class, and the American people know it.

In a recent Gallup Poll 52 percent of those surveyed say the Republican proposal will benefit the rich while only 8 percent said it would favor the middle class, and 61 percent said the Republican Congress is out of touch with the American people.

I urge my colleagues to listen to the message the American people are sending us. Let us get back in touch with the American people. Let us pass a tax bill that puts back money into the pockets of average American middle class families.

BIPARTISAN SUPPORT FOR CAPITAL GAINS AND ESTATE TAX RELIEF

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

Mr. WICKER. Mr. Speaker, I have in my hand a letter from Dr. Lester Spell, commissioner of agriculture and commerce for the State of Mississippi. Dr. Spell is a statewide elected official elected on the Democratic ticket, and he asks that Congress provide relief from the capital gains tax and reduce the death tax. Commissioner Spell has this to say about capital gains taxes: "This tax has a negative and unfair effect on agricultural families and nonagricultural families."

About the estate tax, Commissioner Spell says: "This tax destroys the hope and enthusiasm of free enterprise and entrepreneurship."

He goes on to say: "This year Independence Day would be much more meaningful to all Americans if Congress would reduce capital gains taxes and move to eliminate the death tax."

Mr. Speaker, the House-passed tax cut is good for average Americans. Over 75 percent of the tax relief goes to families between $20,000 and $75,000 in annual income. I am glad capital gains and estate tax relief are part of this package, and I commend Commissioner Lester Spell for pointing out the bipartisan support for these provisions.

THE FAMILY ECONOMIC INCOME CONCEPT

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

Mr. BARTLETT of Maryland. Mr. Speaker, maybe some of my liberal friends on the other side of the aisle can help me with a problem I am having. I am trying to get to the bottom of this family economic income business.

For example, if I make $45,000 a year and I would like to apply for a loan, can I put down $75,000 a year as my income on the loan application form? After all, I heard this great news from my liberal friends that under this great new economic family income concept I am actually much, much richer than I think.

Let us take another example. If I make $45,000 a year and I would like to buy a house, and I put down $75,000 a year as my income on the mortgage application, will they still send me to jail for lying on my form if they check to see what I really make?

Mr. Speaker, will I be able to use the family economic income defense? Will the judge buy that? After all, I can say, Wait, judge, the Secretary of the Treasury himself said this was an honest way to calculate what people really make.

I wonder.

NEED FOR HONEST DEBATE ON TAX CUT ISSUES

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

Mr. WELDON of Florida. Mr. Speaker, the debate we are having about whether or not most of the tax cut goes to the middle class or to the rich is downright goofy. It should be a simple question with an agreed-upon way to score it. There should be a clear-cut answer whether it is primarily the middle class or the rich who will be able to keep more of what is already theirs.

At least when discussing capital gains, I could understand some disagreement, for one can score it two ways, either by the number of people who are receiving capital gains reductions or by the value of their capital gains cut. But in terms of this tax package, charges that the majority of the tax cut goes to the wealthy are simply ridiculous.

Democrat class warriors in the Treasury Department are using bogus numbers. Redefining household incomes so that people making $45,000 a year are scored as actually making $75,000 a year is nothing short of scandalous. Imagine trying to convince a shipyard worker that he is actually making $30,000 a year more than he thinks he is making. It is downright dishonest.

IN MEMORY OF FIREFIGHTER MICHAEL SEQUIN

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

Mr. QUINN. Mr. Speaker, last Friday while most of western New York State and Buffalo, NY, and indeed across the country were enjoying Independence Day festivities, a 33-year-old Buffalo firefighter, Michael Sequin, reported to duty at engine 33. Unfortunately, firefighter Michael Sequin died at the scene of a house fire that evening believed to be started by illegal fireworks.

Mr. Speaker, at services today firefighter Sequin was referred to by Captain Scott Barry this way: "If you had a kid and you wanted him to grow up to be a person everybody loved and respected, it would be Mike Sequin."

Firefighter Sequin's tragic death serves as a reminder to all of us of the dangerous risk firefighters, police officers, and all public safety officers face every day. I ask all the Members of the House to join me, the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from New York [Mr. LAFALCE] in sending our condolences, sympathies, and grateful thanks to firefighter Sequin's family, friends, and fellow firefighters in western New York and all across the country.

STOP POLITICIZING TAX REDUCTION

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

Mr. WHITFIELD. Mr. Speaker, finally, after 16 years, this Congress has passed a tax reduction for the American taxpayers.

Listening to the debate on who will benefit from the proposed tax reduction, one would think that the President's plan and the congressional plan were the exact opposite from each other. The truth of the matter is that these bills are quite similar. There are two basic differences in the legislation.

First of all, the congressional tax reduction package does more for small businessmen and women than the President's. Two out of every three jobs created in America today are created by small business owners. They need tax incentives for economic expansion, not tax obstacles. The President wants to expand the only refundable tax credit in the Tax Code, the earned income credit.

These are the two basic differences in the legislation. Let us stop politicizing this issue and reduce the tax burden of the American people.

FREE MARKETS PROMOTE PROSPERITY AND POLITICAL REFORM

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

Mr. DREIER. Mr. Speaker, in November 1979, when he announced his candidacy for President of the United States, Ronald Reagan called for the creation of the world's largest free trade zone, the North American accord. His vision of the United States, Canada, and Mexico working together as friends in peace and prosperity was more than fanciful conjecture. He understood that spreading free markets and free trade promoted prosperity and political reform. It was good for America. Across the world, the past 18 years have proven Ronald Reagan's views correct.

This weekend Mexico held national elections. For the first time in decades three parties, led by the ruling Institutional Revolutionary Party, split the seats in the Mexican Parliament. A non-PRI candidate won the mayoralty in Mexico City.

Mr. Speaker, the American people must recognize that great and positive political change is proceeding in Mexico under the leadership of President Ernesto Zedillo. It is not that we applaud who is winning the elections, but that a full-fledged multiparty democracy is emerging on our doorstep.

Cooperation on all fronts, from trade, immigration to crime and corruption, is the only way to continue to build the United States-Mexico relationship on a foundation of mutual respect, cooperation and friendship befitting two great nations. NAFTA, Ronald Reagan's North American accord, certainly promotes that process.

□ 1430

TAX CUTS IN THE REAL WORLD

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

Mr. THUNE. Mr. Speaker, this last week, I spent most of the week driving some 2,200 miles across my State of South Dakota. I talked to farmers, ranchers, small business people, and a whole lot of just hard-working Americans. They did not want to hear the same old overused trite platitudes about tax cuts for the rich. They wanted to know what we are going to do to enable them to keep their families and their small businesses and what we are going to do to give them more control over their economic future. These are real people with real-world concerns, and they want real-world, honest answers, not the same old trite platitudes.

We want to bring tax relief that will improve the quality of life for all hard-working Americans who pay taxes and make Government smaller.

CORRECTIONS CALENDAR

The SPEAKER pro tempore (Mr. GOODLING). This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The Clerk called the bill (H.R. 849) to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The Clerk read the bill, as follows:

H.R. 849

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

SECTION 1. DISPLACED PERSON DEFINED.

Section 101(6)(B) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601(6)(B) is amended—

(1) by striking the period at the end of clause (ii) and inserting "; and "; and

(2) by adding at the end the following:

"(iii) an alien that is not lawfully present in the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

(a) IN GENERAL.—Title I of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) is amended by adding at the end the following:

"SEC. 104. DISPLACED PERSONS NOT ELIGIBLE FOR ASSISTANCE.

"(a) IN GENERAL.—Except as provided in subsection (c), a displaced person shall not be eligible to receive relocation payments or any other assistance under this Act if the displaced person is an alien not lawfully present in the United States.

"(b) DETERMINATIONS OF ELIGIBILITY.—

"(1) ISSUANCE OF REGULATIONS.—Not later than 6 months after the date of the enactment of this section, and after providing notice and an opportunity for public comment, the head of the lead agency shall issue regulations to carry out subsection (a).

"(2) CONTENTS OF REGULATIONS.—Regulations issued under paragraph (1) shall—

"(A) prescribe the processes, procedures, and information that a displacing agency must use in determining whether a displaced person is an alien not lawfully present in the United States;

"(B) prohibit a displacing agency from discriminating against any displaced person;

"(C) ensure that each eligibility determination is fair and based on reliable information; and

"(D) prescribe standards for a displacing agency to apply in making determinations relating to exceptional and extremely unusual hardship under subsection (c).

"(c) EXCEPTIONAL AND EXTREMELY UNUSUAL HARDSHIP.—If a displacing agency determines by clear and convincing evidence that a determination of the ineligibility of a displaced person under subsection (a) would result in exceptional and extremely unusual hardship to an individual who is the displaced person's spouse, parent, or child and who is a citizen of the United States or an alien lawfully admitted for permanent residence, the displacing agency shall provide relocation payments and other assistance to the displaced person under this Act if the displaced person is otherwise eligible for such assistance.

"(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to affect any rights available to a displaced person under any other provision of Federal or State law.".

SEC. 2. DUTIES OF LEAD AGENCY.

Section 213(a) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) provide, in consultation with the Attorney General (acting through the Commissioner of the Immigration and Naturalization Service), through training and technical assistance activities, information developed with the Attorney General (acting through the Commissioner) on proper implementation of section 104;

"(3) ensure that displacing agencies implement section 104 fairly and without discrimination;".

Mr. PETRI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] will each control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. PETRI].

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

Mr. Speaker, I am pleased to bring before the House the bill, H.R. 849, a bill to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act to prohibit illegal aliens from receiving relocation assistance associated with Federal projects and grants. The bill was introduced by our esteemed colleague, the gentleman from California, Mr. RON PACKARD, and is cosponsored by 25 additional Members.

H.R. 849 plugs a loophole left open in last year's immigration reform bill. That bill prohibits illegal aliens from receiving Federal benefits. However, because the relocation assistance provided under the Uniform Relocation Assistance Act is technically compensation rather than a benefit, the Department of Transportation has concluded that it cannot legally deny relocation assistance to aliens, even if they are present in the United States illegally. As a result, such compensation has been paid to illegal aliens in several instances.

For example, one illegal alien who was relocated according to a Federal project was actually given $12,000 in federally funded relocation assistance.

Mr. Speaker, this approach wastes taxpayer money and it makes no sense at all. Federal relocation assistance should not be given to those who are illegally in our country. H.R. 849 will correct this and make the Uniform Relocation Assistance Act consistent with last year's immigration reform bill.

Working together with the ranking Democratic member on our committee, the gentleman from Minnesota, Mr. JIM OBERSTAR, and the principal sponsor, the gentleman from California Mr. RON PACKARD, we have crafted a bipartisan bill to correct this problem.

As reported by the committee, H.R. 849 contains a general provision prohibiting illegal aliens from receiving relocation assistance. It also contains four important features which clarify the bill's intent and ensures fair and consistent implementation.

First, the bill will require DOT to issue uniform regulations for the implementation of the bill and to require that eligibility determinations be made on a nondiscriminatory basis using only reliable evidence.

Second, the bill contains a safety net provision that is consistent with existing immigration law. If an illegal alien can provide clear and convincing evidence of an exceptional and extremely unusual hardship, he or she will remain eligible for relocation assistance.

Third, the bill makes clear that by prohibiting relocation assistance under the Uniform Relocation Assistance Act, we do not intend to take away any other rights to compensation that an illegal alien might have under other Federal or State laws.

Fourth, the bill directs DOT to provide training to other agencies on how to implement the provisions of the bill fairly and without discrimination.

Mr. Speaker, I would like to thank the gentleman from Minnesota [Mr. OBERSTAR] and his staff for the cooperative way in which they have worked with us to craft this bill. This has been a truly bipartisan effort. I also note that the administration has reviewed the proposal and does not object to it.

Mr. Speaker, I would also like to thank the gentleman from California [Mr. PACKARD] for sponsoring this legislation and bringing an important issue to the attention of the House. H.R. 849 is a good bill that plugs the loophole in Federal law. I would recommend an "aye" vote on the bill.

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

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

Mr. Speaker, I certainly concur with the gentleman from Wisconsin, the

chairman of the Subcommittee on Surface Transportation, that this has been a bipartisan effort. There has been splendid cooperation on the part of the majority staff with the Democratic staff. We welcome that splendid participation that we have always maintained in our committee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT], a cosponsor of the bill.

Mr. TRAFICANT. Mr. Speaker, I thank the distinguished ranking member for yielding time to me.

Mr. Speaker, I want to first of all commend the gentleman from California [Mr. PACKARD] for his brilliant efforts to reform the immigration mess in the country in a fair and equitable way. I think the gentleman from Wisconsin [Mr. PETRI], the chairman, discussed the foundation case that brought the attention and the microscope to this matter: $12,000 in Federal housing assistance went to an undocumented alien.

Quite frankly, Mr. Speaker, I think we are hung up on the term in the Congress. We are not talking about immigrants. I do not think there is a person in the Congress that is opposed to immigrants. We are all products of immigrants. We are talking about illegal immigrants, and we are talking about money for illegal immigrants. And we had better get on with the discussion, because as a Congress we are cutting education, we are cutting welfare, we are cutting food stamps for our own citizens; but yet, through many loopholes, we are providing Federal benefits and millions and millions of dollars to illegal immigrants.

This is not going to stop all of that. It certainly does not run rampant over anyone's rights, because the constitutional rights were protected by a fine agreement, I believe, made with the gentleman from Wisconsin [Mr. PETRI] and the gentleman from Minnesota [Mr. OBERSTAR] that made sure that this bill would provide an exception for extreme and unusual hardships, which mirror those that already exist in immigration laws we have recently passed.

Mr. Speaker, I want to stand here today, and I am very proud to be part of the program that brought this to the floor. I believe the gentleman from California [Mr. PACKARD] has done a great job and a great service. I hope Congress will pass it overwhelmingly.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PACKARD].

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

Mr. Speaker, I have brought this bill to the House floor in response to a loophole, as has been explained, in the current immigration and welfare reform bills that we passed last year. We thought we had covered all of the areas that would prevent illegal aliens, those who are here in this country illegally, from receiving taxpayer-funded benefits; but we apparently missed this one area where $12,000 in my district was paid to an illegal alien that was being displaced from a housing project when the housing project was being converted into an AIDS Housing Program, another government program. HUD determined that the relocation requirements require them to pay benefits or relocation costs and assistance to this illegal family.

Mr. Speaker, at the same time there were legal families, legal residents, citizens of the United States, that were in the same project that received $400 for relocation assistance. A quirk in the law required that $12,000 be paid to the illegal mother and only $400 to the American citizens that were displaced from the very same housing project. This is something that I think all Americans, and certainly, to my knowledge, all Members of Congress feel that this ought to be corrected.

Mr. Speaker, this bill is simply to correct that loophole. Mine was not the only case. We have researched it and found that there are many, many other cases where housing assistance, relocation assistance, has been given, and in some cases the money was given to the illegal alien so they could go down to Mexico and buy their own home in Mexico.

Mr. Speaker, that is simply unconscionable to the American citizens, where their tax dollars would be used to go to someone that broke the law to come into this country, and then they would receive enough assistance to go down and buy a home in Mexico. Mr. Speaker, I think there is no Member of Congress that would not wish to have this corrected.

Mr. Speaker, one of the wonderful parts of this Correction Day procedure, and I should like to just speak briefly to the merits of having this opportunity to bring a noncontroversial bill that is designed to correct a loophole or a deficiency in existing law, that needs to be done without going through the long and drawn-out procedure of hearings and committee and subcommittee activity, and ultimately, the debate and so forth, this allows it to be fast-tracked. I very much appreciate the corrections process that allows this.

Mr. Speaker, I deeply appreciate the work of the chairman of the committee that has jurisdiction over this issue, the gentleman from Wisconsin [Mr. PETRI], the gentleman from Minnesota [Mr. OBERSTAR], the ranking member and former chairman of the committee, and all members of the committee that worked on this. I deeply appreciate their willingness to accept it and to bring it to the floor of the House, and the staff that also worked on it. I believe it does correct a very important deficiency. I hope all Members of Congress will vote for it.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], our colleague and chairman of the Corrections Advisory Group.

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

Mr. Speaker, it is with great pleasure that I rise under the Corrections Calendar. The Corrections Advisory Group is responsible for identifying and eliminating outdated or unnecessary laws, rules, and regulations. With over 67,000 pages of regulations alone, we have a lot of work to do.

The bill before us today is the third bill to be considered under the Corrections Calendar. It is the third bill to correct an outdated or unnecessary law. Today it will be the third bill passed by the House under this unique process. By working with my colleagues, and as a result of the efforts of the gentleman from California, Mr. RON PACKARD, we were able to identify the problem and to quickly find a solution. It is the bipartisan nature of the Corrections Advisory Group that makes this targeted action possible.

When the Congress enacted immigration reform last year, it spoke clearly: No Federal benefits would be paid to those who are illegally present in the United States. Unfortunately, an anomaly in the housing law allowed relocation benefits to be paid to an illegal alien to the tune of $12,000. My colleague, the gentleman from California, as I mentioned, brought this loophole to the Congress' attention, and through the bipartisan Corrections Day process we are able to correct this glaring error.

The bill clarifies that, if an individual is here illegally, that status must be taken into account when paying Federal benefits under the Uniform Relocation Assistance and Real Property Acquisitions Policy Act. While the name may sound complicated, the goal of the bill is clear: Those individuals who enter the country illegally should not receive relocation benefits.

As chairman of the Corrections Day Advisory Group, it was a pleasure to recommend this bill for action. I would like to thank the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, and the gentleman from Wisconsin [Mr. PETRI], the subcommittee chairman, and the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], for quickly reporting this bill to the House. I would also like to commend the gentleman from California [Mr. PACKARD] for his diligence in seeing this bill through. I urge my colleagues to support the bill.

Mr. PETRI. Mr. Speaker, I yield 3 minutes to our colleague, the gentleman from New Jersey [Mr. PAPPAS].

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

and I thank my colleague, the gentleman from California, for sponsoring this bill.

Mr. Speaker, Freehold Borough, one of the towns in my district and the hometown of Bruce Springsteen, has experienced firsthand the frustrations of a bloated Washington bureaucracy that seems intent on wasting their hard-earned tax dollars. As part of a plan that took place in 1994 to renew an area by the borough and HUD, the borough discovered that some of the families they helped relocate while improvements were being made turned out to be people that were living in this country illegally. As a result, the taxpayers of Freehold Borough ended up paying over $60,000 of their hard-earned income and property tax dollars to people who had broken the law.

Just last week we celebrated cost-of-government day, the day in which the average American worker could finally celebrate their independence from Government taxes and regulations. The citizens of Freehold Borough and of America worked 183 days to pay for the services of government. Once again, we discover another area where the Government has wasted their hard-earned money.

The fact that Freehold Borough property taxpayers had to pick up most of the bill for this Federal policy is simply wrong. Freehold Borough tried to get assistance and clarification from HUD before issuing payment, but the answer from HUD was clear: All dislocated people, regardless of immigrant status, were to be paid relocation assistance. This has happened in other parts of the country as well.

Additional questions raised by Freehold as to how this income would be reported and how the borough would document this expense was referred to the IRS: more bureaucracy, more red tape, no help, and more waste of the taxpayers' money.

As the grandson of legal immigrants, I understand the importance of diversity and supporting legal immigration. However, I cannot support measures that encourage illegal immigration. What does a potential illegal immigrant think when he or she hears of stories like this? We should not reward people who break the law. Support this legislation.

□ 1445

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

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

Mr. Speaker, the underlying premise of H.R. 849 is not controversial. Persons illegally in the United States should not receive assistance under the Uniform Relocation Act. However, as with so many of the issues that we face, the devil is in the details and there certainly were a number of details that needed closer examination.

When we began several weeks ago to examine this legislation, several concerns arose for me on the details of how to ensure fair application of such a ban when there are dozens of agencies, Federal and non-Federal, that provide assistance under this Uniform Relocation Act.

We raised those questions with the gentleman from Pennsylvania [Mr. SHUSTER] and with the chairman of the Subcommittee on Military Construction of the Committee on Appropriations, our colleague, the gentleman from California [Mr. PACKARD], former member of our Committee on Transportation and Infrastructure, and together we worked out those concerns.

In the substitute before us, the committee has crafted language that will ensure that this ban will be administered fairly and without discrimination against applicants for uniform relocation assistance. The legislation establishes that persons illegally in this country will not be eligible for Uniform Relocation Act assistance. Then it goes on to include important provisions that will ensure evenhanded implementation.

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

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. PACKARD. Mr. Speaker, I want to say that the committee and particularly the gentleman from Minnesota made significant improvements on the bill, I thought, that left a safety net so that no one would be stripped of any legal opportunities and benefits that would be available to them. I really appreciate the improvements that came on the bill as a result of the committee's action.

I might also mention that I have a letter from the Department of HUD as well as from OMB that has done an interagency review of the bill and they have indicated that the administration has no objections to the bill as it is now submitted. I again want to thank the gentleman for making improvements on the original bill.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman.

Further to that point, we do have a letter from the administration, from the Office of Management and Budget, indicating no objection to the legislation but also indicating that when the legislation is considered in the Senate, they would ask for a full year to coordinate and issue implementing regulations for the bill.

First, this legislation requires the Department of Transportation to issue regulations after notice and after opportunity for public comment to specify how the displacing agencies will go about determining who is and who is not eligible for assistance because of their immigration status. The regulations must provide that all applicants for assistance will furnish information about their immigration status, not just those who speak with foreign accents or those who have a different skin color. All agencies, Federal, State, or local that use Federal funds for a real estate acquisition that displaces people must comply with these regulations. And these uniform rules will apply whether the displacement is caused by a new highway or a new senior citizen center, to be evenhanded.

Secondly, the bill makes it clear that the ban is intended to be limited to assistance under the Uniform Relocation Act. The prohibition on assistance does not affect a person's right under the Constitution to due process or Federal or State law for just compensation for taking of property.

Third, the bill provides for a limited administrative decision in cases of extreme hardship.

I insisted that the bill include this provision to ensure that agencies will have some latitude to respond to complicated cases where refusing assistance might be devastating to families which include U.S. citizens or lawful U.S. residents.

We cannot predict every possible situation that may deserve that kind of discretion, but we can be certain that this narrow flexibility will someday enable Government agencies and State agencies to provide critically needed assistance to U.S. citizens and lawful U.S. residents.

I would also note there is a high standard for qualifying for this waiver and that the burden of proof is shifted, the burden of proof will rest on the applicants.

This provision is not meant to create an impossible standard, a bar so high that it would preclude assistance to even the most deserving families which include U.S. citizens or lawful U.S. residents. The Department of Transportation must ensure that it will carefully guide agencies in the judicial use of this provision.

Fourth, the bill further requires the Department of Transportation to develop training and technical assistance activities that will help promote implementation of the ban. Education, in other words, a very important component, I believe, of this legislation. And that will ensure that the many agencies covered under the Uniform Relocation Act will understand the complexities of determining eligibility based on immigration status.

We have to remember that the issue of illegal immigration stirs very deep passions across this country. And it is a problem that has given rise to appalling examples of avoidance of the laws, as the gentleman has pointed out, but also appalling examples of blatant discrimination. We cannot allow a sensible policy to become a new tool for discrimination against those who may differ from us. If that were the case, as my colleague from Ohio said a little

earlier, we are a nation of immigrants, in particular, in the district that I represent, they come from all parts of the world; we would certainly not want to discriminate against people because of where they originated or how they speak English with a different accent.

The very diversity that has made this country strong should not be a pretext for treating people unfairly.

Again, I want to thank Mr. SHUSTER and Mr. PETRI as well as Mr. PACKARD for their cooperation in addressing those concerns that I have had on constitutional grounds, on personal grounds, and for bringing this piece of legislation together. I have no objection to adoption of the bill now before us and urge its enactment.

However, on a personal basis, I have to once again express, as I have repeatedly in this Chamber, my opposition to this Correction Day calendar procedure. I believe it short-circuits the regular legislative process. It abbreviates, it compresses the deliberative nature of the legislative process. And my deepest concern is that in time, without care and attention, it can become a vehicle for special interest favoritism. Bills proposed for this corrections calendar, at least those that have come through our Committee on Transportation and Infrastructure, could well have come up under the suspension calendar, subjected to a much higher test of a two-thirds vote. In this case this particular bill could well have come up on the union calendar for a much broader deliberative text test, subject to amendment, open to broader debate and consideration on the House floor and broader test of suitability.

While I think our committee has been very judicious in the way it has handled correction calendar legislation, I personally am, just on a procedural basis, very much opposed to this process. While I am not going to be obstructionist about it, I must once again express my reservations and my opposition to the practice. But, again, let me express my appreciation to Mr. SHUSTER and Mr. PETRI and to the staff on both sides for their deliberate consideration in giving this bill every full measure of consideration that it would have had, had we brought it up under other procedures.

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

Mr. PETRI. Mr. Speaker, in closing I would just like to acknowledge the hard work and contribution of a number of people that took this concept and worked out a lot of the kinks, if not every single kink; there may be one or two more that we will be working out with the Senate before it goes to the President for his signature. Paul Rosenzweig of our committee, the able assistant to Mr. PACKARD, and Chris Peace and Cordia Strom of the Committee on the Judiciary all made outstanding contributions to getting this legislation in proper form.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of H.R. 849, which would prohibit illegal aliens from receiving relocation assistance from the Department of Housing and Urban Development [HUD]. This legislation continues Congress' commitment to stop providing taxpayer supported benefits to illegal aliens.

Like many of my constituents, I was shocked to read on February 12, 1997, the San Diego Union-Tribune headline "Immigrant Status No Bar to Housing Aid, Undocumented Tenant To Get $12,000 in Relocation Funds." The article, written by Lola Sherman, highlights how an illegal alien living in Oceanside, CA, was provided $12,000 by HUD for relocation assistance. I have attached the article for the RECORD. This illegal alien was living in a public housing complex which was purchased by Community Housing of North County, a private, nonprofit organization that is planning to remodel the complex to provide housing to people with AIDS. The illegal alien and the other members of the public housing complex were to be relocated to other housing by HUD under the Uniform Relocation Assistance Act. Of the other 21 residents of this complex, all legal residents, 10 received no assistance for relocation. The other 11 either moved into subsidized housing or received between $1,000 and $2,500 in relocation assistance.

However, because the illegal alien was not eligible to move into subsidized housing, and because the alien had no legal taxable income, HUD was required to provide the illegal alien the maximum possible Federal subsidy under the Uniform Relocation Assistance Act for relocation assistance. In this case, the illegal alien was provided $12,000, far more than the other citizens and legal residents were provided for living in the same situation.

Immediately, I joined Mr. PACKARD in supporting this important legislation, which would deny assistance under the Uniform Relocation Assistance Act to illegal aliens. This commonsense legislation continues Congress' commitment to stopping taxpayer benefits to illegal aliens. Last year, Congress passed the Personal Responsibility and Work Opportunity Act and the Immigration in the National Interest Act to stop generous taxpayer benefits from being paid to illegal aliens. By passing this legislation today, we will remove one more magnet which draws illegal aliens to our country and ensure that our limited taxpayers' dollars are focused to our citizens who need help most.

Mr. Speaker, I encourage all my colleagues to support this commonsense legislation. Vote "yes" on H.R. 849.

[From the San Diego Union-Tribune, Feb. 12, 1997]

WOMAN GETS $12,000 IN HOUSING AID DESPITE UNDOCUMENTED STATUS

(By Lola Sherman)

OCEANSIDE.—An Oceanside woman is being paid $12,000 in federal housing money to move from an apartment complex here even though she isn't a legal resident of the United States.

The woman, Olivia Solorio, is one of a dozen individuals or families that were relocated after their former apartments on South Tremont Street were bought by Community Housing of North County, a private, nonprofit organization that soon will begin remodeling the complex to house AIDS patients.

Most of the other tenants of the apartments, all legal residents of the country, moved either to rent-subsidized apartments or received much smaller relocation payments. Solorio's payment of $12,000 was largely the result of her undocumented status and her lack of income, officials acknowledge.

City and federal officials, as well as documented residents ousted from the complex, say the large payment to Solorio doesn't seem fair.

"It's the law," said Nancy Lahey, relocation specialist in the Los Angeles regional office of the U.S. Department of Housing and Urban Development. "I think it will take an act of Congress to change it."

Solorio and the other tenants were moved from the 22-unit complex over the last several months. Work is to begin Feb. 24 on a $480,000 remodeling project so the complex can house low-income tenants with AIDS.

Oceanside has funneled $310,750 of its federal housing funds into the remodeling, said Richard Goodman, city housing director. The entire project will cost about $1.7 million, mostly from federal tax credits offered to investors. Of that, $1.1 million is in so-called "hard costs" such as land acquisition and renovation. The rest is for relocation expenses, a reserve for future rental assistance for the new tenants and a developer fee to North County Housing, formerly called Esperanza.

About 10 tenants moved from the apartments without any assistance. To save money on relocation expenses for the remaining 12, Goodman said, officials were able to relocate most of them to Section 8 housing, which provides federal rent subsidies. They received no relocation payments.

But Solorio does not qualify for Section 8 housing since she is not a legal resident. She will, however, get $12,000 under the Uniform Relocation Act, which does not consider immigration status.

"It has always rubbed me the wrong way, but there is nothing I can do about it," Goodman said.

HUD's Lahey said, "It's kind of crazy." Undocumented immigrants are eligible for one kind of public aid and not another, she said, adding that she wasn't happy about giving taxpayer dollars to an undocumented resident, but was not able to do anything about it.

Explaining the formula used to figure the payment, Lahey said if, for example, people displaced by a federally financed project had an income of $600 a month, they would be expected to pay just under a third of that, or about $180, for rent. If the rent in the new apartment was $400, they would be entitled to the difference—$220—for a period of 42 months.

Solorio, 49, from Jalisco, Mexico, had lived in the South Tremont apartments since July 1994. It was unclear whether she would be subject to deportation. City housing records describe her status only as "undocumented."

In an interview, Solorio said, "My documentation is in process." She denied seeking any large amount of money and expressed surprise at the sum due her.

She said she does not work outside the home but takes care of two small children. She did not disclose her income, but said she pays $465 a month, plus utilities, in her new apartment. In the Tremont apartment, she paid $450 including utilities.

Her two youngest sons, 13 and 15, live with her. All 10 of her children reside in California, she said, and she has been here for seven years.

Solorio said she has not gotten any sizable payments as yet. "I don't know anything about it," she added, indicating she has received only a small amount for moving expenses.

But Del Richardson of Del Richardson and Associates, the Yorba Linda firm in charge of distributing the money under contract to North County Housing, said Solorio has received half the $12,000, while a check for the other half will be sent to her "sometime this month."

Richardson said that Solorio may be unaware of some of the assistance she has received because it went directly to the owner of her new apartment, for rent and the security deposit, and was paid to other vendors for moving costs. But she said Solorio has received direct payments as well.

Horacio Ortiz and Concepcion Diaz, two other former tenants of the South Tremont Street apartments, were among four tenants besides Solorio who either turned down Section 8 housing or were not eligible for it. Because both have higher incomes than Solorio, Ortiz received $1,512 and Diaz $2,142 from the same fund that will pay Solorio $12,095, records show.

Oritz, who lived in the Tremont apartments since 1974, isn't happy about the situation. "It's not fair—she has less time here and she doesn't have (immigration) papers," he said.

Diaz, a resident in the Tremont units since 1982, agreed. "She doesn't have papers and she hasn't been here very long," she said.

Mr. PACKARD. Mr. Speaker, illegal aliens should not be rewarded with taxpayer dollars. When we passed immigration reform legislation last year, I thought that this was made crystal clear. Imagine my astonishment when I read in the San Diego Union-Tribune that an undocumented, unemployed, mother of 10 was handed $12,000 in relocation assistance from the Department of Housing and Urban Development [HUD].

This woman was living in my district when HUD selected her apartment building in Oceanside, CA, to be transformed into a low-income AIDS patient housing project. Under provisions of the Uniform Relocation Act, HUD was required, like every other Federal agency, to either provide alternative housing for displaced residents or grant direct funding to residents relocating on their own.

Mr. Speaker, many of those displaced by the project were moved into section 8 housing and received an average of $400 in Federal rent subsidies. However, because the Uniform Relocation Act does not consider citizenship status when doling out relocation assistance, this undocumented woman received $12,000 simply because she was residing in this country illegally.

When the Government goes out of its way to hand out free money to illegal aliens, it should be no surprise that our Nation continues to suffer from the devastating effects of illegal immigration. We have no right to expect our citizens to foot the bill when the Federal Government blatantly defies the American taxpayer. I will not let that continue. Today, we will consider H.R. 849. I introduced this bill in February to close this loophole which enabled an illegal alien to receive Federal housing benefits. I encourage all of my colleagues to pledge their support for denying Federal benefits to illegal immigrants.

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

The SPEAKER pro tempore (Mr. GOODLING). Pursuant to the rule, the previous question is ordered on the amendment recommended by the Committee on Transportation and Infrastructure and on the bill.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5(b) of rule I, further proceedings on this question are postponed to a time not earlier than 5 p.m. today.

GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 849, the bill just considered.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 29) to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes.

The Clerk read as follows:

S.J. RES. 29

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt's courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL.

(a) PLAN.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the "Memorial"), to provide recognition of the fact that President Roosevelt's leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the president used a wheelchair.

(b) COMMISSION OF FINE ARTS.—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) REPORT.—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) CONSTRUCTION.—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

SEC. 3. COMMEMORATIVE WORKS ACT.

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.)

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from America Samoa [Mr. FALEOMAVAEGA], each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, S.J. Res. 29 directs the Secretary of the Interior to plan and construct the addition of a permanent statue, bas-relief, or other similar structure to the present Franklin Delano Roosevelt Memorial in Washington, DC, to recognize that President Roosevelt's leadership was provided to the Nation while he was a disabled individual using a wheelchair.

The resolution requires that the Secretary, as soon as practicable, report to Congress and the President his findings and recommendations for this addition to the FDR Memorial. The Secretary

may seek the assistance and advice of the disabled community, the Commission of Fine Arts, and the National Capital Planning Commission in creating a final design for this addition to the FDR Memorial.

The Commission of Fine Arts must approve the Secretary of the Interior's final design plan. Furthermore, the resolution requires construction of the addition to the FDR Memorial begin 120 days after submission of the report to Congress, using only private contributions.

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The entire process for the addition to the FDR Memorial must comply with all of the requirements of the Commemorative Work Act of 1986.

Mr. Speaker, S.J. Res. 29 has the strong support of the Clinton administration. Additionally, this resolution is heartily endorsed by former Presidents Bush, Carter, and FORD. Finally, there is broad unified support for this resolution within the disabled community.

Mr. Speaker, the resolution honors the achievements of President Roosevelt, who served this Nation while disabled, and I urge my colleagues to support Senate Joint Resolution 29.

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

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

Mr. Speaker, Senate Joint Resolution 29 is a Senate-passed measure that was authored by the good Senator from the State of Hawaii, Senator DANIEL INOUYE, and is a companion to H.J.Res. 76, a bill introduced by my colleague on the Committee on Resources, the gentleman from New York [Mr. HINCHEY], who is also a member of the Franklin Delano Roosevelt Memorial Commission.

The legislation directs the Secretary of the Interior to design and construct a statue or a similar structure at the FDR Memorial to recognize that President Roosevelt's great leadership was provided while the President used a wheelchair.

I know that many Members are aware of the controversy that preceded the dedication of the FDR Memorial on May 2, 1997. Representatives of the disabled community have raised concerns that the memorial did not adequately reflect the President's disability and undertook a campaign to see that President Roosevelt be depicted in a wheelchair to reflect that disability, which was the result of polio, did not diminish his ability to provide great leadership to our Nation.

Although the President took actions to play down his disability, he has been an inspiration to millions of Americans who have seen that a disability need not diminish the ability of an individual to fully participate in all aspects of life.

The issues addressed by Senate Joint Resolution 29 were of great concern to the disabled community and the FDR Memorial Commission and members of the Roosevelt family. I am glad to see we have before us today a consensus bill that will address this issue in a dignified and thoughtful manner.

Mr. Speaker, I support the legislation and urge my colleagues for their support of this bill. I thank my good friends and the gentleman of the Subcommittee on National Parks and Public Lands for his management of this bill.

Mr. HINCHEY. Mr. Speaker, I rise in support of the legislation. As the sponsor of the House version of the resolution, I am pleased that it has been brought before the House so promptly and expeditiously. The Senate has already adopted the resolution by unanimous consent, and the President has publicly supported it. I especially want to thank our committee chairman, DON YOUNG, and our subcommittee chair, JIM HANSEN, for expediting the resolution's consideration, and Dan Smith, of the committee staff, for his work on this.

Along with our colleague, PHIL ENGLISH, I served on the Franklin Delano Roosevelt Memorial Commission, which was responsible for the design and construction of the new Roosevelt Memorial. For a long time, the Commission was ambivalent about whether the memorial should include a depiction of the President in his wheelchair. On the one hand, we knew that President Roosevelt did not want to be portrayed in his wheelchair when he was in office, and he kept the extent of his disability form the public. On the other, we know that his disability is certainly no secret today, and that most Americans find it one of the most inspiring facts about his life.

America has changed in the years since President Roosevelt died, and in the years that the memorial was being planned and built. Congress enacted the Americans with Disabilities Act, which recognizes and protects the rights of the disabled to full participation in our society. When the memorial was first conceived, there was no legal requirement that it be made accessible to the handicapped, and it had already gone through several plans and designs before accessibility even became a consideration. The minds and hearts of our people have opened themselves to the disabled in a way that I am sure that President Roosevelt would have welcomed. I think this change in law and in attitude has brought most of us who were involved with the Memorial close to a consensus that the President's disability should be acknowledged in the memorial, and his triumph over it celebrated along with the many other triumphs of his life and work.

President Roosevelt came from the Hudson Valley, as I do, although our families had little in common. He was a hereditary aristocrat, and grew up on a vast estate overlooking the river. He was educated at the best and most exclusive schools—Groton and Harvard—and was groomed for a life of privilege. Yet his presidency reached out to all Americans. He displayed a particular concern with the lowly, with those who had little or nothing, those whose lives were a forest of obstacles rather than a vista of opportunity. For this he was called a traitor to his class—and those of us who toiled to build the railroads and the towers, and slogged through the mud, loved him all the more for it.

I believe that at least part of the reason he cared so much about those who had to struggle was his own struggle after he was stricken with infantile paralysis just before he turned 40. He made the decision that it would not let it stop him. But it also must have made him understand and sympathize with those who faced other obstacles and tried to overcome them—even if they were not as successful as he was.

President Roosevelt may have intended to be more open about his disability once he left office, and no longer felt the need to convey an image of strength to the Nation. He designed a modest retirement home for himself on his estate at Hyde Park. It was at his retirement cottage where he held the famous barbecue for the King and Queen of England. He designed the cottage to be handicapped-accessible and barrier-free—a major innovation in its time. Had he lived, his home might have served as an example, and might have advanced barrier-free design by several decades.

But as I said, even if his disability was not widely known when he was alive, it is known now. We should not try to hide it again at the memorial or elsewhere. Instead, we should show the positive side. We should let today's Americans and future generations know that an obstacle like the one the President suffered can be overcome. We should let them know that people with disabilities are people like everyone else, people whose talents and capabilities can benefit everyone else, people who can lead and can achieve. And we should let the memorial serve as a place of pride and inspiration for those who do suffer from disabilities: that someone who shared their burden rose as high as President Roosevelt and achieved as much.

We hope that progress on this addition to the memorial will go forward as expeditiously as this legislation, and that Secretary Babbitt and the Park Service will turn their attention to it as quickly as possible. At the same time, I hope they will review some concerns that have been raised about accessibility at the memorial now that it is open to the public—to find ways to allow disabled visitors to experience the same sense of participation and closeness to the Roosevelts as other visitors, specifically to be able to feel the braille inscriptions, touch the statues, and enjoy the cooling waters as President Roosevelt himself did. The resolution gives the Park Service flexibility in developing a design for this addition, but we hope that the Service will fully take into account the sensibilities of disabled Americans, and will include a representation as prominent and tangible as the statues that have already been erected.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I would like to take this opportunity to comment on the importance of Senate Joint Resolution 29, a bill that fully honors the memory of one of our Nation's finest Presidents, Franklin Delano Roosevelt.

Foremost, I want to thank Senator INOUYE of Hawaii for introducing this legislation. Senator

INOUYE'S leadership and dedication to a proper memorial has been second to none. Senator INOUYE has correctly stated that, "disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in all aspects of American life * * * the depiction of President Roosevelt in a wheelchair will inspire the tragically afflicted. It may very well be a more honest way to depict President Roosevelt." Such a strong commitment on the part of Senator INOUYE has allowed us all to pay full tribute to the life of Franklin Delano Roosevelt.

I also want to thank Representative DON YOUNG of Alaska, chairman of the House Resources Committee, and Representative GEORGE MILLER of California for bringing this legislation to the House side in a bipartisan manner.

Modifying the Franklin Delano Roosevelt Memorial by adding a permanent statue which depicts him as a citizen with a disability is essential if we are to fully understand the life and times of FDR. The need to erect a permanent addition to the FDR Memorial is twofold. First, it is imperative to publicly acknowledge the great accomplishments of our 32d President. And second, a permanent statue sends a message to our citizens that disabilities do not limit a person's opportunity for achievement.

FDR's accomplishments as President speak volumes of the fact that people living with disabilities can accomplish their goals. Throughout his tenure as President, FDR remained firmly committed to the development of all Americans, those living with disabilities, and those without. In his second inaugural address, FDR spoke of the "road of enduring progress" on which he claimed that "mental and moral horizons had been extended." For FDR this goal was especially important to those living with disabilities. Ultimately, FDR sought the advancement of this cause through the establishment of a foundation at Warm Springs, GA, to help other polio victims, and inspired the March of Dimes program which funded an effective vaccine.

To be sure, our country has built upon the legacy of FDR and has come a long way in ensuring the equality of all citizens living with disabilities through programs such as the Americans With Disabilities Act and the Individuals. With Disabilities Education Act. The FDR Memorial is simply a testament of how far along the road of progress we have come as a nation to ensuring that persons living with both mental and physical disabilities are entitled to equal rights, equal access, and equal opportunity.

The FDR Memorial serves as a reference point for those of us who are traveling down the road of progress. FDR renounced fear as it is "nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance." President Roosevelt's continued renunciation of fear, refusal to crumble, and ability to act decisively and fearlessly in spite of the pressures of the Great Depression and World War II allowed him to develop into one of the finest role models for the people of the United States.

A permanent statue of FDR as a citizen living with a disability will forever inspire all citizens to forge through our fears and most difficult times. To me it is ironic, yet only fitting, that during the Great Depression, a time when our Nation was in fact disabled, a man living with a disability, stepped beyond his limitations to lead our Nation like no other. Our 32d President not only lived with a disability, but did so while being one of the great leaders of our country. FDR is symbolic of perseverance, and his Presidency is testimony that mental and physical disabilities are not impediments to success.

In the end, a permanent statue which portrays Franklin Delano Roosevelt as a person living with a disability will be forever a reminder that disability is part of humanity and in no way reduces a person's chance of fulfilling his or her dreams.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29.

The question was taken.

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

The yeas and nays were ordered.

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

FACILITATING A LAND EXCHANGE WITHIN THE WENATCHEE NATIONAL FOREST IN CHELAN COUNTY, WA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 822) to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA, as amended.

The Clerk read as follows:

H.R. 822

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

SECTION 1. BOUNDARY ADJUSTMENT, WENATCHEE NATIONAL FOREST, WASHINGTON.

The boundary of the Wenatchee National Forest in Chelan County, Washington, is hereby adjusted to exclude section 1 of Township 23 North, Range 19 East, Willamette Meridian.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 822, as amended, is a bill introduced by my colleague, the gentleman from Washington [Mr. HASTINGS]. Mr. Hastings has worked hard to make this bill acceptable to the administration. The passage of this bill will benefit the people of Washington and the people of the United States.

H.R. 822 expedites a land exchange between a parcel of private property, currently within the boundaries of the Wenatchee National Forest, with the Bureau of Land Management. The Forest Service boundary needs to be removed for a land exchange to occur. The Forest Service does not have the authority to remove the boundary administratively, although they state the boundary is no longer needed. The Forest Service also agrees the old boundary does not contribute to the management of the Wenatchee National Forest. The BLM has expressed interest in acquiring the land parcel through exchange in order to consolidate their holdings which are adjacent to the private land. In order for this exchange to occur, the congressionally authorized Forest Service boundary surrounding this private property must be removed. This removal is required to allow an administrative exchange with the BLM.

Mr. Speaker, this is a noncontroversial measure that is supported by the administration, and I urge my colleagues to support H.R. 822.

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

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

Mr. Speaker, I want to commend the good gentleman from the State of Washington [Mr. HASTINGS] for his sponsorship of this legislation.

Mr. Speaker, H.R. 822 directs that, if the Secretary of the Interior acquires by exchange certain private lands located within the boundaries of the Wenatchee National Forest, those lands will be administered by the Bureau of Land Management instead of the Forest Service. As originally drafted, the bill was opposed by the administration. There were discussions during the committee consideration of H.R. 822 on an alternative legislative approach that would statutorily remove the acquired lands from the national forest boundary, and the Committee on Resources adopted such language as an amendments. With this change we support the legislation.

Again I thank my good friend, the gentleman from Utah, for his management of this legislation and our good friend from Washington for his sponsorship of this bill.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. HASTINGS], the sponsor of this bill.

Mr. HASTINGS of Washington. Mr. Speaker, this is a commonsense approach to a small problem, frankly,

that deals with 640 acres in the Wenatchee National Forest, where an individual wants to exchange it to potentially put this into development; but he cannot exchange it unless these boundaries are removed because the other Federal agency involved, the Bureau of Land Management, would have input into that process. So this simply removes the boundary to allow negotiations to start between this individual and BLM. It does not mandate anything, it just allows the process to start.

I might add that I think this is important for Chelan County, because upwards of 75 percent of that county is in Federal control. An opportunity like this for potential development in the private sector, I think, is good for Chelan and I think good for that area.

Mr. Speaker, I thank the gentleman from Utah [Mr. HANSEN] for moving expeditiously on this.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 822, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REQUIRING THE EXCHANGE OF CERTAIN LANDS LOCATED IN HINSDALE, CO

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 951) to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO.

The Clerk read as follows:

H.R. 951

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

SECTION 1. LARSON AND FRIENDS CREEK EXCHANGE.

In exchange for conveyance to the United States of an equal value of offered lands acceptable to the Secretary of the Interior which lie within, or in proximity to, the Handies Peak or Red Cloud Peak Wilderness Study Areas or the Alpine Loop Backcountry Bi-way in Hinsdale County, Colorado, the Secretary of the Interior shall convey to Lake City Ranches, Ltd., a Texas limited partnership (in this section referred to as "LCR"), approximately 560 acres of selected land located in the same county and generally depicted on a map entitled "Larson and Friends Creek Exchange", dated June 1996. The exchange shall be contingent upon LCR granting the Secretary a permanent conservation easement on the approximate 440 acre Larson Creek portion of the selected lands (as depicted on the map) which limits future use of such lands to agricultural, wildlife, recreational, or open space purposes. The exchange shall also be subject to the standard appraisal requirements and equalization payment limitations set forth in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), and to reviews and approvals relating to threatened species and endangered species, cultural and historic resources, and hazardous materials under other Federal laws. The costs of such appraisals and reviews shall be paid by LCR. The Secretary may credit such payments against the value of the selected land, if appropriate, pursuant to section 206(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 951 is a bill introduced by my colleague, the gentleman from Colorado [Mr. MCINNIS]. Because of the outstanding effort of the gentleman from Colorado, this bill is agreeable to the administration, to the environmental community, and to the private property owners.

I would also like to commend another colleague, the gentleman from Texas [Mr. THORNBERRY], who has added his support to this bill.

H.R. 951 requires the Secretary of the Interior to exchange approximately 560 acres of Federal land located in Colorado to Lake City Ranches, Ltd. This land is currently managed by the Bureau of Land Management. In return, the U.S. Government will receive inholdings within the proposed Handies Peak or Red Cloud Wilderness Areas, or along the Alpine Loop Backcountry Biway. The BLM is also granted a permanent conservation easement on 440 acres of the lands conveyed to be used for agricultural, wildlife, recreation, or open space purposes.

Mr. Speaker, this bill has very wide community support and I urge my colleagues' support of H.R. 951.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume, and again I commend the gentleman from Colorado for his sponsorship of this legislation.

Mr. Speaker, H.R. 951 provides for the exchange of certain public lands in Hinsdale County in the State of Colorado for private lands that are located within or in proximity to several wilderness study areas and a backcountry bi-way. The bill provides that the exchange be of equal value. In addition, as a condition of the exchange, the private landowner will keep approximately 440 of the 560 acres under a conservation easement.

The exchange is supported by the local community, by the environmental groups, and the administration. I am unaware of any controversy associated with the bill and certainly will support this legislation and urge my colleagues to do the same.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 951.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VALIDATING CERTAIN LAND CONVEYANCES IN THE CITY OF TULARE, CA

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 960) to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes, as amended.

The Clerk read as follows:

H.R. 960

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

SECTION 1. FINDINGS.

The Congress finds that:

(1) It is in the Federal Government's interest to facilitate local development of jobs in areas of high unemployment.

(2) Railroad interests in rights-of-way prevent local communities from obtaining clear title to property for development unless the city also obtains the Federal revisionary interest in those rights-of-way.

(3) For development purposes, in order to secure needed financing, the City of Tulare Redevelopment Agency requires clear title to certain parcels of and within the city's business corridor that are part of a railroad right-of-way.

SEC. 2. TULARE CONVEYANCE.

(a) IN GENERAL.—Subject to subsections (c) and (d), all conveyances to the Redevelopment Agency of the City of Tulare, California, of lands described in subsection (b), heretofore or hereafter, made directly by the Southern Pacific Transportation Company, or its successors, are hereby validated to the extent that the conveyances would be legal or valid if all rights, title, and interest of the United States, except minerals, were held by the Southern Pacific Transportation Company.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are the parcels shown on the map entitled "Tulare Redevelopment Agency-Railroad Parcels Proposed to be Acquired", dated 5/29/97, that formed part of a railroad right-of-way granted to the Southern Pacific Railroad Company, or its successors, agents, or assigns, by the Federal Government (including the right-of-way approved by an Act of Congress on July 27, 1866). The map referred to in thus subsection shall be on file and available for public inspection in the offices of the Director of the Bureau of Land Management.

(c) PRESERVATION OF EXISTING RIGHTS OF ACCESS.—Nothing in this section shall impair any existing rights of access in favor of the public or any owner of adjacent lands over, under or across the lands which are referred to in subsection (a).

(d) MINERALS.—The United States disclaims any and all right of surface entry to the mineral estate of lands described in subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 960, introduced by the gentleman from California [Mr. THOMAS] will give the Tulare Redevelopment Agency the ability to purchase lands within the railroad right-of-way that bisects their city. This bill would validate the city's title to one parcel of land that they bought from the railroad before learning the title was clouded by the Federal Government's reversionary interest. It would also allow the railroad to pass clear title to parcels of land shown on the referenced map.

This legislation is a reasonable solution to a difficult problem. The BLM has studied the issue and concluded that the lands in question are best suited for local development as planned by the redevelopment agency. The gentleman from California has worked very hard with the BLM to craft a bill that would be satisfactory to all concerned. The bill has been amended to clarify language that gives the railroad the right to pass clear title to only the redevelopment agency. Language has also been removed from the bill that the administration felt could be construed as a waiver of environmental laws. The current bill would also preserve the Federal interest in mineral rights to the lands, while at the same time disclaiming any right the Government may have to surface entry to the mineral estate. This gives the city the ability to go forward with planning, financing and development.

This bill is intended to resolve an unusual problem within the city of Tulare. The bill is not intended to be dispositive of the status of other rail properties nor is it intended to set a general policy for the treatment of railroad grants. Concerns that this action would set an undesirable precedent regarding railroad right-of-way problems are, I believe, therefore unfounded.

This is a good bill. It is long overdue. I urge my colleagues to support it and allow the Tulare Redevelopment Agency to get on with their efforts to facilitate development and economic growth within their city.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume and, before addressing the legislation before us, I want to thank the Speaker for properly pronouncing the jurisdiction of the district that I represent, American Samoa. It is not Somalia, Somoya, it is Samoa, and I thank the Speaker for that.

Mr. Speaker, I commend the gentleman from California [Mr. THOMAS] for his sponsorship of this legislation. The purpose of H.R. 960, introduced by the gentleman from California, is to allow the city of Tulare in California to acquire property to then resell or lease in order to address redevelopment needs. The property in question is a railroad right-of-way comprised of a 400-foot-wide corridor which was given to Southern Pacific Transportation Co., now owned by the Union Pacific Railroad Co., on a limited fee basis by the United States for the construction of a railroad and telegraph line. If and when the right-of-way is no longer used for the original intent, the property would revert to the United States. Because Union Pacific Railroad Co., does not own this property free and clear, it cannot convey a clear title unless the United States relinquishes its interest in the land.

Under current law, the National Trails Systems Act provides that railroad rights-of-way lands, once abandoned, will remain in the Federal domain. Further, the act establishes a mechanism by which these lands can be used for recreation purposes or for recreation trails. H.R. 960 would preempt this law.

In the past, Congress has voted to validate some limited conveyances by railroad companies. In those cases, private landowners bought what they believed to be clear titles to property only to find out about the U.S. interest in the lands when they went to build or resell the property.

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Other instances arose where an adjacent landowner mistakenly built a garage or add-on to a private home which infringed on the right-of-way. Parcels approved in the past have been of little monetary value and were mostly used for private housing.

This legislation will mark the first time a Congress will prospectively validate parcels in this manner. Enactment of this legislation will be the first time the United States relinquishes its interest in its railroad right-of-way lands for the purpose of community development.

By all accounts, the city of Tulare, CA is in need of revitalization. Extinguishing Federal rights in this land may help the redevelopment of the area, and I hope it does. How much profit Union Pacific Railroad Co. seizes from gaining the Federal interest will presumably be determined through price negotiation with the city of Tulare. This legislation reacts to a specific and unique set of circumstances in the city of Tulare.

In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert to the Federal Government, it would not be interested in managing the land and would seek to dispose of the land. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without compensation.

With that statement, Mr. Speaker, again I urge my colleagues to support this legislation with those bases of clarification; and again I thank our good friend from California for his diligence and working closely both with the administrators and with Members of this side of the aisle.

The United States gave Southern Pacific Transportation Co. an interest in the lands that are the subject of H.R. 960 through a right-of-way granted under the Pacific Railroads Act of July 1, 1862, ch. 120, 12 Stat. 489, as amended. Section 2 of the act granted a 400-foot-wide right-of-way through the public lands of the United States: "For the construction of a railroad and telegraph line."

In *Northern Pac. Ry.* v. *Townsend*, 190 U.S. 267, 271 (1903), the right-of-way grant was characterized as a "limited fee made on an implied condition of reverter" in the event that the railroad ceased to use the right-of-way for the purpose for which it was granted. Under these conditions, if the railroad were to cease use of the right-of-way, and a forfeiture were declared by the Congress or a judicial proceeding initiated by the Attorney General of the United States, the railroad would lose its interest in the land, which would revert to the Federal Government.

The National Trails System Act, 16 U.S.C. 1241, provides that * * * all right, title, interest, and estate of the United States in all rights-of-way * * * shall remain in the United States upon the abandonment or forfeiture. * * * This act establishes a mechanism by which the reverted land can be used for recreation trails. H.R. 960 would preempt the National Trails System Act by eliminating the reversionary interest.

The city of Tulare wants to buy the right-of-way land alongside the railroad to sell or lease through the city of Tulare Redevelopment Agency. The railroad, however, does not own the land—the taxpayers do—and so the title is not cleared to convey. One parcel in the city of Tulare has already been sold by the railroad despite the fact it did not own the land. This legislation would validate title to the parcel already sold as well as prospectively extinguishing Federal reversion rights on all lands within the redevelopment plan area, thereby giving Southern Pacific Transportation Co. clear title to sell the lands and to profit from their disposal.

In the past Congress has validated some limited conveyances in situations where the new owner purchased the land in good faith without realizing there was a reversion interest to the Federal Government. Parcels approved in the past have been of little monetary value

and were mostly used for private housing. This legislation will mark the first time that Congress prospectively validated parcels in this manner before they were sold and before any party was misled about the title of land which it had purchased.

Enactment of this legislation will be the first time the United States relinquishes its interest in railroad rights-of-way lands for the purpose of community redevelopment. By all accounts the city of Tulare is in need of revitalization. Extinguishing Federal rights to this land may help the redevelopment of the area. How much profit Southern Pacific Transportation Co. realizes from selling the Federal interest will presumably be determined through price negotiations with the city of Tulare.

It should be noted that this legislation responds to a specific and unique set of circumstances in the city of Tulare. In this instance, the Federal Government has determined that if the railroad right-of-way lands were to revert, the Federal Government would not be interested in managing the lands. Passage of this legislation should not be perceived as endorsing the concept of the Federal Government giving away public rights without just compensation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], the sponsor of this legislation, who has worked many, many hours to bring this to pass.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank both the chairman and ranking member for taking the time that they have in looking at this obviously unique situation. I think all of us want to underscore the hours consumed in dealing with this issue is because it is a unique situation. It probably will remain unique, given the definition of unique, and it will not set a precedent.

The people in the small community of Tulare in the central valley of California have got to feel comfortable that people who represent American Samoa and Utah, in their subcommittee duties, took enough time to understand the uniqueness of this situation that would allow what would if it were precedent-setting be an extremely unusual situation to go forward. I want to thank both of you for their willingness to work with my office and my constituents.

Mr. Speaker, I am extremely pleased that the House is considering my bill, H.R. 960, today because the bill is an essential step toward giving the city of Tulare, California's Tulare Redevelopment Agency the tools with which to end a blight in the city's downtown area. This bill will give local people control over Federal reversionary interest in railroad rights of way bisecting the very heart of the city, allowing a rural community with high unemployment to bring in new jobs.

H.R. 960 takes a new approach to the complicated field of Federal land grants because of the unusual problem confronting the city of Tulare. Our Resources Committee colleagues passed the bill by voice vote on June 25, 1997, because they saw the need to foster redevelopment in this community. So does the Bureau of Land Management. In fact, the Bureau's full support of H.R. 960 is expressed in a letter I am submitting for the RECORD. We were able to reach agreement on the legislation because of the widespread agreement on the very unique setting H.R. 960 will address.

Tulare, a city of 40,350 located in California's Central Valley, has an unemployment rate of over 15 percent. The surrounding county has a similarly high-unemployment rate and residents of the area have median incomes that are 30 percent below the rest of California's. City of Tulare leaders have been looking for ways to bring more jobs to the region for years. Tulare's Redevelopment Agency has been working on a redevelopment program as part of that process and the agency needs H.R. 960 to carry out its program.

H.R. 960 is a very limited proposal intended to meet unique needs. It transfers the Federal reversionary interest in 12 parcels of land in the middle of the community to the city of Tulare's Redevelopment Agency so that the agency can pursue a 10-year program to finance and market a redevelopment program intended to help bring retailing opportunities and jobs to the community.

There is no reason for the lands covered by H.R. 960 to be retained at the Federal level for recreational purposes. The parcels are in the midst of an urban, largely industrial area. The Bureau of Land Management [BLM] does not want these properties back and that the agency would seek some way of getting the land to Tulare if the railroad ever relinquished control. In similar circumstances, BLM has found these urban settings to be a drain on its resources because the unoccupied properties become casual dumping grounds which cost BLM money to clean up.

If allowed to redevelop land adjacent to the rail line, the people of Tulare believe that it could generate more than 350 jobs in 6 years because of the agency's plan to create a retail shopping area.

The city cannot gain control over the core of this corridor without a change in Federal law. In the last century, Congress extended rights of way to railroads in order to encourage the creation of a rail transport system. The Southern Pacific Railroad received rights for tracks and land adjacent to those tracks within what is now Tulare. Because the Federal Government has a reversionary interest in the right of way and surrounding properties, the redevelopment agency cannot obtain control of all the 12 parcels of land along the rail line that the city wishes to redevelop. The city cannot condemn the Federal interest and as a result, cannot make use of anything the community might secure from the railroad.

The railroad and its successor, Union Pacific, run over 30 trains per day through the center of the city and as a result the tracks will probably never be abandoned under the law. The railroad will continue to argue that it controls the adjoining parcels of land because abandonment has not occurred. The Federal interest in these properties is at best a highly speculative, prospective one and that is the way things are likely to stay. That leaves Tulare with a problem.

Most of the land along the tracks is empty. Small shops east of the rail line and a cotton seed mill and family homes on the other side look out on blighted property. There are a few small businesses operating on short-term leases and an abandoned gas station on railroad property along the corridor. For the most part, however, a visitor can see nothing but vacant lots that have cut off business growth from the east. The Tulare Redevelopment Agency's plan would preserve the railroad tracks while allowing some of this empty space in the center of town to be turned into more productive use.

H.R. 960 clears the path for redevelopment. First, it gives the city clear title to one piece of property which Tulare already thought it had purchased from Southern Pacific before learning that railroad law clouded the title. Second, it transfers the reversionary interest in 11 other parcels so that the redevelopment agency can deal with the railroad and secure the remaining properties.

It is essential that we pass this bill because the redevelopment plan cannot be made to work piecemeal. Following the practices of the past and "confirming" title in someone who has already bought a clouded title only solves part of the city's problem. To ensure coherent economic redevelopment, the redevelopment agency has to control all the parcels of land so planning, marketing and community financing of the development are possible. Giving the city title to one piece of property will deny the city resources to continue developing. Forcing the city to come back to Congress each time an interest is transferred is a waste of the city's time and ours.

The bill is not intended by the Resources Committee or by me to be dispositive of the status of other rail properties not addressed in the legislation nor is it intended to set a general policy for the treatment of railroad grants. Because the city needs the redevelopment H.R. 960 will facilitate, our colleagues decided this unique approach should be adopted in this case.

I urge my colleagues to join me passing H.R. 960 today. Tulare wants to take control over its own economic destiny by putting lousy land to better use. Unless this bill is enacted, Congress will be in the way of a city that badly needs our help.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 24, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for this opportunity to comment on H.R. 960, a bill that will extinguish the Federal government's right of reversion to lands encumbered by a railroad right-of-way within Tulare, California. The Bureau of Land Management (BLM), testified at a hearing on May 20, 1997, before the Subcommittee on National Parks and Public Lands on this bill. It is my understanding that this bill will soon be marked up by your Committee and we would like our views included for the Record. The Administration supports the legislation as reported to your Committee.

The BLM testified before the Subcommittee in support of H.R. 960 if certain changes were made to the bill. Those changes were made in Subcommittee markup and we now support this bill.

H.R. 960 would eliminate all rights of the United States to land within a railroad right-of-way, granted by an Act of Congress on July 27, 1886, in downtown Tulare, California. The City of Tulare has requested this action in order to obtain clear title to those portions of the right-of-way within an Urban Redevelopment Plan adopted by the City. H.R. 960 would accomplish this by validating conveyances made prior to or after April 15, 1996, to the City of Tulare's Redevelopment Agency by the Southern Pacific Transportation Company, the holder of the railroad right-of-way (or its successor, presently Union Pacific Railroad).

Currently, some 30 trains a day cross the tracks in the center of this right-of-way through downtown Tulare and the railroad owner has no plans to stop using the tracks. Therefore, until abandonment is legally determined, the property does not revert to the Federal government.

Our understanding of the situation is that the City of Tulare attempted to acquire one parcel of land within the right-of-way for redevelopment purposes and was informed by their title company that it would not insure title because of the reversionary nature of the railroad's right-of-way. Because of this, the City did not attempt to acquire any of the remaining lands within its redevelopment area (encompassing approximately 60 acres) pending resolution of this issue.

The right-of-way granted pursuant to the Act of July 27, 1866, is a grant of a limited fee, made on an implied condition of reverter in the event that the company ceased to use or retain the land for the purpose for which it was granted. By the Act of May 24, 1920 (43 U.S.C. 913), the railroad owners were authorized to convey to States, counties or municipalities the outer portions of the right-of-way for use as a public highway or street (such conveyances would still be subject to the possible future reversion to the United States). The 1988 National Trails System Act (16 U.S.C. 1248(c)), provides that ". . . all right, title, interest, and estate of the United States . . . shall remain in the United States upon the abandonment or forfeiture . . ." of the railroad.

BLM has examined the lands in downtown Tulare and has concluded that because of their location, and having reviewed the City's plans, the lands are best suited for local development as planned by the Redevelopment Agency.

BLM is not interested in managing the lands involved even if they did revert to the Federal government. In the interim, the City of Tulare deserves to be able to plan for the development of its downtown and revitalize its business center. The only way that this public goal can be realized is for the Federal government to relinquish its interest in the property involved through legislation such as H.R. 960.

We made several recommended changes which have been incorporated in the bill, including the deletion of the waiver of environmental laws and revised language clarifying that only conveyances from the railroad to the Redevelopment Agency would be validated. Finally, we requested that a map of this area be on file with the BLM and that we have an opportunity to see such a map before markup. We have reviewed that map and are satisfied with it.

Thank you for the opportunity to comment on this legislation. The Office of Management and Budget has advised us that it has no objection to the submission of this report from the standpoint of the President's program.

Sincerely,

PIET DEWITT,
Acting Deputy Assistant Secretary.

Mr. Speaker, I thank the chairman and ranking member once again.

Mr. FALEOMAVAEGA. Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 960, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYING CERTAIN LAND TO CITY OF GRANTS PASS, OR.

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1198), to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR., as amended.

The Clerk read as follows:

H.R. 1198

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

SECTION. 1. CONVEYANCE OF BLM LAND TO GRANTS PASS, OREGON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall promptly convey to the City of Grants Pass, Oregon (in this section referred to as the "City"), without monetary compensation, all right, title, and interest of the United States in and to the real property described in subsection (b).

(b) PROPERTY DESCRIBED.—(1) IN GENERAL.—The real property referred to in subsection (a) is that parcel of land depicted on the map entitled "Merlin Landfill Map" and dated June 20, 1997, consisting of—

(A) approximately 200 acres of Bureau of Land Management Land on which the City has operated a landfill under lease; and

(B) approximately 120 acres of Bureau of Land Management Land that are adjacent to the land described in subparagraph (A).

(2) DETERMINATION BY SECRETARY.—The Secretary of the Interior may determine more particularly the real property described in paragraph (1).

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the Secretary shall require the City to agree to indemnify the Government of the United States for all liability of the Government that arises from the property.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

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

Mr. Speaker, H.R. 1198, as amended, is a bill introduced by my colleague, the gentleman from Oregon [Mr. SMITH]. Mr. SMITH has worked hard to develop a bill which successfully resolves an environmentally sensitive issue and will benefit the people of Oregon.

H.R. 1198 directs the Secretary of the Interior to convey certain Federal land currently used as a solid waste landfill facility from the Bureau of Land Management to the city of Grants Pass, OR. This bill transfers title and all right and interest of the real property to the city of Grants Pass, while indemnifying the Government of the United States for all liability that may arise from the property. A technical amendment provided the title and date of the map in the property description found in section 1(b)(1) of the bill.

This bill is noncontroversial and is supported by the administration and the city of Grants Pass, OR. I urge my colleagues to support H.R. 1198.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume. I too would like to commend the gentleman from Oregon [Mr. SMITH], who is also a member of our committee, for his sponsorship of this legislation.

Mr. Speaker, H.R. 1198 directs the Secretary of the Interior to convey to the city of Grants Pass, OR, without monetary consideration, approximately 200 acres of public land which the city has operated under lease and 120 acres of adjacent public land to be used as a buffer. In addition, the bill specifies that the city must agree to indemnify the United States from all liability that arises from the property.

In testimony before the Committee on Resources, the administration stated its support of the bill, and I know of no controversy associated with the legislation.

With that in mind, Mr. Speaker, I urge my colleagues to support this bill.

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

Mr. HANSEN. Mr. Speaker, I have no further speakers on this issue, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, before I yield the balance of my time, I would like to say that I would be remiss if I did not offer my commendations to the members of the staff on this side of the aisle for their tremendous work with the Members in getting this piece of legislation successfully passed here on the floor of the House: Mr. Rick Healy, Marie Howard Fabrizio, Jean Flemma, and Ann Owens.

Mr. SMITH of Oregon. Mr. Speaker, I rise today to urge swift passage for this legislation which would transfer the Merlin Landfill in my district to the city of Grants Pass, OR.

Grants Pass is a small city in southern Oregon and has leased approximately 200 acres

of BLM land for the Merlin Landfill since 1968. This lease is due to expire on April 14, 2000, 2 or 3 years short of the landfill's operational lifespan. The BLM has stated that it will not renew this lease.

In 1990, low levels of organic chemicals were identified in groundwater beyond the site boundaries. This contamination was so minimal that if the water was used for public drinking, it would meet all Federal and State standards for safety. Nevertheless, the Superfund law requires that, as public land, the site be listed as a contaminated Federal facility and evaluated for ranking on the national priorities list for subsequent cleanup.

Although the BLM would be responsible for performing this cleanup, Superfund requires that the Bureau recover its costs. As with other Superfund liability disputes, the litigation expenses incurred by both the BLM and the city could quite possibly cost more than the cleanup itself. These circumstances led the BLM to attempt to cancel the Merlin Landfill's lease in 1991. Because a lease termination or a suspension in operation during the cleanup would pose an enormous financial burden on the citizens and businesses of Grants Pass, the city successfully worked with the BLM to address the environmental concerns. These efforts have cost the city several million dollars

In addition, the city has entered into a consent order with the Oregon Department of Environmental Quality obligating it to address the remaining concerns in preparation for the eventual closure of the landfill. However, despite its faithful cooperation in addressing these issues, if the landfill closes when the lease terminates in the year 2000, the city will not have adequate financial resources to fund the remaining compliance activities as well as the Closure and Post-Closure Trust Funds.

After exploring a number of nonlegislative options, the concerned parties came to a consensus agreement that the best and most cost-effective solution to the problem would be for the BLM to transfer the leased land and an additional parcel of 120 acres to the city. In turn, Grants Pass would accept all liability and responsibility for cleaning up the contaminated area.

Most important, however, is that such a transfer would allow operations to continue at the Merlin Landfill for another 2 or 3 years past the lease termination date. This would allow the city to raise enough money to meet its environmental obligations including the Closure and Post-Closure Trust Funds.

This is simple, cost-effective, good government, and it is recognized as such by all parties involved. The Oregon Department of Environmental Quality, Josephine County, the BLM, and the Governor's office have all voiced their support for this legislation. I, too, hope for a speedy passage so that the city of Grants Pass and the BLM have adequate time to prepare and complete this transfer.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1198, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on S.J.Res. 29, H.R. 822, H.R. 951, H.R. 960, and H.R. 1198, the bills just considered.

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

There was no objection.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

Mr. PETERSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1658) to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws, as amended.

The Clerk read as follows:

H.R. 1658

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 "Atlantic Striped Bass Conservation Act Amendments of 1997".

SEC. 2. REAUTHORIZATION AND AMENDMENT OF ATLANTIC STRIPED BASS CONSERVATION ACT.

The Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Atlantic Striped Bass Conservation Act'.

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds and declares the following:

"(1) Atlantic striped bass are of historic commercial and recreational importance and economic benefit to the Atlantic coastal States and to the Nation.

"(2) No single government entity has full management authority throughout the range of the Atlantic striped bass.

"(3) The population of Atlantic striped bass—

"(A) has been subject to large fluctuations due to natural causes, fishing pressure, environmental pollution, loss and alteration of habitat, inadequacy of fisheries conservation and management practices, and other causes; and

"(B) risks potential depletion in the future without effective monitoring and conservation and management measures.

"(4) It is in the national interest to implement effective procedures and measures to provide for effective interjurisdictional conservation and management of this species.

"(b) PURPOSE.—It is therefore declared to be the purpose of the Congress in this Act to support and encourage the development, implementation, and enforcement of effective interstate action regarding the conservation and management of the Atlantic striped bass.

"SEC. 3. DEFINITIONS.

"As used in this Act—

"(1) the term 'Magnuson Act' means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

"(2) The term 'Atlantic striped bass' means members of stocks or populations of the species Morone saxatilis, which ordinarily migrate seaward of the waters described in paragraph (3)(A)(i).

"(3) The term 'coastal waters' means—

"(A) for each coastal State referred to in paragraph (4)(A)—

"(i) all waters, whether salt or fresh, of the coastal State shoreward of the baseline from which the territorial sea of the United States is measured; and

"(ii) the waters of the coastal State seaward from the baseline referred to in clause (i) to the inner boundary of the exclusive economic zone;

"(B) for the District of Columbia, those waters within its jurisdiction; and

"(C) for the Potomac River Fisheries Commission, those waters of the Potomac River within the boundaries established by the Potomac River Compact of 1958.

"(4) The term 'coastal State' means—

"(A) Pennsylvania and each State of the United States bordering on the Atlantic Ocean north of the State of South Carolina;

"(B) the District of Columbia; and

"(C) the Potomac River Fisheries Commission established by the Potomac River Compact of 1958.

"(5) The term 'Commission' means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by the Congress in Public Laws 77–539 and 81–721.

"(6) The term 'exclusive economic zone' has the meaning given such term in section 3(6) of the Magnuson Act (16 U.S.C. 1802(6)).

"(7) The term 'fishing' means—

"(A) the catching, taking, or harvesting of Atlantic striped bass, except when incidental to harvesting that occurs in the course of commercial or recreational fish catching activities directed at a species other than Atlantic striped bass;

"(B) the attempted catching, taking, or harvesting of Atlantic striped bass; and

"(C) any operation at sea in support of, or in preparation for, any activity described in subparagraph (A) or (B).

The term does not include any scientific research authorized by the Federal Government or by any State government.

"(8) The term 'moratorium area' means the coastal waters with respect to which a declaration under section 5(a) applies.

"(9) The term 'moratorium period' means the period beginning on the day on which moratorium is declared under section 5(a) regarding a coastal State and ending on the day on which the Commission notifies the Secretaries that that State has taken appropriate remedial action with respect to those matters that were the case of the moratorium being declared.

"(10) The term 'Plan' means a plan for managing Atlantic striped bass, or an amendment to such plan, that is prepared and adopted by the Commission.

"(11) The term 'Secretary' means the Secretary of Commerce or a designee of the Secretary of the Secretary of Commerce.

"(12) The term 'Secretaries' means the Secretary of Commerce and the Secretary of the Interior or their designees.

"SEC. 4. MONITORING OF IMPLEMENTATION AND ENFORCEMENT BY COASTAL STATES.

"(a) DETERMINATION.—During December of each fiscal year, and at any other time it deems necessary the Commission shall determine—

"(1) whether each coastal State has adopted all regulatory measures necessary to fully implement the Plan in its coastal waters; and

"(2) whether the enforcement of the Plan by each coastal State is satisfactory.

"(b) SATISFACTORY STATE ENFORCEMENT.—For purposes of subsection (a)(2), enforcement

by a coastal State shall not be considered satisfactory by the Commission if, in its view, the enforcement is being carried out in such a manner that the implementation of the Plan within the coastal waters of the State is being, or will likely be, substantially and adversely affected.

"(c) NOTIFICATION OF SECRETARIES.—The Commission shall immediately notify the Secretaries of each negative determination made by it under subsection (a).

"SEC. 5. MORATORIUM.

"(a) SECRETARIAL ACTION AFTER NOTIFICATION.—Upon receiving notice from the Commission under section 4(c) of a negative determination regarding a coastal State, the Secretaries shall determine jointly, within thirty days, whether that coastal State is in compliance with the Plan and, if the State is not in compliance, the Secretaries shall declare jointly a moratorium on fishing for Atlantic striped bass within the coastal waters of that coastal State. In making such a determination, the Secretaries shall carefully consider and review the comments of the Commission and that coastal State in question.

"(b) PROHIBITED ACTS DURING MORATORIUM.—During a moratorium period, it is unlawful for any person—

"(1) to engage in fishing within the moratorium area;

"(2) to land, or attempt to land, Atlantic striped bass that are caught, taken, or harvested in violation of paragraph (1);

"(3) to land lawfully harvested Atlantic striped bass within the boundaries of a coastal State when a moratorium declared under subsection (a) applies to that State; or

"(4) to fail to return to the water Atlantic striped bass to which the moratorium applies that are caught incidental to harvesting that occurs in the course of commercial or recreational fish catching activities, regardless of the physical condition of the striped bass when caught.

"(c) CIVIL PENALTIES.—

"(1) CIVIL PENALTY.—Any person who commits any act that is unlawful under subsection (b) shall be liable to the United States for a civil penalty as provided by section 308 of the Magnuson Act (16 U.S.C. 1858).

"(2) CIVIL FORFEITURES.—

"(A) IN GENERAL.—Any vessel (including its gear, equipment, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with, or as the result of, the commission of any act that is unlawful under subsection (b) shall be subject to forfeiture to the United States as provided in section 310 of the Magnuson Act (16 U.S.C. 1860).

"(B) DISPOSAL OF FISH.—Any fish seized pursuant to this Act may be disposed of pursuant to the order of a court of competent jurisdiction, or, if perishable, in a manner prescribed in regulations.

"(d) ENFORCEMENT.—A person authorized by the Secretary or the Secretary of the department in which the Coast Guard is operating may take any action to enforce a moratorium declared under subsection (a) that an officer authorized by the Secretary under section 311(b) of the Magnuson Act (16 U.S.C. 1861(b)) may take to enforce that Act (16 U.S.C. 1801 et seq.). The Secretary may, by agreement, on a reimbursable basis or otherwise, utilize the personnel, services, equipment (including aircraft and vessels), and facilities of any other Federal department or agency and of any agency of a State in carrying out that enforcement.

"(e) REGULATIONS.—The Secretary may issue regulations to implement this section.

"SEC. 6. CONTINUING STUDIES OF STRIPED BASS POPULATIONS.

"(a) IN GENERAL.—For the purposes of carrying out this Act, the Secretaries shall conduct continuing, comprehensive studies of Atlantic striped bass stocks. These studies shall include, but shall not be limited to, the following:

"(1) Annual stock assessments, using fishery-dependent and fishery-independent data, for the purposes of extending the long-term population record generated by the annual striped bass study conducted by the Secretaries before 1994 and understanding the population dynamics of Atlantic striped bass.

"(2) Investigations of the causes of fluctuations in Atlantic striped bass populations.

"(3) Investigations of the effects of water quality, land use, and other environmental factors on the recruitment, spawning potential, mortality, and abundance of Atlantic striped bass populations, including the Delaware River population.

"(4) Investigations of—

"(A) the interactions between Atlantic striped bass and other fish, including bluefish, menhaden, mackerel, and other forage fish or possible competitors, stock assessments of these species, to the extent appropriate; and

"(B) the effects of interspecies predation and competition on the recruitment, spawning potential mortality, and abundance of Atlantic striped bass.

"(b) REPORTS.—The Secretaries shall make biennial reports to the Congress and to the Commission concerning the progress and findings of studies conducted under subsection (a) and shall make those reports public. Such reports shall, to the extent appropriate, contain recommendations of actions which could be taken to encourage the sustainable management of Atlantic striped bass.

"SEC. 7. AUTHORIZATION OF APPROPRIATIONS; COOPERATIVE AGREEMENTS.

"(a) AUTHORIZATION.—For each of fiscal years 1998, 1999, and 2000, there are authorized to be appropriated to carry out this Act—

"(1) $800,000 to the Secretary of Commerce; and

"(2) $250,000 to the Secretary of the Interior.

"(b) COOPERATIVE AGREEMENTS.—The Secretaries may enter into cooperative agreements with the Atlantic States Marine Fisheries Commission or with States, for the purpose of using amounts appropriated pursuant to this section to provide financial assistance for carrying out the purposes of this Act.

"SEC. 8. PUBLIC PARTICIPATION IN PREPARATION OF MANAGEMENT PLANS AND AMENDMENTS.

"(a) STANDARDS AND PROCEDURES.—In order to ensure the opportunity for public participation in the preparation of management plans and amendments to management plans for Atlantic striped bass, the Commission shall prepare such plans and amendments in accordance with the standards and procedures established under section 805(a)(2) of the Atlantic Coastal Fisheries Cooperative Management Act.

"(b) APPLICATION.—Subsection (a) shall apply to management plans and amendments adopted by the Commission after the 6-month period beginning on the date of enactment of the Atlantic Striped Bass Conservation Act Amendments of 1997.

"SEC. 9. PROTECTION OF STRIPED BASS IN THE EXCLUSIVE ECONOMIC ZONE.

"(a) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—The Secretary shall promulgate regulations governing fishing for Atlantic striped bass in the exclusive economic zone that the Secretary determines are—

"(1) consistent with the national standards set forth in section 301 of the Magnuson Act (16 U.S.C. 1851);

"(2) compatible with the Plan and each Federal moratorium in effect on fishing for Atlantic striped bass within the coastal waters of a coastal State; and

"(3) sufficient to assure the long-term conservation of Atlantic striped bass populations.

"(b) CONSULTATION; PERIODIC REVIEW OF REGULATIONS.—In preparing regulations under subsection (a), the Secretary shall consult with the Atlantic States Marine Fisheries Commission, the appropriate Regional Fishery Management Councils, and each affected Federal, State, and local government entity. The Secretary shall periodically review regulations promulgated under subsection (a), and if necessary to ensure their continued consistency with the requirements of subsection (a), shall amend those regulations.

"(c) APPLICABILITY OF MAGNUSON ACT PROVISIONS.—The provisions of sections 307, 308, 309, 310, and 311 of the Magnuson Act (16 U.S.C. 1857, 1858, 1859, 1860, and 1861) regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement shall apply with respect to regulations and any plan issued under subsection (a) of this section as if such regulations or plan were issued under the Magnuson Act.".

SEC. 3. REPEALS.

(a) ANADROMOUS FISH CONSERVATION ACT.—Section 7 of the Anadromous Fish Conservation Act (16 U.S.C. 757g) is repealed.

(b) ALBEMARLE SOUND-ROANOKE RIVER BASIN.—Section 5 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (16 U.S.C. 1851 note; 102 Stat. 2984), relating to studies of the Albermarle Sound-Roanoke River Basin striped bass stock, is repealed.

(c) REGULATION OF FISHING IN EXCLUSIVE ECONOMIC ZONE.—Section 6 of the Act entitled "An Act to authorize appropriations to carry out the Atlantic Striped Bass Conservation Act for fiscal years 1989 through 1991, and for other purposes", approved November 3, 1988 (102 Stat. 2986; 16 U.S.C. 1851 note) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. PETERSON] and the gentleman from New Jersey [Mr. PALLONE] each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to speak in support of H.R. 1658, a bill to reauthorize the Atlantic Striped Bass Conservation Act.

The Striped Bass Act is one of the few true success stories in fisheries management. It was enacted in 1984, several years after the Atlantic coast stock of striped bass suffered a severe population crash. The Striped Bass Act provided a means of enforcing a single interstate management plan throughout the eastern seaboard, which allowed fisheries managers to take the action needed to save the fishery from extinction.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984, the outlook was truly bleak for striped bass and the fishermen who depend on them. Now stripers are as abundant as they have ever been. They stand as a rare example of how to bring an irreplaceable recreational and commercial resource back from the brink of disaster.

This bill before us today would continue this successful restoration program. It would reauthorize the Striped Bass Act and continue the striped bass study which started in 1980 and has provided information necessary to make good management decisions. The restoration program would not have been nearly as successful without these studies. We must continue gathering the best information possible to protect the gains that we have made.

In addition, this bill makes technical corrections to the Striped Bass Act to make it consistent with the Atlantic States Cooperative Fisheries Management Act. It also provides for greater public input into the writing of striped bass management plans.

H.R. 1658 will ensure that the successful striped bass management program continues into the future. I urge all my colleagues to join me in supporting it.

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

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

I rise today in support of this legislation. Mr. Speaker, the striped bass fishery is one of the most important fisheries for marine recreational anglers. The fishery extends north from Cape Hatteras to Maine. In 1995, over 1 million anglers made almost 7 million trips and nearly spent $160 million in pursuit of this fish.

For the last three decades Atlantic striped bass stocks have been declining due to overfishing, pollution, habitat destruction, and other factors. Fishermen and managers alike were concerned that the fishery would soon become an endangered species.

Recently, however, the Atlantic striped bass stocks have grown and are slowly returning to their previous abundance. Many Atlantic coast States have recognized the significance of this growth and understand the pressure that commercial fishing interests may have on commercial breeding stocks. In response, States such as New Jersey, Connecticut, Pennsylvania, Georgia, and several others have passed game fish laws or have prohibited Atlantic striped bass commercial angling.

The enactment of the Striped Bass Conservation Act or the Striped Bass Act, which was passed in 1984, has authorized an annual study population assessment of striped bass stocks to be done with the NMFS and the U.S. Fish and Wildlife Service. It was enacted to encourage coastal States to comply with interstate management plans developed by the Atlantic States Marine Fisheries Commission to conserve striped bass populations. Unfortunately, Mr. Speaker, the last study that was actually done on striped bass was in 1994.

Mr. Speaker, when this bill had a hearing, when we had a field hearing of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans in Manahawkin, NJ, a few months ago, many spoke out about the effects of environmental changes and interspecies competition on striped bass populations. I think support of this legislation would allow us to better understand striped bass stock and design management plans that not only benefit the stock, but also the striped bass fishing community.

I also want to commend the sponsor of the bill, my colleague the gentleman from New Jersey [Mr. SAXTON], because the bill increases public participation in the preparation of striped bass management plans.

Today, the implementation of the Federal-State partnership embodied in the Striped Bass Act has restored the striper to its former glory as one of the most important sport and commercial fisheries on the east coast. It is clear evidence that conservation can work. And knowing the importance of this fishery to American anglers, I would urge Members of this body, my colleagues, to support the legislation and reauthorize the appropriations for the annual striped bass study.

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

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, for some of us the conservation of a threatened species such as striped bass is more than a legislative priority. Last weekend I took part in the annual striped bass tournament on Martha's Vineyard, in my congressional district. I was led by some exceptionally talented surf casters to Lobsterville Beach, where we fished for stripers until midnight.

As for results, let us just say I did not win the tournament. In fact, let us just say I did not land a single fish. My partners concluded that this must be part of my own personal plan to help save striped bass.

We can achieve this important objective, however, without doing it one fish at a time. I rise today in support of legislation which will help ensure the continued health of striped bass stocks from Maine to South Carolina, and hopefully will increase my own chances for the next tournament on Martha's Vineyard, or anywhere, for that matter.

When my predecessor, Gerry Studds, first introduced the Striped Bass Conservation Act in 1984, the species had been battered by pollution and overfishing. Harvests had plummeted so far, so fast, by over 10 million pounds over the preceding 10 years, that there was legitimate fear that the future of the species was clearly in danger.

If the problem was clear, the solution was not. The striped bass are highly migratory and move primarily along the 3-mile coastal zone which is under the combined jurisdictions of 12 States and the District of Columbia. Balancing the needs of the fish, the fishermen, and regulators, Congressman Studds and his colleagues created a unique and, as it turned out, highly effective scheme to bolster State management efforts to restore the stock.

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By all measures, the results of this cooperation among the States and between the State and Federal Government has been astonishingly successful. Today the fish are found in record numbers up and down the coast, and all the people involved are still talking courteously to each other.

The Federal-State partnership embodied in the Striped Bass Act has restored the species to its former considerable glory as one of the most important sport and commercial fisheries on the east coast. We have demonstrated to fishermen and fisheries managers alike that conservation, if properly conceived and sensibly executed, can work.

H.R. 1658 will ensure that we stay the course that has nursed this fishery back to health and that, given enough time, encouragement and good bait, even Members of Congress might one day experience the thrill of hooking one of these spectacular fish.

Mr. SAXTON. Mr. Speaker, today we are considering H.R. 1658, the Atlantic Striped Bass Conservation Act Amendments of 1997.

I have stood here many times to speak about striped bass and the Atlantic Striped Bass Conservation Act. In fact, I represent many Atlantic striped bass. Young stripers live the first part of their lives in the Delaware River, at one end of the third district of New Jersey. When they grow up, they inhabit the bays, inlets, and coastal waters at the other end of the district.

My other constituents who are recreational fishermen consider striped bass one of the premier saltwater game fish on the east coast. They support a large industry of charter boats, bait, and tackle shops, and other businesses, not only in New Jersey but all along the Altantic coast. In other east coast States, striped bass also support a significant commercial fishery.

The larger importance of striped bass is that they nearly disappeared 20 years ago. In the late 1970's, heavy fishing pressure and inconsistent State management policies coincided with pollution and other environmental factors to cause a serious population crash. This devastated the commercial fishery and nearly wiped out the species as a game fish. Congress responded by enacting the Atlantic Striped Bass Conservation Act, which enforced a single management plan throughout all the east coast States. This allowed fisheries managers to take the action that was needed to end overfishing and restore the population.

Over the last 13 years, this program has succeeded beyond any expectations. In 1984,

the outlook for striped bass was bleak. Now, they are as abundant as they have ever been. Striped bass are one of the few true success stories in fisheries management, and stand as an example of how conservative, forward-looking management can bring an irreplaceable resource back from disaster.

H.R. 1658 would continue this successful program. It updates the objectives of the Striped Bass Act to reflect the current state of the fishery. It makes technical corrections to increase consistency with the Atlantic States Cooperative Fisheries Management Act, which governs other coastal fisheries. It increases public input into striped bass management plans. Most important, it reauthorizes the annual striped bass study. This study started in 1980 and provides the information that fisheries managers need to make good management decisions.

Without these studies, the restoration program would have been much less successful. Likewise, a shortage of information will compromise future management efforts. We need the best information possible to protect the gains that we have made. Only a commitment to careful study and conservative management can ensure that striped bass will remain a livelihood for commercial fishermen, a thrill for anglers, and a common sight in east coast waters well into the future.

Mr. Speaker, this bill will continue an extremely successful program. I urge you and all other members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to rise in support of the Striped Bass Conservation Act Amendments, and I compliment the author of the bill, JIM SAXTON, for his continued efforts to move this legislation.

The Atlantic coast stock of striped bass are found in waters from North Carolina to Maine. They are highly migratory but move primarily along the coast within the 3-mile zone, which is subject to State fishery management.

While striped bass populations have fluctuated dramatically in the past, the population suffered a drastic decline in the 1970's. Striped bass harvests plummeted from 15 million pounds in 1973 to 3.5 million pounds in 1983.

In response to this serious problem, Congress approved an emergency striped bass study and the Atlantic Striped Bass Conservation Act of 1984. This law requires all affected coastal States to implement management measures to conserve and protect Atlantic striped bass stocks.

After 15 years of careful management, the striped bass population has fully recovered to pre-decline levels. This is a major fishery management success. H.R. 1658 will ensure that this remarkable recovery is not compromised in the days ahead.

As reported by the Resources Committee, this legislation reauthorizes the study provisions of the Striped Bass Act and related laws, makes technical changes to increase consistency with other fishery conservation laws, and encourages greater public participation in the writing of management plans.

Mr. Speaker, I hope more of our fishery management efforts prove to be this successful in the future. I urge an "aye" vote on H.R. 1658.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended.

The question was taken.

Mr. PETERSON of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. PETERSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1658, the bill just considered.

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

There was no objection.

CODIFYING LAWS RELATED TO TRANSPORTATION

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1086) to codify without substantive change laws related to transportation and to improve the United States Code, as amended.

The Clerk read as follows:

H.R. 1086

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

SECTION 1. TITLE 26, INTERNAL REVENUE CODE OF 1986.

Section 9503(e)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9503(e)(3)) is amended by striking "such Acts are in effect" and all that follows through the end of the paragraph and substituting "section 5338 (a)(1) or (b)(1) and the Intermodal Surface Transportation Efficiency Act of 1991 were in effect on December 18, 1991".

SECTION 2. TITLE 49, UNITED STATES CODE.

Title 49, United States Code, is amended as follows:

(1) In the item related to subchapter I in the analysis for chapter 5, strike—

"DUTIES AND".

(2) In the heading for subchapter I of chapter 5, strike—

"AND".

(3) In section 5108(f), strike "section 522(f)" and substitute "section 552(b)".

(4) Section 5303(c) is amended as follows:

(A) In paragraph (1), insert "and sections 5304–5306 of this title" after "this section".

(B) In paragraph (4)(A), strike "paragraph (3)" and substitute "paragraph (5)".

(C) In paragraph (5)(A), insert "and sections 5304–5306 of this title" after this section".

(5) In item 155 in the subtitle analysis for subtitle IV, strike "AND TARIFFS".

(6) In section 11904(a)(2), strike "a person" and substitute "person".

(7) In section 11906, strike "of this title" and substitute "of this part".

(8) In section 13506(a)(5), strike "1141j(a))" and substitute "1141j(a)))".

(9) In section 13703(a)(2), strike "subsection (a)" and substitute "paragraph (1)".

(10) In section 13905(e)(1), strike "31144," and substitute "31144".

(11) In section 14123(c)(2)(B), insert "in" before "no event".

(12) In section 14903(a), insert "a" before "civil penalty of not more than".

(13) In section 15101(a), strike "oversee of" and substitute "oversee".

(14) In the item related to section 15904 in the analysis for chapter 159, strike "certain" and substitute "pipeline".

(15) In section 15904(c)(1), strike "section 11501(b)" and substitute "15901(b)".

(16) In section 16101, redesignate subsection (d) as (c).

(17) In item 305 in the subtitle analysis for subtitle VI, strike "NATIONAL AUTOMOBILE TITLE INFORMATION SYSTEM" and substitute "NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM".

(18) In section 30305(b)—

(A) in paragraph (8), as redesignated by section 207(b) of the Coast Guard Authorization Act of 1996 (Public Law 104–324, 110 Stat. 3908), strike "paragraph (2)" and substitute "subsection (a) of this section"; and

(B) redesignate paragraph (8), as redesignated by section 502(b)(1) of the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3262), as paragraph (9).

(19) In section 32706(c), strike "subchapter II of chapter 105" and substitute "subchapter I of chapter 135".

(20) In the analysis of subtitle VII, strike the item related to part D and substitute

"PART D—PUBLIC AIRPORTS

"491. METROPOLITAN WASHINGTON AIRPORTS ..... 49101".

(21) In the item related to section 41502 in the analysis for chapter 415, strike "common".

(22) The catchline for section 41502 is amended by striking "common".

(23) In section 41713(b)(4)(B)(ii), strike "10102" and substitute "13102".

(24) In section 41714(d)(1), strike "sections 6005(c)(5) and 6009(e) of the Metropolitan Washington Airports Act of 1986" and substitute "sections 49104(a)(5) and 49111(e) of this title".

(25) In section 44936(f)(1)(C), strike "section 30305(b)(7)" and substitute "section 30305(b)(8) of this title".

(26) Insert after part C of subtitle VII the following:

"PART D—PUBLIC AIRPORTS

"CHAPTER 491—METROPOLITAN WASHINGTON AIRPORTS

"Sec.
"49101. Findings.
"49102. Purpose.
"49103. Definitions.
"49104. Lease of Metropolitan Washington Airports.
"49105. Capital improvements, construction, and rehabilitation.
"49106. Metropolitan Washington Airports Authority.
"49107. Federal employees at Metropolitan Washington Airports.
"49108. Limitations.
"49109. Nonstop flights.
"49110. Use of Dulles Airport Access Highway.
"49111. Relationship to and effect of other laws.
"49112. Separability and effect of judicial order.

"§ 49101. Findings

"Congress finds that—

"(1) the 2 federally owned airports in the metropolitan area of the District of Columbia constitute an important and growing part of the commerce, transportation, and economic patterns of Virginia, the District of Columbia, and the surrounding region;

"(2) Baltimore/Washington International Airport, owned and operated by Maryland, is an air transportation facility that provides service to the greater Metropolitan Washington region together with the 2 federally owned airports, and timely Federal-aid grants to Baltimore/Washington International Airport will provide additional capacity to meet the growing air traffic needs and to compete with other airports on a fair basis;

"(3) the United States Government has a continuing but limited interest in the operation of the 2 federally owned airports, which serve the travel and cargo needs of the entire Metropolitan Washington region as well as the District of Columbia as the national seat of government;

"(4) operation of the Metropolitan Washington Airports by an independent local authority will facilitate timely improvements at both airports to meet the growing demand of interstate air transportation occasioned by the Airline Deregulation Act of 1978 (Public Law 95–504; 92 Stat. 1705);

"(5) all other major air carrier airports in the United States are operated by public entities at the State, regional, or local level;

"(6) any change in status of the 2 airports must take into account the interest of nearby communities, the traveling public, air carriers, general aviation, airport employees, and other interested groups, as well as the interests of the United States Government and State governments involved;

"(7) in recognition of a perceived limited need for a Federal role in the management of these airports and the growing local interest, the Secretary of Transportation has recommended a transfer of authority from the Federal to the local/State level that is consistent with the management of major airports elsewhere in the United States;

"(8) an operating authority with representation from local jurisdictions, similar to authorities at all major airports in the United States, will improve communications with local officials and concerned residents regarding noise at the Metropolitan Washington Airports;

"(9) a commission of congressional, State, and local officials and aviation representatives has recommended to the Secretary that transfer of the federally owned airports be as a unit to an independent authority to be created by Virginia and the District of Columbia; and

"(10) the Federal interest in these airports can be provided through a lease mechanism which provides for local control and operation.

"§49102. Purpose

"(a) GENERAL.—The purpose of this chapter is to authorize the transfer of operating responsibility under long-term lease of the 2 Metropolitan Washington Airport properties as a unit, including access highways and other related facilities, to a properly constituted independent airport authority created by Virginia and the District of Columbia, in order to achieve local control, management, operation, and development of these important transportation assets.

"(b) INCLUSION OF BALTIMORE/WASHINGTON INTERNATIONAL AIRPORT NOT PRECLUDED.—This chapter does not prohibit the Airports Authority and Maryland from making an agreement to make Baltimore/Washington International Airport part of a regional airports authority, subject to terms agreed to by the Airports Authority, the Secretary of Transportation, Virginia, the District of Columbia, and Maryland.

§49103. Definitions

"In this chapter—

"(1) 'Airports Authority' means the Metropolitan Washington Airports Authority, a public authority created by Virginia and the District of Columbia consistent with the requirements of section 49106 of this title.

"(2) 'employee' means any permanent Federal Aviation Administration personnel employed by the Metropolitan Washington Airports on June 7, 1987.

"(3) 'Metropolitan Washington Airports' means Washington National Airport and Washington Dulles International Airport.

"(4) 'Washington Dulles International Airport' means the airport constructed under the Act of September 7, 1950 (ch. 905, 64 Stat. 770), and includes the Dulles Airport Access Highway and Right-of-way, including the extension between Interstate Routes I–495 and I–66.

"(5) 'Washington National Airport' means the airport described in the Act of June 29, 1940 (ch. 444, 54 Stat. 686).

"§49104. Lease of Metropolitan Washington Airports

"(a) GENERAL.—The lease between the Secretary of Transportation and the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Authority under section 6005(a) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378), for the Metropolitan Washington Airports must provide during its 50-year term at least the following:

"(1) The Airports Authority shall operate, maintain, protect, promote, and develop the Metropolitan Washington Airports as a unit and as primary airports serving the Metropolitan Washington area.

"(2)(A) In this paragraph, 'airport purposes' means a use of property interests (except a sale) for—

"(i) aviation business or activities;

"(ii) activities necessary or appropriate to serve passengers or cargo in air commerce; or

"(iii) nonprofit, public use facilities that are not inconsistent with the needs of aviation.

"(B) During the period of the lease, the real property constituting the Metropolitan Washington Airports shall be used only for airport purposes.

"(C) If the Secretary decides that any part of the real property leased to the Airports Authority under this chapter is used for other than airport purposes, the Secretary shall—

"(i) direct that the Airports Authority take appropriate measures to have that part of the property be used for airport purposes; and

"(ii) retake possession of the property if the Airports Authority fails to have that part of the property be used for airport purposes within a reasonable period of time, as the Secretary decides.

"(3) The Airports Authority is subject to section 47107 (a)–(c) and (e) of this title and to the assurances and conditions required of grant recipients under the Airport and Airway Improvement Act of 1982 (Public Law 97–248, 96 Stat. 671) as in effect on June 7, 1987. Notwithstanding section 47107(b) of this title, all revenues generated by the Metropolitan Washington Airports shall be expended for the capital and operating costs of the Metropolitan Washington Airports.

"(4) In acquiring by contract supplies or services for an amount estimated to be more than $200,000, or awarding concession contracts, the Airports Authority to the maximum extent practicable shall obtain complete and open competition through the use of published competitive procedures. By a vote of 7 members, the Airports Authority may grant exceptions to the requirements of this paragraph.

"(5)(A) Except as provided in subparagraph (B) of this paragraph, all regulations of the Metropolitan Washington Airports (14 C.F.R. part 159) become regulations of the Airports Authority as of June 7, 1987, and remain in effect until modified or revoked by the Airports Authority under procedures of the Airports Authority.

"(B) Sections 159.59(a) and 159.191 of title 14, Code of Federal Regulations, do not become regulations of the Airports Authority.

"(C) The Airports Authority may not increase or decrease the number of instrument flight rule takeoffs and landings authorized by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not impose a limitation on the number of passengers taking off or landing at Washington National Airport.

"(6)(A) Except as specified in subparagraph (B) of this paragraph, the Airports Authority shall assume all rights, liabilities, and obligations of the Metropolitan Washington Airports on June 7, 1987, including leases, permits, licenses, contracts, agreements, claims, tariffs, accounts receivable, accounts payable, and litigation related to those rights and obligations, regardless whether judgment has been entered, damages awarded, or appeal taken. The Airports Authority must cooperate in allowing representatives of the Attorney General and the Secretary adequate access to employees and records when needed for the performance of duties and powers related to the period before June 7, 1987. The Airports Authority shall assume responsibility for the Federal Aviation Administration's Master Plans for the Metropolitan Washington Airports.

"(B) The procedure for disputes resolution contained in any contract entered into on behalf of the United States Government before June 7, 1987, continues to govern the performance of the contract unless otherwise agreed to by the parties to the contract. Claims for monetary damages founded in tort, by or against the Government as the owner and operator of the Metropolitan Washington Airports, arising before June 7, 1987, shall be adjudicated as if the lease had not been entered into.

"(C) The Administration is responsible for reimbursing the Employees' Compensation Fund, as provided in section 8147 of title 5, for compensation paid or payable after June 7, 1987, in accordance with chapter 81 of title 5 for any injury, disability, or death due to events arising before June 7, 1987, whether or not a claim was filed or was final on that date.

"(D) The Airports Authority shall continue all collective bargaining rights enjoyed by employees of the Metropolitan Washington Airports before June 7, 1987.

"(7) The Comptroller General may conduct periodic audits of the activities and transactions of the Airports Authority in accordance with generally accepted management principles, and under regulations the Comptroller General may prescribe. An audit shall be conducted where the Comptroller General considers it appropriate. All records and property of the Airports Authority shall remain in possession and custody of the Airports Authority.

"(8) The Airports Authority shall develop a code of ethics and financial disclosure to ensure the integrity of all decisions made by its board of directors and employees. The code shall include standards by which members of the board will decide, for purposes of section 49106(d) of this title, what constitutes a substantial financial interest and the circumstances under which an exception to the conflict of interest prohibition may be granted.

"(9) A landing fee imposed for operating an aircraft or revenues derived from parking automobiles—

"(A) at Washington Dulles International Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington National Airport; and

"(B) at Washington National Airport may not be used for maintenance or operating expenses (excluding debt service, depreciation, and amortization) at Washington Dulles International Airport.

"(10) The Airports Authority shall compute the fees and charges for landing general aviation aircraft at the Metropolitan Washington Airports on the same basis as the landing fees for air carrier aircraft, except that the Airports Authority may require a minimum landing fee that is not more than the landing fee for aircraft weighing 12,500 pounds.

"(11) The Secretary shall include other terms applicable to the parties to the lease that are consistent with, and carry out, this chapter.

"(b) PAYMENTS.—Under the lease, the Airports Authority must pay to the general fund of the Treasury annually an amount, computed using the GNP Price Deflator, equal to $3,000,000 in 1987 dollars. The Secretary and the Airports Authority may renegotiate the level of lease payments attributable to inflation costs every 10 years.

"(c) ENFORCEMENT OF LEASE PROVISIONS.—The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with the terms of the lease. The Attorney General or an aggrieved party may bring an action on behalf of the Government.

"(d) EXTENSION OF LEASE.—The Secretary and the Airports Authority may at any time negotiate an extension of the lease.

"§49105. Capital improvements, construction, and rehabilitation

"(a) SENSE OF CONGRESS.—It is the sense of Congress that the Metropolitan Washington Airports Authority—

"(1) should pursue the improvement, construction, and rehabilitation of the facilities at Washington Dulles International Airport and Washington National Airport simultaneously; and

"(2) to the extent practicable, should cause the improvement, construction, and rehabilitation proposed by the Secretary of Transportation to be completed at Washington Dulles International Airport and Washington National Airport within 5 years after March 30, 1988.

"(b) SECRETARY'S ASSISTANCE.—The Secretary shall assist the 3 airports serving the District of Columbia metropolitan area in planning for operational and capital improvements at those airports and shall accelerate consideration of applications for United States Government financial assistance by whichever of the 3 airports is most in need of increasing airside capacity.

"§49106. Metropolitan Washington Airports Authority

"(a) STATUS.—The Metropolitan Washington Airports Authority shall be—

"(1) a public body corporate and politic with the powers and jurisdiction—

"(A) conferred upon it jointly by the legislative authority of Virginia and the District of Columbia or by either of them and concurred in by the legislative authority of the other jurisdiction; and

"(B) that at least meet the specifications of this section and section 49108 of this title;

"(2) independent of Virginia and its local governments, the District of Columbia, and the United States Government; and

"(3) a political subdivision constituted only to operate and improve the Metropolitan Washington Airports as primary airports serving the Metropolitan Washington area.

"(b) GENERAL AUTHORITY.—(1) The Airports Authority shall be authorized—

"(A) to acquire, maintain, improve, operate, protect, and promote the Metropolitan Washington Airports for public purposes;

"(B) to issue bonds from time to time in its discretion for public purposes, including paying any part of the cost of airport improvements, construction, and rehabilitation and the acquisition of real and personal property, including operating equipment for the airports;

"(C) to acquire real and personal property by purchase, lease, transfer, or exchange;

"(D) to exercise the powers of eminent domain in Virginia that are conferred on it by Virginia;

"(E) to levy fees or other charges; and

"(F) to make and maintain agreements with employee organizations to the extent that the Federal Aviation Administration was authorized to do so on October 18, 1996.

"(2) Bonds issued under paragraph (1)(B) of this subsection—

"(A) are not a debt of Virginia, the District of Columbia, or a political subdivision of Virginia or the District of Columbia; and

"(B) may be secured by the Airports Authority's revenues generally, or exclusively from the income and revenues of certain designated projects whether or not any part of the projects are financed from the proceeds of the bonds.

"(c) BOARD OF DIRECTORS.—(1) The Airports Authority shall be governed by a board of directors composed of the following 13 members:

"(A) 5 members appointed by the Governor of Virginia;

"(B) 3 members appointed by the Mayor of the District of Columbia;

"(C) 2 members appointed by the Governor of Maryland; and

"(D) 3 members appointed by the President with the advice and consent of the Senate.

"(2) The Chairman of the board shall be appointed from among the members by majority vote of the members and shall serve until replaced by majority vote of the members.

"(3) Members of the board shall be appointed by the board for 6 years, except that of the members first appointed by the President after October 9, 1996, one shall be appointed for 4 years. A member may serve after the expiration of that member's term until a successor has taken office.

"(4) A member of the board—

"(A) may not hold elective or appointive political office;

"(B) serves without compensation except for reasonable expenses incident to board functions; and

"(C) must reside within the Washington Standard Metropolitan Statistical Area, except that a member of the board appointed by the President must be a registered voter of a State other than Maryland, Virginia, or the District of Columbia.

"(5) A vacancy in the board shall be filled in the manner in which the original appointment was made. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

"(6)(A) Not more than 2 of the members of the board appointed by the President may be of the same political party.

"(B) In carrying out their duties on the board, members appointed by the President shall ensure that adequate consideration is given to the national interest.

"(C) The members to be appointed under paragraph (1)(D) of this subsection must be appointed before October 1, 1997. If the deadline is not met, the Secretary of Transportation and the Airport Authority are subject to the limitations of section 49108 of this title until all members referred to in paragraph (1)(D) are appointed.

"(D) A member appointed by the President may be removed by the President for cause.

"(7) Eight votes are required to approve bond issues and the annual budget.

"(d) CONFLICTS OF INTEREST.—Members of the board and their immediate families may not be employed by or otherwise hold a substantial financial interest in any enterprise that has or is seeking a contract or agreement with the Airports Authority or is an aeronautical, aviation services, or airport services enterprise that otherwise has interests that can be directly affected by the Airports Authority. The official appointing a member may make an exception if the financial interest is completely disclosed when the member is appointed and the member does not participate in board decisions that directly affect the interest.

"(e) CERTAIN ACTIONS TO BE TAKEN BY REGULATION.—An action of the Airports Authority changing, or having the effect of changing, the hours of operation of, or the type of aircraft serving, either of the Metropolitan Washington Airports may be taken only by regulation of the Airports Authority.

"(f) ADMINISTRATIVE.—To assist the Secretary in carrying out this chapter, the Secretary may hire 2 staff individuals to be paid by the Airports Authority. The Airports Authority shall provide clerical and support staff that the Secretary may require.

"(g) REVIEW OF CONTRACTING PROCEDURES.—The Comptroller General shall review contracts of the Airports Authority to decide whether the contracts were awarded by procedures that follow sound Government contracting principles and comply with section 49104(a)(4) of this title. The Comptroller General shall submit periodic reports of the conclusions reached as a result of the review to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"§49107. Federal employees at Metropolitan Washington Airports

"(a) LABOR AGREEMENTS.—The Metropolitan Washington Airports Authority shall adopt all labor agreements that were in effect on June 7, 1987. Unless the parties otherwise agree, the agreements must be renegotiated before June 7, 1992.

"(2) Employee protection arrangements made under this section shall ensure, during the 50-year lease term, the continuation of all collective bargaining rights enjoyed by transferred employees retained by the Airports Authority.

"(b) CIVIL SERVICE RETIREMENT.—Any Federal employee who transferred to the Airports Authority and who on June 6, 1987, was subject to subchapter III of chapter 83 or chapter 84 of title 5, is subject to subchapter II of chapter 83 or chapter 84 for so long as continually employed by the Airports Authority without a break in service. For purposes of subchapter III of chapter 83 and chapter 84, employment by the Airports Authority without a break in continuity of service is deemed to be employment by the United States Government. The Airports Authority is the employing agency for purposes of subchapter III of chapter 83 and chapter 84 and shall contribute to the Civil Service Retirement and Disability Fund amounts required by subchapter III of chapter 83 and chapter 84.

"(c) ACCESS TO RECORDS.—The Airports Authority shall allow representatives of the Secretary of Transportation adequate access to employees and employee records of the Airports Authority when needed to carry out a duty or power related to the period before June 7, 1987. The Secretary shall provide the Airports Authority access to employee records of transferring employees for appropriate purposes.

"§ 49108. Limitations

"After October 1, 2001, the Secretary of Transportation may not approve an application of the Metropolitan Washington Airports Authority—

"(1) for an airport development project grant under subchapter I of chapter 471 of this title; or

"(2) to impose a passenger facility fee under section 40117 of this title.

"§ 49109. Nonstop flights

"An air carrier may not operate an aircraft nonstop in air transportation between Washington National Airport and another airport that is more than 1,250 statute miles away from Washington National Airport.

§ 49110. Use of Dulles Airport Access Highway

"The Metropolitan Washington Airports Authority shall continue in effect and enforce section 4.2 (1) and (2) of the Metropolitan Washington Airports Regulations, as in effect on February 1, 1995. The district courts of the United States have jurisdiction to compel the Airports Authority and its officers and employees to comply with this section. The Attorney General or an aggrieved party may bring an action on behalf of the United States Government.

"§ 49111. Relationship to and effect of other laws

"(a) SAME POWERS AND RESTRICTIONS UNDER OTHER LAWS.—To ensure that the Metropolitan Washington Airports Authority has the same proprietary powers and is subject to the same restrictions under United States law as any other airport except as otherwise provided in this chapter, during the period that the lease authorized by section 6005 of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–375, Public Law 99–591, 100 Stat. 3341–378) is in effect—

"(1) the Metropolitan Washington Airports are deemed to be public airports for purposes of chapter 471 of this title; and

"(2) the Act of June 29, 1940 (ch. 444, 54 Stat. 686), the First Supplemental Civil Functions Appropriations Act, 1941 (ch. 780, 54 Stat. 1030), and the Act of September 7, 1950 (ch. 905, 64 Stat. 770), do not apply to the operation of the Metropolitan Washington Airports, and the Secretary of Transportation is relieved of all responsibility under those Acts.

"(b) INAPPLICABILITY OF CERTAIN LAWS.—The Metropolitan Washington Airports and the Airport Authority are not subject to the requirements of any law solely by reason of the retention of the United States Government of the fee simple title to those airports.

"(c) POLICE POWER.—Virginia shall have concurrent police power authority over the Metropolitan Washington Airports, and the courts of Virginia may exercise jurisdiction over Washington National Airport.

"(d) PLANNING.—(1) The authority of the National Capital Planning Commission under section 5 of the Act of June 6, 1924 (40 U.S.C. 71d), does not apply to the Airports Authority.

"(2) The Airports Authority shall consult with—

"(A) the Commission and the Advisory Council on Historic Preservation before undertaking any major alterations to the exterior of the main terminal at Washington Dulles International Airport; and

"(B) the Commission before undertaking development that would alter the skyline of Washington National Airport when viewed from the opposing shoreline of the Potomac River or from the George Washington Parkway.

"(e) OPERATION LIMITATIONS.—The Administrator of the Federal Aviation Administration may not increase the number of instrument flight rule takeoffs and landings authorized for air carriers by the High Density Rule (14 C.F.R. 93.121 et seq.) at Washington National Airport on October 18, 1986, and may not decrease the number of those takeoffs and landings except for reasons of safety.

"§ 49112. Separability and effect of judicial order

"(a) SEPARABILITY.—If any provision of this chapter, or the application of a provision of this chapter to a person or circumstance, is held invalid, the remainder of this chapter and the application of the provision to other persons or circumstances is not affected.

"(b) EFFECT OF JUDICIAL ORDER.—(1) If any provision of the Metropolitan Washington Airports Amendments Act of 1996 (title IX of Public Law 104–264, 110 Stat. 3274) or the amendments made by the Act, or the application of that provision to a person, circumstance, or venue, is held invalid by a judicial order, the Secretary of Transportation and the Metropolitan Washington Airports Authority shall be subject to section 49108 of this title from the day after the day the order is issued.

"(2) Any action of the Airports Authority that was required to be submitted to the Board of Review under section 6007(f)(4) of the Metropolitan Washington Airports Act of 1986 (Public Law 99–500, 100 Stat. 1783–380, Public Law 99–599, 100 Stat. 3341–383) before October 9, 1996, remains in effect and may not be set aside only because of a judicial order invalidating certain functions of the Board.".

SECTION. 3. TECHNICAL CHANGES TO OTHER LAWS.

(a) Effective November 15, 1995, section 333(a)(1) and (2) of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50, 109 Stat. 457) is amended to read as follows:

"(1) in subparagraph (B) 'that extends the economic life of a bus for at least 5 years'; and

"(2) in subparagraph (C), 'that extends the economic life of a bus for at least 8 years'.".

(b) Effective July 2, 1996, section 2(c) of the Anti-Car Theft Improvements Act of 1996 (Public Law 104–152, 110 Stat. 1384) is amended by striking "sections 30502 and 30503" and substituting "sections 30501(6), 30502, 30503, and 30504(a)(1)".

(c) Effective October 9, 1996, the Federal Aviation Reauthorization Act of 1996 (Public Law 104–264, 110 Stat. 3213) is amended as follows:

(1) Section 123 is amended as follows:

(A) Subsection (b)(6) is amended to read as follows:

"(6) in subparagraph (B), as so redesignated, by striking 'at least 2.25' and all that follows through '1996,' and inserting 'at least 4 percent for each of fiscal years 1997 and 1998'; and".

(B) Add at the end the following:

"(d) CONFORMING CROSS-REFERENCE.—Section 47117(e)(1)(A), as redesignated by subsection (b)(3) of this section, is amended by striking '47504(c)(1)' and substituting '47504(c)'.".

(2) Section 124 is amended by striking subsection (d).

(3) Section 276 is amended by adding at the end the following:

"(c) CONFORMING CROSS-REFERENCE.—Section 106(g)(1)(A) is amended by striking '45302, 45303' and substituting '45302–45304'.".

(4) Sections 502(c) and 1220(b) are repealed.

(d) Effective October 11, 1996—

(1) Section 5 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3388), is amended as follows:

(A) In clause (45)(A), strike "ENFORCEMENT," and substitute "ENFORCEMENT:"

(B) Clause (69) is amended to read as follows:

"(69)(A) Add at the end of chapter 401 the following:

'§ 40124. Interstate agreements for airport facilities

'Congress consents to a State making an agreement, not in conflict with a law of the United States, with another State to develop or operate an airport facility.'.

'(B) In the analysis for chapter 401, add at the end the following:

'40124. Interstate agreements for airport facilities.'.".

(C) Clause (76) is repealed.

(D) Clause (79) is amended to read as follows:

"(79) In section 46316(b), strike 'and sections 44701 (a) and (b), 44702–44716, 44901, 44903 (b) and (c), 44905, 44906, 44912–44915, and 44932–44938' and substitute 'chapter 447 (except section 44718(a)), and chapter 449 (except sections 44902, 44903(d), 44904, and 44907–44909)'.".

(E) (84) is repealed.

(2) Section 8 of the Act of October 11, 1996 (Public Law 104–287, 110 Stat. 3400), is amended as follows:

(A) In paragraph (1), strike "(77), (78)" and substitute "(77)–(79)".

(B) Paragraph (2) is amended to read as follows:

"(2) The amendments made by section 5(81)(B), (82)(A), and (83)(A) shall take effect on September 30, 1998.".

(e) The General Aviation Revitalization Act of 1994 (Public Law 103–298, 108 Stat. 1552) is amended as follows:

(1) In section 2(c), strike "the Federal Aviation Act of 1958 (49 U.S.C. App. 1301 et seq.)" and substitute "part A of subtitle VII of title 49, United States Code,".

(2) In section 3—

(A) in paragraph (1), strike "section 101(5) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(5))" and substitute "section 40102(a)(6) of title 49, United States Code";

(B) in paragraph (2), strike "section 603(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(c))" and substitute "section 44704(c)(1) of title 49, United States Code,"; and

(C) in paragraph (4), strike "section 603(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1423(a))" and substitute "section 44704(a) of title 49, United States Code,".

(f) The amendments made by subsections (a)–(d) of this section shall take effect as if included in the provisions of the acts to which the amendments relate.

SEC. 4. LEGISLATIVE PURPOSE AND CONSTRUCTION.

(a) NO SUBSTANTIVE CHANGE.—This Act restates, without substantive change, laws enacted before May 1, 1997, that were replaced by this Act. This Act may not be construed as making a substantive change in the laws replaced. Laws enacted after April 30, 1997, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

(b) REFERENCES.—A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) CONTINUING EFFECT.—An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or an offense committed under a law replaced by this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) INFERENCES.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

(f) SEVERABILITY.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications

that are severable from any of the invalid applications.

SEC. 5. REPEALS.

(a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) REPEALER SCHEDULE.—The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code	
			Volume	Page	Title	Section
1996						
Oct. 18	99–500	6001–6012	100	1783–373		
Oct. 30	99–591	6001–6012	100	3341–376		
1991						
Dec. 18	102–240	7001–7004	105	2197		
1996						
Oct. 9	104–264	902–907	110	3274		

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1086, as amended, is a bill to codify without substantive change laws related to transportation not included in title 49, Transportation, and to improve the United States Code. This bill was prepared by the Office of the Law Revision Counsel under its authority to prepare and submit periodically revisions of positive law titles of the United States Code to keep those titles current.

The Law Revision Counsel has informed us that he is satisfied that H.R. 1086, as amended, makes no substantive changes in the law. Therefore, no additional costs to the Government would be incurred as a result of the enactment of H.R. 1086, as amended.

I urge my colleagues to support H.R. 1086, as amended.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume. I simply would associate myself with the remarks of the gentleman from Florida [Mr. MCCOLLUM], and I would urge that the House support this revision.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1086, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 748) to amend the prohibition of title 18, United States Code, against financial transactions with terrorists, as amended.

The Clerk read as follows:

H.R. 748

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 "Prohibition on Financial Transactions With Countries Supporting Terrorism Act of 1997".

SEC. 2. FINANCIAL TRANSACTIONS WITH TERRORISTS.

Section 2332d of title 18, United States Code, (relating to financial transactions) is amended—

(1) in subsection (a)—

(A) by striking "Except as provided in regulations issued by the Secretary of the Treasury, in consultation with the Secretary of State, whoever" and inserting "Whoever"; and

(B) by inserting "of 1979" after "Export Administration Act"; and

(2) in subsection (b)(1), by inserting after "1956(c)(4)" the following: ", except that such term does not include any transactions ordinarily incident to—

"(A) routine diplomatic relations among countries;

"(B) an official act by a representative of, or an act which is authorized by and conducted on behalf of, the United States Government;

"(C) the broadcasting or reporting of news by organizations regularly engaged in such activity; or

"(D) the provision or purchase of assistance intended to relieve human suffering, including medical services, supplies, and equipment;

"(E) the receipt of emergency medical services;

"(F) any postal, telegraphic, or other personal communication which does not involve a transfer of anything of value;

"(G) the protection of intellectual property rights of any United States person;

"(H) the performance of any contract or agreement that was entered into before June 12, 1997, but not those renewed after such date;

"(I) the provision of hospitality or transportation services; or

"(J) the payment of a claim to any United States person".

SEC. 3. REPORT ON EFFECTS OF ENACTMENT.

Beginning not later than one year after the date of enactment to this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall issue an annual report to Congress on—

(1) the impact of this prohibition on United States businesses; and

(2) any means by which a negative impact might be ameliorated.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 748, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, this bill, H.R. 748, is an important addition to the Federal Government's battle against international terrorists and particularly those countries which have been identified as supporters of terrorism.

The gentleman from New York [Mr. SCHUMER], the ranking member of the Subcommittee on Crime, and I introduced this bill for the purpose of eliminating overly permissive regulations promulgated by the administration last year which have effectively gutted the provisions he and I offered successfully to the antiterrorism bill in the last Congress.

The amendment the gentleman from New York [Mr. SCHUMER] and I successfully offered to the antiterrorism bill, now known as section 321, prohibited all financial transactions between U.S. persons and governments which have been designated as supporters of terrorism.

Section 321 was drafted with a dual purpose in mind. First, by prohibiting financial support from terrorist countries to terrorist persons, it attempts to prevent the long arm of terrorism from reaching the shores of the United States through domestic entities. Second, the provision was intended to prohibit all financial transactions by U.S. persons with these countries regardless of where these transactions took place. This would have the effect of cutting off terrorist sponsoring governments from economic benefits of doing business with U.S. companies.

We agreed last year to authorize the Department of the Treasury, in consultation with the Department of State, to issue regulations which provided some exceptions to this ban. We intended that these regulations exclude a variety of specific transactions such as those which occur in the course of diplomatic activities and other related official matters.

Instead, in August of last year, the Treasury Department published regulations in relation to section 321 which essentially reversed the effect of the new prohibition. These regulations permit all financial transactions other than those which pose a risk of furthering domestic terrorism. The regulations prohibit U.S. persons from receiving unlicensed donations and from engaging in financial transactions with respect to which the United States person knows or has reasonable cause to believe that the financial transaction poses a risk of furthering terrorist acts in the United States. Thus, these regulations completely ignore the second purpose of the prohibition. They ensure a business as usual policy and represent a step backwards in the effort to isolate countries which provide support to terrorists.

H.R. 748 strips the executive branch of its authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception only for specified transactions. The list of permitted activities and transactions incident thereto include: routine diplomatic relations among countries; official acts by representatives of the U.S. Government; news reporting; humanitarian assistance; emergency medical services and the provision of medical supplies; postal and telephone services; the protection of intellectual property rights; hospitality or transportation services; payments of a claim to U.S. persons; and transactions connected to contracts and agreements entered into before the formal consideration of this legislation.

As a result of sanctions currently in place involving Iran, Iraq, North Korea, Libya, and Cuba, this bill has a more significant impact on transactions between United States persons and the governments of Sudan and Syria. These two countries are the only terrorist-list countries not subject to economic sanctions under other provisions of law.

It has been suggested by some that this legislation comes at a time when peace talks between Syria and Israel are a future possibility. We have all got to hope that that occurs. In fact, I certainly hope that that is true and that such talks will occur and be fruitful. Until such time, however, we must all stand firm on the principle that terrorism will not be tolerated and that countries giving shelter and support to terrorists are acting against the well being of the world community.

If the passage of this legislation would detract from the peace process, as some I think genuinely believe, I however do not, but as some believe, then I would suggest that the peace that is at hand is not really there and that it is a false hope rather than a reality. For all this legislation does is simply say that we are enforcing the laws of this land, that we are interested in making certain that those countries that do engage in supporting terrorism to the extent that they are placed on a terrorist list by our government as countries that support these acts are not going to any longer be able to engage in normal financial transactions with U.S. persons, U.S. citizens, U.S. companies, and all that a country has to do to get off the list, to avoid this sanction, is simply to stop those activities that have gotten them on the list in the first place. While some of the countries listed may engage more openly and more often and more frequently in these acts that make them terrorist-list countries, all of the countries are on the list for a reason. I would submit again that if one or two of these nations are close to the line and only have to take a few steps to come off the list that they proceed to do so. In fact that is indeed the message of this bill.

Mr. Speaker, H.R. 748 is a very important piece of legislation. There should be no higher priority for the United States in the battle against terrorism than the elimination of foreign government support for terrorists. I urge my colleagues to support this bill.

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

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

Mr. Speaker, this bill would replace the existing rules and procedures governing financial transactions with terrorism listed governments with an absolute ban on such transactions unless they fit in one of the 10 express exemptions provided by the bill. I want to commend the gentleman from Florida [Mr. MCCOLLUM] for his diligent efforts on behalf of this measure. I want to associate myself with the intent of his legislation.

While I join with him and the rest of the committee in reporting the bill favorably, I do have a concern which I raised during the committee's consideration of the bill as to what effect the bill might have on the embargoes currently in place against 5 of the 7 countries on the terrorism list. Specifically, I was concerned about whether the bill leaves the executive branch sufficient flexibility to address individual cases as they may arise since it is impossible to fully anticipate all the myriad circumstances which might require private citizens or the government itself to engage in financial transactions in the midst of an embargo. I have since received a letter from the Department of State which indicates that.

> The effect on these embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The letter which I would ask to have included in the RECORD goes on to say that:

> If H.R. 748 were adopted, the administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea."

□ 1545

The department's letter offers many other such examples, including the payment of taxes and other fees to protect property interests in terrorist listed countries, payments on claims negotiated before the Iran-United States Claims Tribunal, transactions made in connection with the dismantlement of the Iraqi nuclear weapons program, and transactions associated with humanitarian activities that may not fall within the express exemptions in the bill.

I frankly do not know whether these particular horrors would come to pass if the bill becomes law or not. I am not in a position to know, but I think it should matter to us that those who are in a position to know have raised questions of this magnitude. One thing that I do know is that the gentleman from Florida is a thoughtful and reasonable colleague and that he has attempted to work with the administration to resolve these concerns, and I hope and trust and am confident that he will continue to do so.

U.S. DEPARTMENT OF STATE,
Washington, DC, June 20, 1997.

Hon. WILLIAM D. DELAHUNT,
House of Representatives.

DEAR MR. DELAHUNT: Thank you for your question, raised at the House Judiciary Committee meeting of June 18, whether H.R. 748 would have an effect on the embargoes currently in place against five of the seven terrorism-list countries under the authorities

that include the International Emergency Economic Powers Act 50 U.S.C. §1701 et seq. ("IEEPA"), the Trading with the Enemy Act, 50 U.S.C. App. §1 et seq. ("TWEA"), and section 5 of the United Nations Participation Act (22 U.S.C. 287c) ("UNPA"). The five countries are Cuba, Iran, Iraq, North Korea, and Libya. The effect on those embargoes would be significant, including in ways that cannot be fully foreseen or assessed at this time.

The Department of the Treasury regulations (31 C.F.R. §596.503), currently in force under the authority of 18 U.S.C. 2332d, incorporate by reference the exemptions and licensing policies applicable under each individual embargo, so as to preserve the legislative mandates and executive branch policies that apply under each program. H.R. 748 would remove this regulatory authority and thus would appear to have the effect of overriding any statutory or regulatory provisions that may conflict. If H.R. 748 were adopted, the Administration may no longer be able, under the embargo authorities otherwise available to it, to authorize transactions with terrorist-list governments, other than those specifically exempted by H.R. 748. An example might be the repatriation of MIA remains from North Korea.

A further related concern is whether H.R. 748 is meant to take precedence over more specific laws such as the Cuban Democracy Act of 1992, 22 U.S.C. 6001 et seq. ("the CDA or Torricelli Act) which authorizes various forms of support for the Cuban people "notwithstanding any other provision of law," or the Cuban Liberty and Democracy Solidarity Act of 1996, 22 U.S.C. 6021 et seq. ("the Libertad Act" or "the Helms-Burton Act") which codifies the pre-existing Cuban embargo, including licensing authorities.

Your question highlights the difficulty that the Judiciary Committee and the Administration would face in trying to develop a specific and comprehensive list of exemptions that would be necessary if a complete ban on financial transactions with terrorism-list governments were adopted. While the exemptions that have been added to H.R. 748 are helpful, they are by no means adequate. Enclosed is a list of examples that we have developed within the Department of State to identify some of the more obvious and troublesome consequences if H.R. 748, as amended, were enacted into law. (Other Departments and agencies may have additional concerns for their programs.)

We do not know the full range of transactions which U.S. citizens or residents may be required to engage in with the individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. No enumeration of specific exemptions would be adequate to meet all the unforeseen circumstances that inevitably arise in the administration of a sanctions regime. Unless the Administration is entrusted with the discretion to address specific circumstances, as in current law, any list of exemptions would necessarily be inadequate to protect the interests of the United States.

We appreciate your consideration of these views.

Sincerely,

BARBARA LARKIN,
Assistant Secretary, Legislative Affairs.

H.R. 748 AS AMENDED

DESCRIPTION

H.R. 748, as amended by the House Judiciary Committee, prohibits financial transactions with terrorism-list governments, unless specifically exempted by its terms. The ten exemptions included thus far, however, are inadequate to alleviate a wide range of adverse consequences for American citizens and the civilian population of the countries concerned, as well as for the conduct of foreign policy and other governmental and intergovernmental functions. It strips the Executive Branch of all regulatory and licensing flexibility now contained in section 321 of the 1996 Antiterrorism Act and other embargo authorities. By so doing, its potential impact would exceed that of any existing embargo.

We appreciate the effort made by the Judiciary Committee to accommodate certain limited concerns; however the minimal exceptions reflected in the H.R. 748, as amended, are inadequate. We do not know the full range of incidental transactions which Americans may be required to engage in with individual terrorism-list governments, nor can we anticipate all the activities, whether governmental or private, that may require some form of financial transaction with a terrorism-list government in the future. As a result, it is impossible to provide a comprehensive list of cases that could serve as the basis for developing exemptions to this provision.

Unless the Executive Branch is entrusted with the discretion to address individual circumstances, as under current law, any list of exceptions would necessarily be inadequate to protect the interests of the United States.

Among the consequences of such a rigid legislative approach could be the following:

The U.S. might no longer be able to meet certain binding legal obligations undertaken in the past with Iran, including implementation of the Algiers Accords through the Iran-U.S. Claims Tribunal in the Hague, and implementation of the agreement settling the 1988 Iran Air shootdown and certain Tribunal bank claims. These obligations may extend beyond the more limited exceptions provided for payments incident to official acts by the USG or on its behalf or payments of claims to Americans, to include, for example:

Payments by U.S. claimants of Tribunal awards to the Government of Iran (Under the Algiers Accords, these awards are enforceable in foreign courts.)

Payments by Iran for the warehousing arrangement it has with Victory Van in Virginia, which stores Iran's equipment that the USG refuses to license for export to Iran.

Payments via government-controlled banks to Iranian relatives of victims of the Iran Air shootdown; and

Private payments for expenses that are not necessarily on behalf of the USG the denial of which could result in USG liability under the Accords or other agreements;

Payments by Iran necessary to enforce its awards or bring other claims in U.S. courts (also as provided for in the Algiers Accords);

Payments by terrorism list governments generally to defend lawsuits and property interests in the U.S., which may raise constitutional issues.

It is unclear whether the provision is meant to override the basic scheme of the Foreign Sovereign Immunities Act (FSIA) by denying American attorneys payment for representation of terrorism list governments sued in the United States.

(Under the FSIA, foreign states are not immune from actions arising from a broad range of activities, including terrorist acts by the 6(j) countries against U.S. nationals. The Act assumes the issues of immunity and liability will be resolved through U.S. court proceedings. Deprivation of counsel for 6(j) government defendants may raise constitutional issues, call into question the fairness of the U.S. legal system, and generally discourage foreign governments from participation in suits under the FSIA, thus impeding USG efforts to persuade foreign states to adopt the restrictive theory of sovereign immunity and honor U.S. court judgments.)

It is unclear that an exception for provision of humanitarian assistance would be sufficient to enable U.S. nationals to pay the incidental government fees and personal expenses necessary to enable them to travel to or subsist in terrorism list countries to support or work in humanitarian programs in these countries;

It is unclear whether an exception for the provision of assistance intended to relieve human suffering is sufficient, for example, to allow Americans to repatriate the remains of family members who die in terrorism list countries, to settle decedents' estates, or to relieve other personal hardships that may arise in these countries;

Nor is it clear that an exception strictly limited to official transactions by the USG or conducted on its behalf would be sufficient to permit the continuation of transactions by intergovernmental or non-governmental organizations or of private individuals in furtherance of on-going programs serving important U.S. interests, including repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons' programs, and promotion of freer communication with the Cuban population;

The exception for transactions "incident to routine diplomatic relations among countries" may not clearly encompass the maintenance of interest sections and protecting power arrangements, which are not generally viewed as "routine diplomatic relations;"

Nor is it clear whether the provision's diplomatic exception applies to multilateral representation, for example, the ability of terrorism-list governments to maintain missions to international organizations headquartered in the United States (even where the USG has relevant treaty obligations such as the obligation under the U.N. Headquarters Agreement not to impede the functioning of these missions).

The protection of intellectual property rights of Americans is a welcome exception, but does not adequately resolve binding legal obligation of the United States under various multilateral intellectual property agreements to protect the rights of property owners in other member states;

Nor do the exceptions adequately provide for taxes and other fees that Americans may be required to pay to protect real or other property interests in terrorism-list countries;

It is unclear how Americans are to interpret the scope of the various exceptions on their own without administrative or regulatory guidance from a designated federal agency, as is normally the practice under embargoes; the net result may be a chilling effect on even those transactions that the Congress seeks to protect from interruption through these exemptions.

In sum, the Government already has a wide range of economic sanctions against countries that support international terrorism including Syria and Sudan. Sanctions are most effectively used in dealing with specific events or problems. They are a tool, not an end in themselves. To impose such sweeping mandatory sanctions, particularly in the absence of a precipitating event, does not

strengthen our counter-terrorism efforts or other foreign policy goals with these individual countries. Indeed, it weakens them. It uses up the remaining economic arrows, leaving little ammunition in reserve.

Such sweeping measures, make it more difficult to maintain the contacts and dialogue needed to get necessary cooperation on specific situations, as we have in the past been able to obtain from Syria and Sudan. We have even had limited success with certain embargoed countries which would not have been possible without the flexibility and discretion available to the Executive branch under existing laws to create a climate for encouraging positive change within those countries.

The Administration has sufficient authority to deal with specific situations as necessary.

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

I would like to respond to the gentleman only to state a couple of things. One is that the concerns that he has expressed through the letter of the State Department of June 20, 1997, I have examined with my staff. We do not believe that the specific concerns listed in the letter are concerns that are not addressed in the bill. They are addressed in the bill.

For example, if there is a repatriation of MIA remains that would be involved from North Korea, they are covered because the language that we have in the exemption of the bill says it does not include any transaction ordinarily incident to an official act by a representative of or an act which is authorized by and conducted on behalf of the United States Government. And I have spent some considerable time with staff of other committees making certain that this covers activities that we might delegate out through our communities, both in defense and intelligence, as well as those which the State Department may be doing.

The same would be true with regard to the Cuban Democracy Act and the concern which was expressed in that letter about it because the act itself on its face, the Cuban Democracy Act, says notwithstanding any other provision of law, and this bill, 748, does not override that concern, is still the express view of the bill on its face that was passed before the Cuban act that I am talking about.

I would also add that while of course we cannot list every possible exception, and the ideal was what we passed in the legislation that is currently law, where we give full discretion to the Treasury and the State Departments to make exceptions as they see fit. The fact is they abused it grossly, and if we are going to restrict the terrorist list countries and restrict financial transactions of U.S. citizens from doing such things as going out and developing oil fields and investing in those countries that are terrorist list nations and giving them then the means and the resources to fuel terrorist acts around the world by their support of terrorist activities, then the whole exercise that we had in the antiterrorism bill is futile and useless and not workable. And while I would continue to work with the gentleman from Massachusetts as well as those at the State Department and our Government in the period of time between the House floor activity today and any final bill that comes out of both bodies in conference to see if there are other issues that we might need to resolve, it is certainly my intent and, I believe, the members of the subcommittee by and large and the full Committee on the Judiciary to see that the House passes this bill today, as I believe it will be the will of the House, and that we send a clear and unmistakable message that doing business with terrorist organizations and in support of terrorism and being on the terrorist lists by our State Department, if they are a country doing that, then they are not going to get the benefits of ordinary, everyday financial transactions with United States citizens. It is simply not common sense to let that happen, it is not good American policy, and I believe that this legislation needs to be adopted and should be adopted.

Mr. RAHALL. Mr. Speaker, combating international terrorism is in the vital national interest of the United States. There can be no mistake about that. Nor can there be any question that the Clinton administration has worked tirelessly in pursuit of this objective. While the purpose of H.R. 748 is to assist in this effort, the ultimate consequence, albeit unintended, may very well be the opposite.

If passed, H.R. 748 will prevent the administration from acting on foreign policy objectives and conducting basic diplomacy. In his opening remarks, Representative McCOLLUM stated clearly, "The bill strips the executive branch of the authority to issue regulations exempting transactions from the prohibition. It establishes instead a legislative exception * * *." By removing any flexibility the Executive branch has in implementing economic sanctions or prohibitions on financial transactions, the President is stripped of his ability to conduct the foreign policy affairs of the United States—a responsibility granted him by the Constitution.

In addition, while this bill may be touted as a safeguard against loopholes in existing legislation, it is vital to point out that the Antiterrorism and Effective Death Penalty Act of 1996 is an effective tool employed by the President to advance our counter-terrorism agenda in a manner he deems most appropriate, country by country. This restrictive legislation has serious implications—ultimately tying the President's hands in waging the war on international terrorism.

While the bill may have an effect on various regions of the world, one can look to the Middle East peace process as a clear example of how it will restrict the President's foreign policy. Without the ability to engage Syria, the United States can not be viewed as a balanced intermediary between the parties to the process. The peace process itself, a critical foreign policy objective, would be hindered by such action because the bill would impede the Administration's ability to advance stated peace process objectives.

Ms. HARMAN. Mr. Speaker, I rise today in opposition to H.R. 748, which, in the name of stopping terrorism, would mandate an automatic one-size-fits-all foreign policy and restrict the rights of American citizens and companies to do business in some countries overseas.

We all agree that terrorism is abhorrent, and that stopping it must be a top foreign policy priority for the United States.

The tough question, though, is how best to meet that goal. Are we better off adopting multilateral policies to deal with individual state sponsors of terrorism? Or should we automatically impose unilateral sanctions on every nation deemed a sponsor of terrorism?

The bill before us today chooses the second answer to this question: Automatic sanctions. This is a tempting solution. After all, we're talking about countries like Iran, Libya, Cuba, and North Korea. There are few defenders of these regimes anywhere in the world.

Unfortunately, there are three major costs associated with imposing unilateral sanctions.

First, unilateral sanctions are rarely, if ever, an effective punishment. When American companies are barred from entering foreign markets, competitors from Asia and Europe are poised to take advantage. Without multilateral support for sanctions, then, the punitive effect of banning American business from a country may be minimal at best.

Second, imposing unilateral sanctions means lost American jobs. It is self-evident that keeping American companies out of foreign markets means lost American wealth.

Third, imposing unilateral sanctions will not necessarily end a foreign government's use of terrorism. In fact, in cases where terrorist regimes are generally supported by their subjects, imposing sanctions is likely only to increase anti-American sentiment and strengthen the hold of those in power.

I do support unilateral sanctions in certain targeted instances, for example with Iran. But taking away the President's prerogative to choose, and Congress's ability to assess whether to use this blunt policy tool, as the bill before us would do, will make our antiterrorism foreign policy worse, not better.

Mr. Speaker, we should do everything in our power to end all forms of terrorism. We are right to lead international efforts to isolate and punish terrorists. But imposing the automatic one-size-fits-all response to terrorism contained in H.R. 748 will be ineffective and costly. I urge my colleagues to defeat this bill.

Mr. McCOLLUM. Mr. Speaker, I have no further speakers. If the gentleman does not, I am prepared to yield back the balance of my time.

Mr. DELAHUNT. No, I do not, Mr. Speaker, and I want to thank the gentleman from Florida for his reassurances.

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

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended.

The question was taken.

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

The yeas and nays were ordered.

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

LAW ENFORCEMENT TECHNOLOGY ADVERTISEMENT CLARIFICATION ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1840) to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices.

The Clerk read as follows:

H.R. 1840

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 "Law Enforcement Technology Advertisement Clarification Act of 1997".

SEC. 2. EXCEPTION TO PROHIBITION ON ADVERTISING CERTAIN DEVICES.

Section 2512 of title 18, United States Code, is amended by adding at the end the following:

"(3) It shall not be unlawful under this section to advertise for sale a device described in subsection (1) of this section if the advertisement is mailed, sent, or carried in interstate or foreign commerce solely to a domestic provider of wire or electronic communication service or to an agency of the United States, a State, or a political subdivision thereof which is duly authorized to use such device.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1840, the Law Enforcement Technology Advertisement Clarification Act, makes a small change to section 2512 of title 18, United States Code. The section states that any person who places in any newspaper, magazine, handbill, or other publication, any advertisement of any electronic, mechanical, or other device primarily useful for the purposes of surreptitious interception shall be fined and imprisoned. Thus, current law rightfully prohibits the widespread advertisement of electronic interception devices.

Unfortunately, this blanket prohibition against all advertisements includes advertisements to legitimate law enforcement users. Police departments may not receive mailings from companies which manufacture electronic equipment informing them that such equipment has been updated and improved.

Advances in the technology of electronic devices are being made at a staggering pace. One example is body microphones which are used frequently by undercover officers. These devices have been miniaturized and disguised through technological advancements and it is now almost impossible to tell if an officer is wearing one. Technological improvements like these specially in the area of undercover work can quite literally save police officers' lives. It is therefore essential that the manufacturers or distributors of this technology be able to contact law enforcement agencies and make them aware of improvements. That is the only purpose of this legislation.

It is certainly very important to protect privacy rights of every citizen in this country, and this bill does not grant any new authority to law enforcement in the area of electronic interception. Although law enforcement may already legally use devices intended for surreptitious interception, nothing in this bill expands existing law. This change only relates to advertisement of such equipment though subcommittee staff and industry representatives who work closely with the Federal Bureau of Investigation to ensure that this language will only provide relief to companies that manufacture law enforcement related equipment, and I would like to thank Director Freeh for his assistance with this legislation.

Again the sole purpose of this bill is to allow for the advertisement of such equipment to police departments. It is a very small change but one which could have a very big impact for police departments around the country, and I urge the adoption of the bill.

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

Mr. DELAHUNT. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief.

I want to congratulate the gentleman from Florida [Mr. McCOLLUM] for introducing this bill. It is straightforward, it is a sensible exception to that broad prohibition which he alluded to on the advertising of electronic surveillance technology. As he indicated, current law prohibits manufacturers from advertising such devices even to legitimate law enforcement agencies. This bill would simply allow such advertising as long as the recipient of the advertising is duly authorized to use these particular devices.

Mr. Speaker, I support the legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 1840.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TELEMARKETING FRAUD PREVENTION ACT OF 1997

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1847) to improve the criminal law relating to fraud against consumers, as amended.

The Clerk read as follows:

H.R. 1847

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 "Telemarketing Fraud Prevention Act of 1997".

SEC. 2. FORFEITURE OF FRAUD PROCEEDS.

Section 982(a) of title 18, United States Code, is amended by adding at the end the following:

"(8) The Court, in sentencing a defendant for an offense under section 2326, shall order that the defendant forfeit to the United States any real or personal property—

"(A) used or intended to be used to commit or to promote the commission of such offense, if the court in its discretion so determines, taking into consideration the nature, scope, and proportionality of the use of the property in the offense; and

"(B) constituting, derived from, or traceable to the gross proceeds that the defendant obtained directly or indirectly as a result of the offense.".

SEC. 3. SENTENCING GUIDELINES CHANGES.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review and amend the sentencing guidelines to provide a sentencing enhancement for any offense listed in section 2326 of title 18, United States Code—

(1) by at least 4 levels if the circumstances authorizing an additional term of imprisonment under section 2326(1) are present; and

(2) by at least 8 levels if the circumstances authorizing an additional term of imprisonment under section 2326(2) are present.

SEC. 4. INCREASED PUNISHMENT FOR USE OF FOREIGN LOCATION TO EVADE PROSECUTION.

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the sentencing guidelines to increase the offense level for any fraud offense by at least 2 levels if the defendant conducted activities to further the fraud from a foreign country.

SEC. 5. SENTENCING COMMISSION DUTIES.

The Sentencing Commission shall ensure that the sentences, guidelines, and policy

statements for offenders convicted of offenses described in sections 3 and 4 are appropriately severe and reasonably consistent with other relevant directives and with other guidelines.

SEC. 6. CLARIFICATION OF ENHANCEMENT OF PENALTIES.

Section 2327(a) of title 18, United States Code, is amended by striking "under this chapter" and inserting "for which an enhanced penalty is provided under section 2326 of this title".

SEC. 7. ADDITION OF CONSPIRACY OFFENSES TO SECTION 2326 ENHANCEMENT.

Section 2326 of title 18, United States Code, is amended by inserting ", or a conspiracy to commit such an offense," after "or 1344".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, in September 1996 the House of Representatives passed by a voice vote an identical version of H.R. 1847, the Telemarketing Fraud Prevention Act. The Senate failed to act on that legislation before final adjournment, and the gentleman from Virginia [Mr. GOODLATTE], a dedicated member of the Committee on the Judiciary, has picked up the flag and is now advancing this important issue.

Mr. Speaker, the Subcommittee on Crime, which I chair, held a hearing a year ago on telemarketing fraud particularly as it related to our Nation's elderly. The Federal Trade Commission estimates that telemarketing fraud costs consumers about $40 billion a year. It is a sad fact that crooked telemarketers prey especially on our senior citizens. Telemarketing fraud is devastating for older persons because they often lose their entire life savings. As the American Association of Retired Persons has noted, many of this Nation's elderly are too trusting, they are very much too trusting, and cannot distinguish between a legitimate telephone pitch and a fraudulent one. Unfortunately, those who fall prey unintentionally aid the criminals because they are too humiliated to tell anyone of their drastic financial losses.

In the hands of a fraudulent telemarketer, a phone is a very dangerous weapon. They will use every trick possible to get their victims to send money. Examples of such deceptions include offering phony investment schemes, claiming to work for charitable organizations while promising grand trips and prizes. These telephone thieves are ruthless in their pursuit of someone else's hard-earned paycheck.

The most heinous part of the telemarketing fraud crime, however, is the final step. After a crooked telemarketer has wrung every last dime possible out of a victim, he then sells the victim's name to a so-called recovery room operation. The victim is contacted by a recovery room operator who pretends to be a private investigator or an attorney. The crook, masquerading as a legitimate investigator, tells the victim that he can help recover all the lost money, but first the victim needs to mail in some more money to cover the cost of the investigation. The victim is so desperate that anything seems reasonable, even a few hundred dollars to cover a private investigator's fee. Of course once the money is sent, the hopeful victim never hears from the scammer again. The recovery room operator is a true bully, kicking the victim when the victim is already down.

H.R. 1847 is designed to strengthen Federal law enforcement's fight against telemarketing fraud. Since money is all that matters to a fraudulent telemarketer, H.R. 1847 strikes back where it hurts, by requiring that any defendant convicted of a telemarketing scam forfeit all property used in the offense or any proceeds received as a result of the offense.

This bill also directs the U.S. Sentencing Commission to amend the guidelines to increase sentences for telemarketing fraud offenses defined in section 2326 of title 18 of the United States Code. Furthermore, the bill includes conspiracy language to allow prosecutors to seek out and punish the organizers of these illegal activities.

Again I thank my good friend from Virginia [Mr. GOODLATTE] for not allowing this issue to go unnoticed. I am going to yield to him in a moment but I am going to first of all withhold the balance of my time and let my good friend from Massachusetts have some time on this bill.

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

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

Mr. Speaker, I am pleased to join with the gentleman from Florida and my friend, the gentleman from Virginia [Mr. GOODLATTE] in supporting this measure which would increase penalties for telemarketing fraud, particularly when such fraudulent schemes victimize older Americans. While I ordinarily feel that Congress should allow the U.S. Sentencing Commission to determine when sentences and what sentences are appropriate, I am very glad that the bill takes steps to address what has become a serious and growing problem.

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What family has not had the unpleasant experience of sitting down to a quiet dinner at home, only to have the telephone ring with some obnoxious telemarketer on the other end? Only this morning I received from a constituent of mine on Martha's Vineyard a letter who spoke of being plagued by telemarketing. Every third call is someone trying to sell something unsolicited.

For most of us, this sort of occurrence is a recurring nuisance. We may not want to hear the sales pitch but we usually know when to hang up. Unfortunately, when the caller is a sophisticated scam artist, things are rarely so clear. We have all heard from constituents who were tricked into contributing to nonexisting charities, or conned into throwing away their hard-earned money on phony real estate schemes. The situation is especially serious for older Americans, who are the favorite targets of these criminals.

Older people are especially vulnerable because many of them are lonely, homebound, and infirm. For them, that unwanted telephone call can mean the loss of everything they have managed to save over a lifetime. Predators who take advantage of other peoples' weaknesses should be held to account.

I urge support for H.R. 1847, and again extend my congratulations to the gentleman from Florida and the gentleman from Virginia.

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary and the author of this bill.

Mr. GOODLATTE. I thank the gentleman for yielding time to me, Mr. Speaker, and I especially thank him as chairman of the Subcommittee on Crime for his leadership in helping to move this important legislation forward.

Mr. Speaker, I want to begin by reading from an article in last week's New York Times dated June 29. The article describes a recent investigation by Federal prosecutors targeting fraudulent telemarketers based out of Chattanooga, TN.

According to Federal officials, at least 100,000 people, most of them elderly, sent $35 million to fraudulent telemarketers based there from 1992 to 1995. According to the Times, and I quote,

> These scams were connected loosely, if at all. They ranged from single operators to 30-person phone banks. Typically, the lonely grandmothers and grandfathers were told that they had won one of four prizes: a new car, a Hawaiian vacation, $25,000 in cash, or $100.
>
> They were then asked to send a check, usually for hundreds or thousands of dollars, by overnight mail to cover taxes, postage, and handling for the winnings. If the taxes were this high, the telemarketer would say,

"Then the prize must be wonderful." According to one 80-year-old woman from New York who had fallen prey to the slick criminals, "I have been a widow for 19 years. It is very lonely. They were nice on the phone. They became my friends."

Fortunately, Federal prosecutors succeeded in winning convictions of 50 people as a result of their investigation. However, the average sentence in those 50 cases was less than 3 years for each person. Many of these people will be eligible for parole even sooner. The legislation I am offering today will send a loud and clear message to fraudulent telemarketers: the punishment for destroying the lives of our Nation's most vulnerable citizens will fit the crime, and it will be severe.

Telemarketing fraud has become a critical problem across the country, but especially in my home State of Virginia, where it has made victims of countless unsuspecting folks and their families.

Who are these victims? They are most often the elderly and disabled, those who have contributed so much to our society over the years. They are veterans of World War II and Korea, they are our retired schoolteachers, they are our parents and grandparents. Many of these victims, longtime residents of southwestern and central Virginia, come from a time when one's word was his or her bond, and they are often deceived by a con artist who will say whatever it takes to separate victims from their money. It has been estimated by the FBI that nearly 80 percent of all targeted telemarketing fraud victims are elderly.

Who are these people who victimize our Nation's elderly? They are white-collar thugs who contribute nothing to our society but grief. They choose to satisfy their greed by bilking others instead of doing an honest day's work. They strip victims not only of their hard-earned money but also of their dignity. They are swindlers who con our senior citizens out of their life savings by playing on their trust, sympathy and, if that does not work, their fear.

These criminals have said that they do not fear prosecution because they count on their victims' physical or mental infirmity or the embarrassment that victims feel from being scammed to prevent them from testifying at trial. Even if they are brought to trial, they are currently not deterred from engaging in telemarketing fraud because the penalties are so weak.

My bill raises the risk for criminals by directing the U.S. Sentencing Commission to increase by four levels the sentencing guidelines for fraudulent telemarketers and by eight for those who defraud those most vulnerable in our society, those over the age of 55.

My bill also includes conspiracy language to help put a stop to the targeting of Virginia as a victim State. Virginia is currently called a victim State by telemarketing criminals because very few of them have set up their boiler room operations here. Instead, they set up their operations in other States or even other countries, in particular Canada, to target Virginia's citizens as part of their scams. The addition of conspiracy language to the list of enhanced penalties will enable prosecutors to seek out the masterminds behind these boiler rooms and bring them to justice.

Of the top 11 company locations in 1996, four were Canadian provinces, Quebec 3d, Ontario 8th, British Columbia 9th, and Nova Scotia 11th. My bill will increase by two levels the penalty for those who use international borders to further their scams or evade prosecution.

Finally, my bill addresses the problem of victims who are unable to recoup any of their losses after the criminal is caught and convicted. It includes provisions requiring criminal asset forfeiture, to ensure that the fruits of crime will not be used to commit further crimes.

The Telemarketing Fraud Prevention Act will serve as a vital tool in the Federal arsenal of weapons available to law enforcement officials in the fight against telemarketing fraud. Since its introduction it has attracted several cosponsors from both parties, as well as the enthusiastic support of various seniors' groups, consumer protection groups, and law enforcement officials.

I thank my colleague for his assistance in advancing this important legislation, and urge my colleagues to support its passage this afternoon.

Mr. DELAHUNT. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Indiana [Mr. HAMILTON], the distinguished ranking member of the Committee on International Relations, who was unavoidably detained during consideration of H.R. 748.

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

I rise in opposition to H.R. 748. I fully understand that is not the bill that is being discussed at the moment, and I want to express my appreciation to the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] to permit me to speak for just a moment out of turn here, and perhaps even out of order.

Mr. Speaker, I rise in opposition to H.R. 748. I do not have any doubt at all about the popularity of the bill. The intent of the authors is altogether praiseworthy, as are their motives. I think, however, the bill presents a number of unintended consequences, unintended problems.

I am aware of the fact that the authors of the bill, the gentleman from Florida and the gentleman from New York, have tried to meet some of the objections that the administration has put forward. I am also aware that the administration was probably late into the game as this bill was moving along. I appreciate that they are trying to deal with those problems by including a number of exceptions in the bill. My concern is that they cannot see every problem or circumstance, and I think what is really needed in this bill to make it okay is a waiver authority for the President.

Let me try to spell out very quickly some of the consequences that I see in the bill, and I know they are not intended by the authors. I think the bill would not help and could harm the peace process. All of us realize that process is at a very fragile state today, a very high priority for the United States, for the United States is trying to get Israel and Syria to restart the peace talks.

The prohibition on financial transactions, for example, with Syria in this bill will not make it any easier and could make it a lot more difficult for the United States to act as a catalyst in the peace talks between Israel and Syria. I think it is quite possible that the bill could hurt counterterrorism cooperation.

The authors of the bill are exactly correct when they say that Syria continues to provide safe haven and logistical support to some of the groups engaged in terrorism. It is also true, however, that Syria has been helpful to the United States on certain terrorism cases. This bill would make cooperation by Syria very difficult.

I think the bill's exceptions are too narrow and could harm U.S. interests. For example, the emergency medical services exception does not include nonemergency medical items like antibiotics and bandages. The humanitarian assistance exception may not cover U.S. nationals working on humanitarian programs. U.S. nationals working for the United Nations or other international organizations may not be covered.

The exception for official U.S. Government transactions may not include repatriation of MIA remains from North Korea, dismantlement of North Korea's and Iraq's nuclear weapons programs, and promotion of freer communications with the Cuban population.

Finally, let me just say that the bill is another application of unilateral sanctions by the United States. I certainly understand the frustration of Members and the desire to put unilateral sanctions into place. We often get very frustrated by the actions of foreign governments. But unilateral sanctions have now become quite popular in this body.

Too often I think we reach into the foreign policy toolbox and decide to rely on unilateral sanctions to try to solve problems. But when we act unilaterally, U.S. business interests often

suffer. Unilateral sanctions are not usually effective, and sometimes the biggest impact of the sanctions are to make more difficult our relations with our European and Asian friends. We can sometimes lose U.S. markets as well.

So I think the gentlemen who are supporting this bill, the gentleman from Florida, the gentleman from New York, the gentleman from Massachusetts, have the highest of motivations here. I believe that in moving the bill forward, they are actually doing a good service, but I do believe the bill needs some significant changes.

On the Senate side, as I understand it, there was a Presidential waiver provision put in the State Department authorization bill, a comparable provision to this bill. I would hope that the authors of this bill might look at that pretty carefully.

For these reasons I will not be able to vote for the bill, but I certainly understand why it is brought forward, and I appreciate the popularity of the bill. Let me say again to the gentleman from Massachusetts [Mr. DELAHUNT] and the gentleman from Florida [Mr. MCCOLLUM] how much I appreciate their magnanimous action here in letting me speak out of turn.

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

Mr. Speaker, I certainly respect the gentleman who has spoken, the gentleman from Indiana [Mr. HAMILTON]. He is a very strong voice in the concerns of our Nation with respect to international affairs and has been for many years. As he has indicated, a number of us have worked diligently to try to address the concerns that he expressed in his statements, and I know that we have not perhaps done so to his satisfaction.

As I stated before he got here, a number of the provisions in the bill, in my personal belief and that of my staff and the experts we have had look at it, do cover and do address those areas of concern. Again, as I stated earlier, it seems to me that for that particular bill dealing with financial transactions with the named terrorist countries, Iran, Iraq, Sudan, North Korea, Libya, Syria, that it is very important that we do send this message, that we are not going to allow financial transactions between United States citizens and those governments as long as they are on the terrorist list.

I will continue to work with the administration and with the gentleman from Indiana as well as others to improve this bill as we go forward, but it does occur to me that at the present moment there is no peace process with regard to Syria. I wish there were. I hope there will be.

I certainly would like to see this bill, if anything, encourage that process. Syria certainly could do so by dropping those things which it is doing that puts it on the terrorist list, albeit maybe lesser than those things which some of the other countries on the list are doing.

Mr. Speaker, returning to the subject at hand, the bill that is before us of the gentleman from Virginia [Mr. GOODLATTE], H.R. 1847, regarding telemarketing fraud, affects just about every person who owns a telephone.

Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. STEARNS] on H.R. 1847.

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague, the gentleman from Florida, for yielding time to me.

Mr. Speaker, I also rise in support of this legislation sponsored by my good friend, the gentleman from Virginia [Mr. GOODLATTE], and reported out of the Subcommittee on Crime of the Committee on the Judiciary, chaired by another good friend, the gentleman from Orlando, FL, Mr. BILL MCCOLLUM.

There is a quote by Sir Walter Scott that goes something like this: "Oh, what a tangled web we weave when first we practice to deceive." I think that quote by Sir Walter Scott sort of sums up what we have here. It is perhaps a perfect description of the fraud committed by the unscrupulous telemarketers who prey on the susceptibility of our citizens. Particularly in Florida we have senior citizens, elderly people, and I think telemarketing would be something that people would use to prey on our citizens.

I was the original cosponsor of this legislation when it was first introduced on January 21, 1997, when I believe the bill back then was H.R. 474. Now it is H.R. 1847. It has been strengthened, I think, through the committee process, so I think the current version is even better.

□ 1615

As my colleague from Florida has mentioned, telemarketing fraud is estimated to rob the United States consumers of at least $40 billion annually. This legislation would finally send a clear signal to the con men who manipulate the public's telephone systems to commit fraud. Under current law, fraudulent telemarketers spend an average of only 1 year in jail. This bill directs the United States Sentencing Commission to increase prison sentences for those convicted of telemarketing fraud. The commission is directed to increase the recommended penalties to a prison term of 2½ years with longer sentences for those who defraud the elderly, mentally disturbed, disabled, and other vulnerable consumers.

H.R. 1847 also requires a person convicted of telemarketing fraud to forfeit all money made in executing the fraud and to forfeit any property used in connection with the fraudulent acts as well as forfeiting any investments or property purchased with the profits of the telemarketing fraud. So with all that in mind, I urge all my colleagues to vote in support of this important piece of legislation. I congratulate the gentleman from Virginia [Mr. GOODLATTE] and my distinguished colleague, the gentleman from Florida [Mr. MCCOLLUM].

Mr. GALLEGLY. Mr. Speaker, I am pleased to be a strong supporter of H.R. 1847, the Telemarketing Fraud Prevention Act.

The FBI estimates that telemarketing scams, such as schemes involving bogus charities, fake gem stones and deceptive travel promotions cost consumers as much as $40 billion annually. Often these fraudulent schemes target those who are least able to defend themselves, including senior citizens, many of whom live by themselves. The callers, through the use of deception, threats, or outright lies, are able to convince many elderly Americans to part with hundreds or thousands of dollars to companies who promise spectacular profits or outstanding deals.

The Telemarketing Fraud Prevention Act takes dead aim at those who prey on seniors and other unsuspecting consumers. H.R. 1847 increases Federal criminal penalties for persons convicted of committing fraud through the telephone. This legislation directs the U.S. Sentencing Commission to increase the sentencing levels for all telemarketing fraud, with the greatest increase in sentences for those who target those over 55 years of age. H.R. 1847 also requires monetary restitution to victims through the use of proceeds from persons or groups convicted under the statute.

Mr. Speaker, it is time that our Nation gets tough with criminals who use the telephone to steal from American consumers. And, it is time we get tough against con artists who prey on vulnerable senior citizens.

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

Mr. MCCOLLUM. Mr. Speaker, again I want to encourage support for this bill, H.R. 1847, the Telemarketing Fraud Act. I thank my good friend, the gentleman from Virginia [Mr. GOODLATTE] for bringing it forward. Telemarketing fraud is really one of the most dastardly types of crimes in this country. The bill will do a lot to enforce that law and to make much tougher punishments.

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 1847, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE HOUSE THAT NATION'S CHILDREN ARE ITS MOST VALUABLE ASSET AND THEIR PROTECTION SHOULD BE HIGHEST PRIORITY

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 154) expressing the sense of the House that the Nation's children are its most valuable assets and that their protection should be the Nation's highest priority.

The Clerk read as follows:

H. RES. 154

Whereas the Nation's most valuable and vulnerable asset is its children;

Whereas their protection should be one of our highest priorities;

Whereas over 1,000,000 children are reported missing, and over 100,000 attempted nonfamily abductions take place every year;

Whereas over 750,000 children under the age of 18 disappear for some length of time every year;

Whereas law enforcement officials constantly encounter crimes against children;

Whereas sex offenders are nine times more likely to repeat their crimes than any other class of criminal;

Whereas nearly two-thirds of State prisoners serving time for rape and sexual assault victimized children; and

Whereas while many missing children are returned to their homes, many others are exposed to danger and exploitation: Now, therefore, be it

Resolved, That—

(1) all Members of Congress should take appropriate action to ensure the safety and protection of children in their jurisdictions;

(2) State governments should have in effect laws which register offenders convicted of sexual crimes against children and laws which require law enforcement to notify communities of the presence of these offenders;

(3) States should have in effect laws which severely punish individuals convicted of offenses against children, especially crimes involving abduction, sexual assault, exploitation, and stalking;

(4) law enforcement agencies should take the necessary steps to safeguard children against the dangers of abduction and exploitation; and

(5) State and local law enforcement agencies should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a child's life may be in danger.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Massachusetts [Mr. DELAHUNT] each will control 20 minutes.

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

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

House Resolution 154, introduced by the gentleman from Georgia [Mr. COLLINS] expresses the sense of the House regarding the safety and protection of our Nation's children. On May 25 we observed National Missing Children's Day, a day established by President Reagan in 1983 to raise public awareness about the need for increased child protection. This resolution, prepared in connection with National Missing Children's Day, is a declaration by this Congress that child abduction is a very serious matter and that we intend to work with State and local law enforcement to ensure that effective and appropriate measures are in place to prevent crimes against children.

Justice Department statistics indicate that over 1 million children are reported missing each year. Over 100,000 abductions of children are attempted by nonfamily members annually. This resolution includes these and other statistics in its findings, in addition to providing that States should have in place laws which severely punish individuals convicted of offenses against children. The resolution declares that law enforcement agencies should take steps necessary to safeguard children against the dangers of abduction and exploitation and should work in close cooperation with Federal law enforcement to ensure a rapid and efficient response to reports of child abductions, especially in cases where a life may be in danger. Losing a child is a nightmare which becomes a reality for too many Americans. I would like to commend the gentleman from Georgia [Mr. COLLINS] for his efforts and I urge my colleagues to supported this resolution.

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

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

Mr. Speaker, this resolution declares that protection of children should be our highest national priority. I certainly do not intend to take issue with that sentiment as the father of two wonderful daughters. I frankly cannot imagine any Member of this House taking issue with it.

However, I do recognize that it is important from time to time for the Congress to reaffirm even such self-evident truths. I commend the author of the bill, the gentleman from Georgia [Mr. COLLINS] for doing so.

How the States choose to protect our children is, of course, another matter.

This resolution does not actually require the States to do anything. For that reason, it was reported favorably by our committee without dissent. But it does urge States to take various steps which the authors of the bill favor, including the adoption of laws that require the registration of convicted sex offenders, and severely punish those who commit offenses against children. Most of the States already do those things. But again I recognize that it is sometimes useful for the Congress to encourage the States to do what they are already doing.

Given so much harmonious agreement, it seems out of place to strike a discordant note, but there is something that does trouble me about this resolution. What troubles me is the implicit assumption that the people responsible for local law enforcement have more to learn from the Congress than we have to learn from them. I know from my own experience in law enforcement that this is simply not the case. If communities around the country choose to adopt these kinds of measures, it will not be because Congress thinks they should. It will be because they have determined that these measures are the best way to protect their children for whom they are responsible. If they do not do so, it will not be because they care less about their children than we do; it will be because they have chosen other means which they think would be more effective within their communities.

Finally, Mr. Speaker, once we have affirmed our concern for the well-being of America's children, I hope we will remember the many other things that threaten them. Things like malnutrition, lack of education, inadequate health care.

Unlike local law enforcement, these are things that we can do something about.

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

Mr. McCOLLUM. Mr. Speaker, I yield such time as he may consume to the author of this bill, the gentleman from Georgia [Mr. COLLINS].

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

Mr. Speaker, I want to thank the gentleman from Massachusetts and the gentleman from Florida for both their recognition of how important it is at times for us to remind ourselves and to remind our State and local officials and also our law enforcement officials of the importance of our children and to remind them, too, that we are all concerned and very interested in their protection.

As the father of four and the grandfather of six and, by the way, Mr. Speaker, I put my request in to my four children hopefully to get a baker's dozen of those grandchildren, I recognize the importance of love and protecting our children, our most valuable asset.

Therefore, I rise today to offer a resolution referencing the importance of our Nation's children. Amidst all the talk of balanced budgets, taxes and entitlements and their importance, too, to our children, we often overlook the need to protect what truly is the most

priceless resource in this country, and that is our children. But like any other valuable, our children's safety is often threatened. Losing a child is a nightmare which has become a reality for far too many Americans. In fact, a recent study conducted by the Princeton Survey Research Associates indicated that the number one fear of 54 percent of the parents who responded is that their child might be kidnapped. And while most missing children are returned to their homes safely, many are exposed to the evils of exploitation.

The gentleman from Florida [Mr. McCollum] referred to several statistics released recently by the Justice Department. A couple of those statistics are that more than 300,000 children are abducted by family members each year and that nearly two-thirds of our State prisoners serving time for rape and sexual assault victimized children and that sex offenders are nine times more likely to repeat their crimes than any other criminal.

Mr. Speaker, our law enforcement agencies are constantly faced with the difficult task of stopping crimes against children, and Congress has done a commendable job in recent months with the passage of two acts, one the Megan's law which gives citizens the power to educate themselves with sex offender registration information and, two, the Sexual Offender Tracking Identification Act, which aids law enforcement officials in tracking down threats to our children.

Both these measures are a good start but there is much work to be done yet. Therefore, Mr. Speaker, I am pleased to offer House Resolution 154, which expresses the sense of Congress that the Nation's children are its most valuable resource and that their protection should be our Nation's highest priority.

House Resolution 154, as reported earlier, also urges local and State governments to take appropriate action to ensure the safety and protection of children within their jurisdictions and to severely punish offenders of such crimes. I would like to recognize the diligent efforts of the National Center for Missing and Exploited Children, the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], the ranking member, the gentleman from Massachusetts [Mr. HYDE] and the other members in the leader's office for their help with this measure. I urge my colleagues to join me in passage of this resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and agree to the resolution, House Resolution 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

WAIVING MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN OF AMHERST, NY

Mr. PAXON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2018) to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY, as amended.

The Clerk read as follows:

H.R. 2018

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

SECTION 1. WAIVER OF 75/25 MEDICAID ENROLLMENT RULE FOR BETTER HEALTH PLAN, INC.

Effective July 1, 1997, the requirement of section 1903(m)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)(ii)) is waived, for contract periods through December 31, 1998, with respect to the Better Health Plan, Inc. operating in New York.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. PAXON].

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

Mr. Speaker, I rise today in support of H.R. 2018, legislation I offered along with my colleagues from New York on the Committee on Commerce. Our legislation is but a small piece of legislation but it is absolutely vital to many Medicaid recipients in the State of New York.

Better Health Plan, based in my district in Amherst, New York, needs an extension of their 75/25 waiver which expired on June 30, 1997. The 75/25 rule requires that any Medicaid managed care plan enroll at least 25 percent of their patients from the private sector. Without this legislation, Better Health Plan would be forced to disenroll thousands of Medicaid recipients. These recipients would face a disruption of their health care, and Mr. Speaker, we cannot allow this to happen. The 75/25 rule would be eliminated under the President's proposed budget as well as the congressional budget plan. Unfortunately the budget bill was not signed into law by June 30 of this year. Therefore, we need to take quick and decisive action on H.R. 2018.

I must also point out that the New York State Department of Health and Better Health Plan were hoping the State's 1115 Medicaid waiver would be approved by this time. Approval of the 1115 waiver would have provided relief without the need for congressional action. Unfortunately, we were told by HCFA that a decision on the 1115 rule waiver would not come before June 30, 1997.

It is because of this that I offer H.R. 2018 today and ask that my colleagues quickly approve this legislation so that Better Health Plan may continue to provide quality health care to Medicaid beneficiaries, as they have since 1994. Better Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health. At present, Better Health Plan operates in New York City and 11 counties across the State of New York. Better Health serves over 41,500 individuals of which 36,700 are Medicaid recipients.

I received a letter from the New York State Department of Health verifying that mandated surveys have been conducted by the State and there have been no quality-of-care deficiencies with Better Health Plan.

Therefore, before I close, I would like to thank my colleagues, the gentlemen from New York, particularly Mr. ENGEL, Mr. TOWNS, Mr. MANTON, and Mr. LAZIO who have all been helpful in bringing this legislation to the floor. I would also like to thank the gentleman from Virginia [Mr. BLILEY] and his staff for their prompt attention to this situation. It is because of this bipartisan effort that we will ensure that Medicaid patients in New York City/State will continue to receive quality health care.

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

□ 1630

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

Mr. Speaker, I join with my friend and colleague, the gentleman from New York [Mr. PAXON], in strong support of H.R. 2108.

Let me say, as he has said, the five members of the Committee on Commerce from New York all strongly support the bill. Indeed, the Committee on Commerce passed the bill unanimously by voice vote. This, as the gentleman from New York said, would grant a waiver for the Better Health Plan from the 75–25 rule.

The Better Health Plan covers people throughout New York State, mostly northern New York, but also in the city of New York as well, and the 75–25 rule states that any Medicaid HMO plan must have a minimum of 25 percent participation from non-Medicaid enrollees. This rule has been eliminated in the Medicaid portion of the budget reconciliation measure.

However, as was pointed out, the budget plan has yet to be enacted and, because of that, Better Health must now begin disenrolling patients unless the bill before us is enacted. Better Health Plan is a Medicaid prepaid health services plan approved by the New York State Department of Health to operate in the State since March 30, 1994. At present, as I mentioned, the plan operates in the five boroughs of

New York City, as well as Westchester County, which I also represent, and in 11 other counties, and serves over 41,000 enrollees, including 37,000 Medicaid recipients.

Surveys conducted by the State of New York have not reported any quality of care deficiencies with Better Health. For the last 3 years, Better Health has operated under an exemption to the 75–25 rule that was granted by HCFA in June 1994. The waiver period ended last week on June 30 and Better Health will be required to send out notices of disenrollment to its enrollees unless this legislation is enacted. That is why it is so important we enact this legislation today. We must pass the measure before us today in order to ensure that the patients continue to receive the care they need.

I also want to mention, Mr. Speaker, that in addition, there are two other plans in New York that are also requesting waivers and find themselves in the same predicament that Better Health has found itself, and these two other plans are Health First and Genesis, the latter of which is in my district to a very large degree.

While both plans will not have to disenroll patients until later this year, because their waiver lasts a little longer, I would have preferred to see waivers granted for these plans also. I would have preferred to have seen it all in one bill. But should there be delays or problems arising in the future on the budget plan, I plan to work with my friend from New York, Mr. PAXON, and the Committee on Commerce should we need to address the situation later on in the year with regard to the other plans that I mentioned. So, Mr. Speaker, I strongly urge my colleagues to support this bill.

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

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

Mr. ENGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I thank my colleague for yielding me this time, and I want to begin by saying that I want to thank Members on both sides of the aisle and the leadership for moving this bill very quickly. Also I want to thank the staff on both sides of the aisle who have done a superb job. I could call the names, but I will not get into that because I might just leave a name out.

The Better Health Plan serves over 40,000 Medicaid recipients in the New York area. This plan provides services all over the five boroughs of New York City, including my district, which has close to 2,000 beneficiaries. Better Health Plan offers many innovative health care programs for its Medicaid members and helps them become better consumers of health care, which is very, very important.

The plan also offers a wide variety of preventive services, including vision, hearing, lead screening tests and also provides counseling services for alcohol and tobacco and drug habits as well. The legislation waives the Medicaid 75–25 rule and will continue to make this plan available to New York residents.

My colleague mentioned earlier that there were some other New York plans that were also concerned about the fact that they were not included in this legislation. It is my hope that the waiver will come about and that we will not have to do that, but in the event it does not occur, I would like to assure him that I will join him in doing everything that I can to make certain that they are included because we need to make certain that people do not need to have frustration and tension because of the fact the 75–25 rule is in effect.

Again, Mr. Speaker, I want to thank my colleagues, the gentlemen from New York, Messrs. PAXON, ENGEL, MANTON and LAZIO, and also thank my staff person, Brenda Pillors, who worked very hard on this.

Mr. MANTON. Mr. Speaker, as an original cosponsor of this legislation, I rise in strong support of H.R. 2018, a bill to extend the 75–25 Medicaid waiver for Better Health Plan of Amherst. I want to thank my colleagues on the Commerce Committee, particularly Representatives PAXON, TOWNS, ENGEL, and LAZIO for their efforts in bringing this legislation to the floor in such a swift manner.

Better Health Plan of Amherst provides essential services to its beneficiaries in the five Boroughs of New York City and eleven counties throughout New York State. Of the 40,000 individuals Better Health Plan serves, 36,700 are Medicaid recipients. H.R. 2018 would ensure uninterrupted delivery of quality health care for those who rely on the services provided by Better Health Plan. The quality services provided by Better Health Plan range from increased access to health care to intensive health education for its members.

Mr. Speaker, I urge my colleagues to support this legislation which would guarantee that Better Health Plan of Amherst can continue to provide quality, low-cost health care to its numerous beneficiaries.

Mr. QUINN. Mr. Speaker, I rise today in support of H.R. 2018, a bill that provides a temporary Medicaid waiver for the Better Health Plan in New York. This is a bill that I strongly support, Mr. Speaker, and I urge all of my colleagues to do the same.

Thousands of Medicaid patients in New York are anxiously waiting to see if the doors to their health care office will remain open tomorrow morning, due to the 75/25 Medicaid enrollment provision. According to this provision, 25 percent of a health plan's patients must be enrolled from the private sector. If a health plan cannot meet this goal, they must start disenrolling patients. The Better Health Plan, in Amherst, NY is in danger of having to disenroll more than 36,000 Medicaid recipients, since their 75/25 waiver expired on June 30 of this year.

This bill will grant the Better Health Plan an extended waiver of the 75/25 provision until December 31, 1998, thereby aiding low income New York residents. I remain committed to ensuring quality care for New York Medicaid patients, which can be done by other means than a 75/25 provision. However, we cannot and should not sit here and order health care providers to close their doors on more than 40,000 patients. Quick action is needed to ensure that the quality care that Medicaid patients are now receiving from health plans will continue. The future of Medicaid recipients hangs in the balance at this time while the very real threat of termination of care and services to these lower income residents is dependent upon this vote. Please don't let these people down, support H.R. 2018.

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

The SPEAKER pro tempore (Mr. GOODLING). The question is on the motion offered by the gentleman from New York [Mr. PAXON] that the House suspend the rules and pass the bill, H.R. 2018, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PAXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2018 and to insert extraneous material.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2016, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 178 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 178

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from North Carolina [Mrs. MYRICK] is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Thursday, June 26, the Committee on Rules granted, by voice vote, an open rule providing 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Appropriations for the consideration of H.R. 2016, the military construction appropriations bill for fiscal year 1998. The rule waives points of order against provisions in the bill which do not comply with clause 2 of rule XXI prohibiting unauthorized appropriations and legislation on general appropriations bills, and clause 6 of rule XXI prohibiting transfers of unobligated funds.

The rule provides for priority recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD. The rule also provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the votes take place immediately following another recorded vote and that the voting time on the first series of questions is not less than 15 minutes.

Finally, the rule provides for one motion to recommit with or without instructions.

Today we will consider the first bill in the annual appropriations process. Because the other body and conference action on the National Defense Authorization Act has not been completed, the Committee on Appropriations considered only projects recommended for authorization when crafting H.R. 2016. All projects included in H.R. 2016 are approved subject to authorization.

This is a product of a bipartisan effort to ensure that the needs of our service men and women are effectively addressed. The committee chairman and ranking member of the Subcommittee on Military Construction both testified that debate on the measure was very short in both the subcommittee and full Committee on Appropriations where it passed with a voice vote.

The living conditions of our Nation's fighting men and women have been the focus of much attention and grave concern. Currently, 62 percent of troop housing spaces and 64 percent of housing family units are unsuitable. It is imperative we work to improve their living conditions, which are directly linked to readiness, morale, and retention.

I am proud of our continued efforts to improve the housing for the Armed Forces, those brave Americans that protect our freedoms. In particular, the need for improved family housing has increased dramatically. Since the 1950's the all-volunteer structure of the Armed Forces has resulted in the steady rise of married service members. More than 60 percent of those serving today are married. It is important that we have a sustained, flexible approach to meet their needs.

H.R. 2016 addresses the severe backlog in readiness, revitalization and quality of life projects. To address this problem, the committee included funding above the administration's request to fund the planning and construction of several barracks, family housing and operational facilities. Included in the additional funding is:

Ten additional unaccompanied housing projects; new construction and improvements to family housing units, benefiting approximately 2,438 military families; four child development centers; operational and training facilities for the active service; and operational, training, environmental compliance and safety related activities for the Reserves.

Good infrastructure is key to military installations operating effectively and achieving their mission. They need good transportation networks, rail lines, roads, airports and seaport facilities, communication systems, telephone lines and satellite uplinks and downlinks, and mundane but vital support like water and sewer systems, and electrical generation and distribution systems.

There have been reports that aging installations are suffering from crumbling infrastructure and support facilities. It is crucial we give the revitalization of these facilities sufficient priority so that they are able to meet their mission requirements. This bill dedicates funding to continue to address these problems.

Other commitments addressed in the bill include funding for the continued implementation for the base realignment and closure program. The funds are necessary so that the base closure schedules can be met and the savings realized. The bill gives the Department of Defense the flexibility to carry out this complex task in the most efficient manner possible.

This is a good bill that honors the commitment we have to our Armed Forces. It helps ensure that the housing and infrastructure needs of the military are given proper recognition so that our Armed Forces can continue to defend the freedoms we all cherish.

Mr. Speaker, I urge my colleagues to support the open rule on this important bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume, and thank my colleague from North Carolina, Mrs. MYRICK, for yielding me this time.

This resolution is an open rule. It will allow for full and fair debate on H.R. 2016, which is the military construction appropriation bill for fiscal year 1998.

Under this rule, germane amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments. The Committee on Rules reported this rule without opposition in a voice vote and I certainly plan to support it.

This bill appropriates $9.2 billion for military construction, family housing and base closure construction projects. And though the bill provides $800 million more than the administration's request, the funding level still represents a reduction of $610 million, or 6 percent below last year's appropriation.

The bill funds necessary capital improvements to our Nation's military facilities. And continuing the trend of recent years, the Committee on Appropriations paid special attention to facilities that improved the quality of life for our service men and women. This includes an emphasis on family housing, barracks, and child development centers.

The bill contains funding for four projects at Wright-Patterson Air Force Base, which is partially located in my district.

One of the four is a new building to consolidate the Aeronautical Systems Center's acquisition support functions, and this will result in cost reductions and improved efficiency. The new

building will help enhance current weapon systems as well as developing new ones, such as the Joint Strike Fighter.

Another project is a child development center, which will assist Air Force parents stationed at Wright-Patterson.

□ 1645

Mr. Speaker, passage of this bill is important to our national defense and to the welfare of our fighting men and women; and I certainly would urge the adoption of this open rule and the bill.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1775, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-172) on the resolution (H. Res. 179) providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 858, QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 105-173) on the resolution (H. Res. 180) providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities, which was referred to the House Calendar and ordered to be printed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 4 o'clock and 48 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLING) at 5 o'clock and 15 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on the bill called from the Corrections Calendar and each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which each question arose.

Votes will be taken in the following order: H.R. 849 by the yeas and nays, Senate Joint Resolution 29 by the yeas and nays, H.R. 1658 by the yeas and nays, and H.R. 748 by the yeas and nays.

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

PROHIBITING ILLEGAL ALIENS FROM RECEIVING RELOCATION ASSISTANCE

The SPEAKER pro tempore. The pending business is the question of passage of the bill, H.R. 849, on which further proceedings were postponed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 35, as follows:

[Roll No. 246]

YEAS—399

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

Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—35

Becerra
Bilbray
Brown (OH)
Bryant
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Kennedy (RI)
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Scarborough
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1738

Mr. GOODLATTE changed his vote from "nay" to "yea."

So (three-fifths having voted in favor thereof) the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BRYANT. Mr. Speaker, on rollcall No. 246, bad airline connections prevented me from voting. Had I been present, I would have voted "yes."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each motion to suspend the rules on which the Chair has postponed further proceedings.

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, Senate Joint Resolution 29.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the Senate joint resolution, Senate Joint Resolution 29, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 363, nays 39, not voting 32, as follows:

[Roll No. 247]

YEAS—363

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

NAYS—39

Barr
Bartlett
Barton
Berman
Bonilla
Burton
Chenoweth
Coble
Coburn
Combest
DeLay
Dingell
Doolittle
Gallegly
Hall (TX)
Hefley
Johnson, Sam
Lewis (CA)
Livingston
McIntosh
Moran (VA)
Obey
Paul
Radanovich
Rohrabacher
Royce
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shuster
Skaggs
Skelton
Smith (MI)
Stump
Taylor (MS)
Thornberry
Tiahrt

NOT VOTING—32

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Fattah
Frost
Gejdenson
Gilman
Hayworth
Hilleary
Hostettler
Hunter
Inglis
Lantos
Largent
LaTourette
Lowey
Mica
Owens
Pastor
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1750

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, on rollcall No. 246 and 247. I was delayed at O'Hare Airport due to weather and due to flight delay, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, my airplane was unavoidably detained because of avionics difficulties from Chicago into Washington this afternoon. Accordingly, Mr. Speaker, I missed two votes held under suspensions. I want the RECORD to reflect that had I been present, I would have voted "yes" on H.R. 849 and also "yes" on Senate Joint Resolution 29.

PERSONAL EXPLANATION

Mr. HOSTETTLER. Mr. Speaker, due to official business in my district, I missed two votes today, July 8, 1997. Had I been present, I would have voted as follows:

I would have voted "yea" on rollcall No. 246, passage of H.R. 849, a bill to amend the Relocation Assistance and Real Property Acquisition Policies Act of 1970 to prohibit the payment of displacement compensation to illegal aliens.

I would have voted "nay" on rollcall No. 247, on passage of House Resolution 79, a resolution to direct the Interior Secretary to design and construct a permanent addition to the FDR Memorial in Washington, DC.

ATLANTIC STRIPED BASS CONSERVATION ACT AMENDMENTS OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 1658, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. PETERSON] that the House suspend the rules and pass the bill, H.R. 1658, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 399, nays 8, not voting 27, as follows:

[Roll No. 248]

YEAS—399

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

NAYS—8

Barr
Foley
Manzullo
Neumann
Paul
Royce
Scarborough
Sensenbrenner

NOT VOTING—27

Becerra
Bilbray
Brown (OH)
Cox
Dellums
Edwards
Frost
Gejdenson
Gilman
Hilleary
Hunter
Inglis
Lantos
LaTourette
Lowey
Menendez
Mica
Riggs
Rush
Sanford
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon
Taylor (NC)

□ 1800

Mr. SCARBOROUGH changed his vote from "yea" to "nay."

□ 1801

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MICA. Mr. Speaker, on rollcall Nos. 246, 247, and 248, I was inadvertently detained due to mechanical problems with my plane. Had I been present, I would have voted "yes" on each.

PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

The SPEAKER pro tempore (Mr. GOODLING). The pending business is the question of suspending the rules and passing the bill, H.R. 748, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 748, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 33, answered "present" 1, not voting 23, as follows:

[Roll No. 249]

YEAS—377

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings

Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
Lampson
Largent
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—33

Blumenauer
Bonior
Campbell
Conyers
Dingell
Farr
Hamilton
Harman
Hastings (FL)
Hilliard
LaFalce
LaHood
Lewis (GA)
Lofgren
McDermott
McKinney
Meek
Miller (CA)
Minge
Moran (VA)
Obey
Paul
Payne
Pelosi
Rahall
Scott
Skaggs
Snyder
Tauscher
Torres
Vento
Waters
Yates

ANSWERED "PRESENT"—1

Delahunt

NOT VOTING—23

Becerra
Bilbray
Brown (OH)
Coburn
Cox
Dellums
Edwards
Frost
Gejdenson
Gibbons
Gilman
Hunter
Lantos
LaTourette
Lowey
Riggs
Rush
Schiff
Shadegg
Sherman
Sisisky
Smith (NJ)
Solomon

□ 1809

Mr. LAHOOD and Mr. MORAN of Virginia changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, on June 25, on rollcall No. 236, I inadvertently voted "yes." I intended to vote "no."

Mr. Speaker, on June 25, 1997, on rollcall vote 236 on H.R. 1119, the Defense Authorization Act for Fiscal Year 1998, I inadvertently voted "yea." It was my intention to vote "no" on the bill.

I have consistently voted against increasing defense spending, especially since the end of the cold war, when our Nation faces its biggest threat, not from outside our shores, but from the impending fiscal disaster that awaits our country.

H.R. 1119 was a $2.6 billion increase over last year and included items that we either do not need nor can not be justified by objective analysis.

H.R. 1119 included $331 million for advanced procurement of additional B–2 bombers. The CBO estimates that the additional bombers would cost $27 billion over the next 20 years. This is for nine planes that neither the President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, or the Secretary of the Air Force requested nor wants. I voted for an amendment to redirect this money for the use of the National Guard and Reserve, but it failed.

The bill included other questionable weapons systems. It provides $661 million for the V–22 and $469 million for the joint strike fighter.

While the House debated the Defense bill, our troops were still in Bosnia without any effective exit date. The House defeated an amendment to set the initial deadline for withdrawal by December 31, 1997. We need to bring our troops home from Bosnia and turn the mission over to our European allies.

H.R. 1119 contained many of the same provisions of past bills that I have voted against.

Mr. Speaker, please let the record reflect that I intended to vote "no" on H.R. 1119.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I was unavoidably detained on rollcall vote 246 on today's vote. Had I been here, I would have voted "aye."

GENERAL LEAVE

Mr. PACKARD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 2016), making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 178 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2016.

□ 1813

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for the first time.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

□ 1815

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Let me proceed by informing all the Members that the rules require a

record vote on final passage of this bill. Some have inquired.

Mr. Chairman, I want to begin by saying what a pleasure it has been for me to work with the gentleman from North Carolina [Mr. HEFNER]. We have crafted this bill, I think, to be very attractive to all the Members of the Congress.

This is a military construction bill, and our primary concern in this bill was that we address this very serious problem with quality-of-life issues, family housing, barracks, hospitals, day-care centers, and the like. This bill includes $9,183,000,000. This is within the 602(b) allocations. It represents a $610 million reduction from last year's appropriated levels. This is a 6 percent reduction. So we want Members of the House to know that this bill is cutting, not raising, the cost of Government.

The Members recognize that this addresses, as I have mentioned, the quality-of-life issues. We recommend that an additional $800 million above and beyond the request in the President's budget be devoted to improving the troop housing, family housing, child day-care centers. This adds up to $752 million in barracks, troop housing; $28 million in child day-care centers; $146 million in hospital and medical facilities; $104 million in environmental compliance on our bases; $1 billion for new housing and improvement of existing housing; and over $3 billion of the bill is in operation and maintenance of existing inventory. Twenty-three percent of the bill, or $2.1 billion, is for downsizing DOD's infrastructure, in other words, the base realignment and closure program.

Again, I want to express my deep appreciation to the staff, to the members of my subcommittee, certainly to the ranking member, for the cooperation we have had in crafting this bipartisan bill. In conclusion, I want to express the fact that we have worked closely with the authorizing committee.

As a matter of fact, all individual items in this bill are included in the authorization bill. So we worked very closely with the authorizing committee and they have been very, very cooperative. This $9.2 billion is roughly 4 percent of the total defense budget and $610 million below last year's level.

We strongly urge the Members of Congress to support the bill and move it forward. We fully expect that this will move without a great deal of controversy; and, hopefully, we will be able to have our final passage vote within the hour.

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

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Military construction, Army	565,688,000	595,277,000	721,027,000	+155,339,000	+125,750,000
Rescissions	-3,028,000			+3,028,000	
Total, Military construction, Army (net)	562,660,000	595,277,000	721,027,000	+158,367,000	+125,750,000
Military construction, Navy	707,094,000	540,106,000	685,306,000	-21,788,000	+145,200,000
Rescissions	-19,780,000			+19,780,000	
Total, Military construction, Navy (net)	687,314,000	540,106,000	685,306,000	-2,008,000	+145,200,000
Military construction, Air Force	754,064,000	495,782,000	662,305,000	-91,759,000	+166,523,000
Rescissions	-5,100,000			+5,100,000	
Total, Military construction, Air Force (net)	748,964,000	495,782,000	662,305,000	-86,659,000	+166,523,000
Military construction, Defense-wide	763,922,000	673,633,000	613,333,000	-150,589,000	-60,300,000
Rescissions	-51,000,000			+51,000,000	
Total, Military construction, Defense-wide (net)	712,922,000	673,633,000	613,333,000	-99,589,000	-60,300,000
Total, Active components	2,711,860,000	2,304,798,000	2,681,971,000	-29,889,000	+377,173,000
Department of Defense Military Unaccompanied Housing Improvement Fund	5,000,000			-5,000,000	
Military construction, Army National Guard	78,086,000	45,098,000	45,098,000	-32,988,000	
Military construction, Air National Guard	189,855,000	60,225,000	137,275,000	-52,580,000	+77,050,000
Rescission	-5,000,000			+5,000,000	
Total, Military construction, Air National Guard (net)	184,855,000	60,225,000	137,275,000	-47,580,000	+77,050,000
Military construction, Army Reserve	55,543,000	39,112,000	77,731,000	+22,188,000	+38,619,000
Military construction, Naval Reserve	37,579,000	13,921,000	40,561,000	+2,982,000	+26,640,000
Military construction, Air Force Reserve	52,805,000	14,530,000	27,143,000	-25,662,000	+12,613,000
Total, Reserve components	408,868,000	172,886,000	327,808,000	-81,060,000	+154,922,000
Total, Military construction	3,125,728,000	2,477,684,000	3,009,779,000	-115,949,000	+532,095,000
Appropriations	(3,209,636,000)	(2,477,684,000)	(3,009,779,000)	(-199,857,000)	(+532,095,000)
Rescissions	(-83,908,000)			(+83,908,000)	
NATO Security Investment Program	172,000,000	176,300,000	166,300,000	-5,700,000	-10,000,000
Family housing, Army:					
Construction	158,503,000	143,000,000	202,131,000	+43,628,000	+59,131,000
Operation and Maintenance	1,212,466,000	1,148,937,000	1,148,937,000	-63,529,000	
Total, Family housing, Army	1,370,969,000	1,291,937,000	1,351,068,000	-19,901,000	+59,131,000
Family housing, Navy and Marine Corps:					
Construction	499,886,000	278,933,000	409,178,000	-90,708,000	+130,245,000
Operation and Maintenance	1,020,721,000	976,504,000	976,504,000	-44,217,000	
Total, Family housing, Navy	1,520,607,000	1,255,437,000	1,385,682,000	-134,925,000	+130,245,000
Family housing, Air Force:					
Construction	317,507,000	253,128,000	341,409,000	+23,902,000	+88,281,000
Operation and Maintenance	816,509,000	830,234,000	830,234,000	+13,725,000	
Total, Family housing, Air Force	1,134,016,000	1,083,362,000	1,171,643,000	+37,627,000	+88,281,000
Family housing, Defense-wide:					
Construction	4,371,000	4,950,000	4,950,000	+579,000	
Operation and Maintenance	30,963,000	32,724,000	32,724,000	+1,761,000	
Total, Family housing, Defense-wide	35,334,000	37,674,000	37,674,000	+2,340,000	
Department of Defense Family Housing Improvement Fund	25,000,000			-25,000,000	
Homeowners Assistance Fund, Defense	36,181,000			-36,181,000	
Total, Family housing	4,122,107,000	3,668,410,000	3,946,067,000	-176,040,000	+277,657,000
Construction	(980,267,000)	(680,011,000)	(957,668,000)	(-22,599,000)	(+277,657,000)
Operation and Maintenance	(3,080,659,000)	(2,988,399,000)	(2,988,399,000)	(-92,260,000)	
Family Housing Improvement Fund	(25,000,000)			(-25,000,000)	
Homeowners Assistance Fund	(36,181,000)			(-36,181,000)	

MILITARY CONSTRUCTION APPROPRIATIONS BILL, 1998 (H.R. 2016)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Base realignment and closure accounts:					
Part II	352,800,000	116,754,000	116,754,000	-236,046,000	
Rescissions	-35,391,000			+35,391,000	
Subtotal	317,409,000	116,754,000	116,754,000	-200,655,000	
Part III	971,925,000	768,702,000	768,702,000	-203,223,000	
Rescissions	-75,638,000			+75,638,000	
Subtotal	896,287,000	768,702,000	768,702,000	-127,585,000	
Part IV	1,182,749,000	1,175,398,000	1,175,398,000	-7,351,000	
Rescissions	-22,971,000			+22,971,000	
Subtotal	1,159,778,000	1,175,398,000	1,175,398,000	+15,620,000	
Total, Base realignment & closure accounts (net)	2,373,474,000	2,060,854,000	2,060,854,000	-312,620,000	
Grand total:					
New budget (obligational) authority	9,793,309,000	8,383,248,000	9,183,000,000	-610,309,000	+799,752,000
Appropriations	(10,011,217,000)	(8,383,248,000)	(9,183,000,000)	(-828,217,000)	(+799,752,000)
Rescissions	(-217,908,000)			(+217,908,000)	

Mr. PACKARD.

Mr. HEFNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I would be remiss if I did not congratulate the chairman of the committee, who is one of the finest gentleman I have ever worked with in this House, and this is one of the best committees, I guess, in the entire House of Representatives. And I would like to congratulate the staff, because they have done a tremendous job, both on the minority side and the majority side, they have done a tremendous job in putting together this bill, and it merits the support of everyone in this House.

This bill contains, as the chairman has said, some $9.2 billion in total funding. This is $600 million below last year. I would like to remind some of the critics of the bill that we have been taken to task that we are over the President's mark. But I would like to remind the Members of the House that we have a committee that in the past 2 years, under both Democrat and Republican administrations, we have had to fight very hard to get money for quality of life for our troops. We have concentrated on doing the best that we can for quality of life for our troops, and we think we have done a good job with limited funds.

We have got 50 new barracks projects, and all of our barracks are over 40 years old. We need another 250,000 units. And I might add that everything in this package has been authorized and was voted on and passed in this House. So I think we have a very good bill, and I want to thank the chairman for all of his courtesy to work with us through the years and for the staff.

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

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong support of the bill, and I want the gentleman from California [Mr. PACKARD] to know that it is a joy to serve on his subcommittee and under his chairmanship.

As I said at the markup, the gentleman from California [Mr. PACKARD] could give us all lessons in how to mark up a bill in an efficient way and to get the job done. The gentleman from California has done an outstanding job in crafting this bill that addresses the quality of life and needs of our armed services.

The men and women who serve this country deserve the very best that we can provide, and this bill includes increased funding for billets, for new family housing units, and for private family homes. Each of these are essential to the readiness of our Armed Forces.

I am particularly pleased that the chairman funded several projects at the Great Lakes Naval Base in my district. The Great Lakes Naval Training Center serves as the Navy's only primary training base and the principle location for early training skills. This bill includes new enlisted barracks at the Great Lakes Naval Hospital at a cost of $5.2 million in new barracks, two new fire stations, and a combat pool at the Great Lakes Naval Training Center at a cost of $26.7 million.

Under the leadership of the gentleman from California [Mr. PACKARD], this bill takes very strong steps in improving the quality of life for our armed services. He has done a masterful job in crafting the bill, and I applaud him and urge support of all Members.

Mr. HEFNER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER], who is a member of the committee.

Mr. OLVER. Mr. Chairman, as a new member of the Subcommittee on Military Construction, I rise to support this bill, but particularly to commend the gentleman from California [Mr. PACKARD] for his very effective leadership, and then also to commend both Chairman Packard and the gentleman from North Carolina [Mr. HEFNER] the ranking member, for their very bipartisan working relationship which was indeed, as the previous speaker said, a joy to work with.

The fiscal 1998 MILCON appropriations bill continues to focus on the quality of life for servicemen and women. Improving quality of life for those who serve in the Armed Forces and for their families is critical if we are going to retain our best personnel beyond their minimum service requirements. We are spending billions on new weapons, and we ought to spend enough to ensure that the servicemen and women who operate those sophisticated weapons are not left in substandard and in some cases deplorable living conditions.

To that end, this bill provides funding, in some cases above the Pentagon's request, for new child development centers; new hospital and medical facilities, including treatment centers and medical research facilities; and for cleanup at military bases where contamination sites that are in violation of either Federal or State environmental protection laws do exist.

The report which accompanies this bill contains initiatives that should be supported by all Members. These initiatives are aimed at saving costs and bringing common sense to construction planning by the service branches.

There are instructions in the report for each military department to develop a unified design guidance program to stop wasteful, duplicative spending on the engineering and design of like projects, including duplicative spending on computer programs used in the engineering, design, and construction of standard military facilities.

A second cost-saving measure in the subcommittee's report is the forwarding of Bold Venture, the Pentagon's program to move military entrance processing stations from private, commercial buildings to military installations in order to reduce office rent expenditures and the cost associated with housing recruits in hotels rather than in barracks.

I thank the chairman and ranking member for including this language in the subcommittee's report, and I look forward to reviewing the Defense Logistics Agency's report on the budgeting timetable for Bold Venture, which is due to the Appropriations Committee no later than January 1998.

But perhaps the best feature of this package is the specific instruction included by the chairman to the Army, the Army National Guard, and the National Guard Bureau on the need for a concerted system of planning and prioritizing the hundreds and hundreds of unbudgeted Army National Guard construction projects.

The subcommittee report before the House today points out that the Army Guard has no comprehensive approach whatsoever to armory construction—as well as no understandable, consistent method for prioritizing competing armory and readiness center construction projects.

I commend the leadership of the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER] in taking steps to improve this extremely poor budgeting process, both for the next fiscal year and for the long run.

For those reasons and more, I urge my colleagues on both sides of the aisle to support the fiscal 1998 military construction bill.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. WICKER], a member of the subcommittee.

Mr. WICKER. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

Mr. Chairman, I want to briefly echo the sentiments of other speakers who already talked tonight in commendation of our subcommittee chairman, the gentleman from California [Mr. PACKARD], as well as the gentleman from North Carolina [Mr. HEFNER], the ranking member, for the bipartisan nature in which they have approached this issue, taking care of quality-of-life and readiness issues, all within our budget allocation.

Mr. Chairman, I think it might surprise many American people to hear that over 25 percent of our military barracks are in substandard condition at the present time and over 66 percent of onbase housing is considered substandard. And that is what this bill is principally about.

I was glad to see my friend, the gentleman from Illinois [Mr. PORTER], talk

about quality of life as it affects readiness. It would take 32 years and $30 billion in order to correct all of the problems presently associated with our military housing.

Forty-two percent of this bill goes toward family housing needs, $1 billion toward new family housing, and another $3 billion toward operation and maintenance of existing facilities. There are also many other needs that are met by the bill: $28 million for child development centers, $146 million for hospital and medical facilities, $752 million for barracks facilities.

So I just want to echo the comments of other speakers already and congratulate the chairman and the ranking member. Because of the rule, we will have a recorded vote; and I certainly would expect an overwhelming vote in favor of this legislation.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], the chairman of the authorizing Subcommittee on Military Installations and Facilities of the Committee on National Security.

Mr. HEFLEY. Mr. Chairman, I rise in strong support of H.R. 2016, the Military Construction Appropriations Act for fiscal year 1998.

The gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have described the principal features of this legislation, and I do not want to repeat what they already have said. But as chairman of the Subcommittee on Military Installations and Facilities, I would like to elaborate on a couple of points that the gentleman from California [Mr. PACKARD] and the gentleman from North Carolina [Mr. HEFNER] have made.

This House has been concerned for some time about the serious shortfalls in basic infrastructure, military housing, and other facilities that affect the readiness of our Armed Forces and the quality of life for military personnel and their families, and Congress has taken action to attempt to address those shortfalls.

Both the authorization and appropriations committees of jurisdiction were disappointed that the budget requested by the administration for fiscal year 1998 continued a pattern of significant deterioration in the funding programmed by the Department of Defense for military construction, in spite of the very clear and obvious facilities problem that the services confront. This legislation will not solve all those problems, but, if it passes, it will be a further demonstration of the commitment of the House to correct the severe deficiencies that exist at our military installations.

I am gratified that the authorization and appropriations subcommittees have continued their close working relationship. The gentleman from California [Mr. PACKARD] is correct that all projects recommended for appropriation in the bill have been represented for authorization in H.R. 1119, the National Defense Authorization Act for fiscal year 1998, which passed the House prior to the recess by a vote of 304 to 120.

□ 1830

This House has always responded to the clear and compelling need of the military services. H.R. 2016 reflects a bipartisan consensus on military construction that has already been ratified by the House. I urge Members to keep faith with the men and women in uniform and continue our effort to improve their living and working conditions. I ask for my colleagues' support for this bill.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, let me take just a moment to associate myself with the gentleman's remarks and compliment him as the subcommittee chairman on the authorizing committee, to compliment the gentleman from California [Mr. PACKARD], the chairman, and the gentleman from North Carolina [Mr. HEFNER], the ranking member who has labored so long and so well in his previous chairmanship on this. This is an excellent bill, and I think it should pass, as the gentleman says, overwhelmingly. I thank the gentleman for yielding.

Mr. HEFNER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ]) for a colloquy with the chairman of the subcommittee.

Mr. MENENDEZ. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, if I may, what I am trying to accomplish in lieu of an amendment that I intended to offer in this colloquy with the chairman is based on an issue that arises from my district where the Military Ocean Terminal in Bayonne, NJ is going to close. That is a foregone conclusion. We understand that. But as part of this process, the BRAC Commissioners voted to take the Military Sealift Command that was there and have them relocate to a base X, an undisclosed base. My understanding is that there would be a financial feasibility as to what would be the most appropriate place to have the Military Sealift Command be relocated to.

The Navy has gone off unreined to determine that they want to go to a location that does not in fact substantiate itself with any study as to what is the financial cost and whether it is the most financially feasible cost. Consequently we have learned that they intend to go to Camp Pendleton, VA.

In January of this year, I asked for a GAO report simply to find out whether or not they have done a study and if not what is the most appropriate place in terms of the consequences of the financial impact of moving this and is this the most financially feasible both for the Navy and for the U.S. taxpayers. We are expecting the design phase of that, to have it within the next 2 weeks, but it will take a little more time to have a final report.

What I am trying to accomplish, Mr. Chairman, in this colloquy is, first of all, I understand that there is no money in this bill for such a transfer of the Military Sealift Command. Am I correct in that statement?

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from California.

Mr. PACKARD. The gentleman is correct.

Mr. MENENDEZ. Second, Mr. Chairman, I would ask if the gentleman will work with us to seek a resolution with the Navy on this matter in order to ensure that the taxpayers' money is well spent and we are going to the most appropriate place.

Mr. PACKARD. Of course we will work with the gentleman in every way we can to resolve the problem.

Mr. MENENDEZ. I thank the gentleman.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Chairman, this Member rises to express his concerns regarding the lack of funding for many Army National Guard projects in H.R. 2016. This deficiency, I am told, in funding is apparently the result of a lack of communications by the Army National Guard Bureau with the members of the Appropriations Subcommittee as to the priorities of the various projects requested by each State's Army National Guard. Reference to that matter was previously made a few minutes ago by the gentleman from Massachusetts. There is certainly a lesson to be learned by the Army National Guard Bureau from this process. I believe the Army National Guard Bureau must learn that it can no longer rely on the political connections of the past with respect to both the Congress and the Pentagon. It must also make more energetic efforts to directly communicate its needs and its priorities to the Appropriations Subcommittee.

This member recognizes the great difficulty the members of the subcommittee faced in formulating this appropriation bill. It is clear that extremely tight budgetary constraints made the job of the subcommittee much more difficult, especially when coupled with this lack of adequate communications by the Army National Guard Bureau.

It is my understanding that this unfortunate situation has resulted in the

lack of appropriations for many worthy projects for the Army National Guard, including projects in the districts of the subcommittee members. I strongly regret that circumstance. This member, for example, requested the subcommittee's consideration of two military construction projects for the Nebraska National Guard. They should have received strong consideration and bureau support, and I will expect that this deficiency will be corrected in the short-range future.

Mr. Chairman, in conclusion, this member would like to express his hope that this unfortunate situation is rectified by the Army National Guard Bureau and that a similar predicament is not encountered in the future by members of the Subcommittee on Military Construction of the Committee on Appropriations.

This criticism of the bureau has to be made, it seems to me, but it is offered by this member for constructive reasons. Therefore, I would hope that the bureau does not have any future sense of retribution for bringing this deficiency to the attention of the body.

I thank the chairman and the ranking member and all the members of the subcommittee for the outstanding job they have done on the bill they bring before us.

Mr. PACKARD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM], a member of the full committee.

Mr. CUNNINGHAM. Mr. Chairman, I rise in support of the bill. I appreciate my colleague from California for the good work that he and the ranking member have executed on the bill. But I come to the committee with a concern. For the first time I visited West Point this year, just a couple of weeks ago. We have a facility built in the 1920's, and they put through 4,000 cadets a day in these facilities. My colleagues say, "What does a Navy guy want to help the Army for?" Because we train our men and women to go to war and they are hurting bad. The facilities are cracked, they are falling down in some cases, and this is what we have to offer the best of the best that go through? These rascals even had "Beat Navy" signs on their houses, on their bleachers, on their cars, and in their dormitories, but that does not overshadow the fact that I would like to appeal to the gentleman from California next year to go forward and take a trip there and he will see just how decimated West Point is in relation to our other academies.

Mr. HEFNER. Mr. Chairman, I yield myself 3 minutes in response to the gentleman from California [Mr. CUNNINGHAM]. For many, many years I have been on this Subcommittee on Military Construction. It has been our number one initiative to try to do what we can for quality of life and to help for retention for what we believe is the finest young men and women in the world in our Armed Forces. We have tried very, very hard to put the focus on quality of life, both in the authorizing committee and in the appropriations committee. But I must say, it has been very difficult over the years in both Democrat and Republican administrations, it always makes the request short of what is needed for quality of life for our military people. We have had some criticism in this particular bill that we are pork-barreling. But I do not think it is pork-barreling when we are doing the very best that we can with limited dollars for our men and women in the Armed Forces. The people who are so critical of us do not realize that we have had pauses, one year we did not have any money particular at all, we did no improvements in barracks and quality of life, and then we have had the only budget in this House that has been stagnant at best. We have actually lost ground over the last few budget sessions. We have done a good job, and the chairman has done a good job in putting together along with the staff what I consider a very, very good budget. I agree with my friend from California, it is absolutely terrible when we go to these bases, in some of them these young men and women are operating the most sophisticated weapons that man has ever devised and they are walking across unpaved parking lots and standing in showers up to their ankles to get a bath. This is absolutely not right. This should be a higher priority. This should be a real priority for any administration to do whatever is needed for quality of life for our men and women who lay it on the line, who make the sacrifice for their families. They certainly do not make a lot of money. If we are going to have a volunteer force, if we are going to count on retention and these young men signing up to stay and to serve their country, we are going to have to put more focus on quality of life for our troops. That is what we have tried to do in this bill. I think it is a bill that certainly, certainly merits the support of all the Members of this House.

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

Mr. PACKARD. Mr. Chairman, I yield myself 15 seconds to respond and certainly agree totally and wholeheartedly with the ranking member that just spoke. Certainly we need to retain the trained men and women that we have. We spend billions of dollars to train our men and women only to lose them because we do not have adequate housing, we do not have adequate facilities for them. That is atrocious. I also agree with the gentleman from California in regard to the need to improve our academies.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I thank the gentleman from California [Mr. PACKARD] for yielding me this time.

I certainly want to express my support for this military construction funding bill and certainly want to commend not only the gentleman from California [Mr. PACKARD] but the gentleman from North Carolina [Mr. HEFNER] for their good work on this bill. I know the Subcommittee on Military Construction had less money to work with this year and they have done an admirable job of crafting a bill which increases the quality of life for American military personnel and makes important investments in our defense facilities.

As I heard the gentleman from North Carolina [Mr. HEFNER] comment about what is good and the gentleman from California [Mr. PACKARD] talk about what is good for our young men and women in the service, I want to give an example of this committee's work that relates to the Air Force Base and the Air National Guard unit at Fairchild Air Force Base in my district in Spokane, WA. Fairchild Air Force Base began in 1942 as an airplane maintenance depot, and then it became a B–29 bomber base after World War II. In 1976, it became the 141st Air Refueling Wing, it moved to Fairchild as a tenant unit, and it houses the KC–135s for the Air National Guard in hangars which were meant for World War II.

These hangars are large enough to cover most of the airplane, but not the tail and the fuselage. So for 20 years the rear end of these airplanes has stuck out in the open air. Whenever an Air National Guard mechanic had to go out and work on this airplane, he had to stand out in the cold, and it gets very cold in my part of the country in the wintertime.

I just want these two distinguished gentlemen to understand, and the rest of my colleagues to understand, too, that this has a very practical implication in my district because it is correcting a problem that has existed for years, and it really is a readiness issue and it is a service issue for these young men and women who work on these airplanes. So by modifying this Air National Guard hangar in my district, the whole plane is going to be under cover during the winter months and they are going to have maintenance be able to occur. That is just one example of some very important measures in this bill that improve the quality of life of our American men and women in uniform.

Mr. Chairman, I recommend support for this bill.

Mr. UNDERWOOD. Mr. Chairman, I rise in support of H.R. 2016, the Military Construction Appropriations Act. This bill aptly balances budgetary concerns with military concerns. In the process, quality of life issues are considered and addressed by this bill. I commend Chairman PACKARD and Congressman HEFNER

for their efforts on this bill. They have done a superb job. This bill is the appropriations for military construction projects. But, I think it is important to understand that this bill is really appropriations for the infrastructure that supports our soldiers, sailors, airmen, and marines. This bill also supports quality of life issues that are important to our men and women in service.

Like many Members with their own districts, I have remained aware of military construction projects for bases in my district. I am encouraged by the planned projects and recognize that these were planned by DOD and contributed to the military environment on Guam positively. The projects followed the normal budgetary cycle and now are close to final approval. However, DOD has also attempted to request funding outside the normal budgetary process. This funding would be for construction of a DOD Dependent School on Guam. To characterize this properly, DOD first took actions in November 1996 regarding an education contract between DOD and the Government of Guam. They stopped payment. This clearly indicates DOD had the time to include appropriations requests for school construction during the normal budget cycle. In February of this year, DOD Comptroller Secretary Hamre testified before the Subcommittee on Military Construction that there were no current plans to establish DOD schools on Guam. However, there have been indications that DOD is seeking a congressional add for the project. This sends the wrong message. Local elected leaders in Guam have worked hard to open discussions with DOD regarding education issues, but have had little cooperation. Now DOD wants to change its own self proscribed timeline and establish DOD schools this year vice next year. I say let's keep the school year 1998 timeline. This will allow time for local education officials and DOD to discuss issues and will preserve the appropriations process.

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

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 2016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1998, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $721,027,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $71,577,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $685,306,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $46,659,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $662,305,000, to remain available until September 30, 2002: *Provided,* That of this amount, not to exceed $45,880,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $613,333,000, to remain available until September 30, 2002: *Provided,* That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further,* That of the amount appropriated, not to exceed $34,350,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $45,098,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $137,275,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $77,731,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $40,561,000, to remain available until September 30, 2002.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, $27,143,000, to remain available until September 30, 2002.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $166,300,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and

maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $202,131,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $1,148,937,000; in all $1,351,068,000.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $409,178,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $976,504,000; in all $1,385,682,000.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $341,409,000, to remain available until September 30, 2002; for Operation and Maintenance, and for debt payment, $830,234,000; in all $1,171,643,000.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $4,950,000, to remain available until September 30, 2002; for Operation and Maintenance, $32,724,000; in all $37,674,000.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $116,754,000, to remain available until expended: *Provided*, That not more than $105,224,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $768,702,000, to remain available until expended: *Provided*, That not more than $398,499,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101-510), $1,175,398,000, to remain available until expended: *Provided*, That not more than $353,604,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department

of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding any other provision of law, appropriations made available to the Department of Defense Family Housing Improvement Fund shall be the sole source of funds available for planning, administrative, and oversight costs incurred by the Department of Defense relating to military family housing initiatives and military unaccompanied housing initiatives undertaken pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

□ 1845

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 17, line 21, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. MCCOLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McCOLLUM:

Page 17, after line 21, insert the following new section:

SEC. 125. None of the funds appropriated in this Act or any other Act for any fiscal year may be used for military construction for the Naval Nuclear Power Propulsion Training Center in Charleston, South Carolina.

Mr. PACKARD. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM] for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, I offer this amendment tonight out of a great deal of frustration because of what has gone on over the past several years regarding a small portion of the Navy's training center in Orlando, FL that was ordered closed in a base closure decision in 1995. That small portion is the Navy's Nuclear Power Propulsion Training Center. That center was directed in 1995 to be relocated to New London, CT to go along with the Navy's submarine and other nuclear facilities there. But in the process of the 1995 closure commission decision, a decision was made to keep open the submarine base in New London, CT, and as a result of that there was no place for the nuclear power school facilities that are now in Orlando to go there. The cost to go to New London, to build new buildings, to buy new land, to dig under the granite there was too great, and the Navy came back—and I said 1995, it was 1993—came back in 1995 and requested a redirect from New London to Charleston of this particular facility. And in 1995 I argued rather vehemently before that commission that the school should be kept in Orlando, not moved to Charleston; that it was not a cost-effective move and that the payback period, which is the way we measure these sorts of things, was going to be way too long.

But the rules of the game that the Base Closure Commission used at that time said, hey, we are going to look at this as though the nuclear power facilities have already been moved to New London, and then we are going to compare a move from New London to Charleston to a move from New London to Orlando; and the reality was it was a lot cheaper to move to Charleston from New London. But that was a total fiction. The reality is that the Navy's Nuclear Propulsion Training Center schools and so forth are still in Orlando this day.

So last year along the way with appropriated moneys that were put forward subsequent to that base closure realignment decision, they began to construct in Charleston earlier than anticipated on these new schools, and I asked the General Accounting Office for a report. The General Accounting Office came back. They have done, as far as I know, no other reports on base closure work. They have got some comprehensive work undergoing. But they were willing to do this on this one occasion because it did not seem right to them either; and in November of 1996, last year, they issued a report on this matter in which they described the fact that in reality, having looked at this matter, I was right all along; that the payback period was going to be 20 years in order to pay back the cost of the upfront maneuvering to make this move to Charleston. And the net bottom line is that 20 years is far in excess of any payback period for any base closure that I am aware of in 1991, 1993, or 1995.

Mr. Chairman, at any rate I am left with no recourse but to comment on this today and to seek redress to pull that funding back. We are otherwise going to waste a whole lot of money. It is $151 million to make this move to Charleston, unnecessarily being spent by the Navy right now. I am told that if we stop this process today, we could still save $80 or $90 million of that amount of money. There is no reason to have this new school being built there. There is no reason that it could not stay in Orlando in a containment facility, which was an alternative that was proposed and is considered, and in fact it is the logical thing to do in light of this General Accounting Office report which, as I say, corroborates what I am saying.

The Navy's excuse for not doing this, and I have talked to the Secretary of the Navy, is that we do have long-term recurring savings by making the move, and of course we do. Every base closure proposal has long-term recurring savings. The point is, though, that it takes more than 20 years in this move to pay back the upfront costs by those recurring savings, and anything greater

than 8, 9, 10, 11 years is unheard of in base closures as far as payback period times are concerned.

Twenty years is way out of line, totally wrong. Unfortunately when the base closure laws were passed, there were no remedies for errors like this built into law. Once we got through the process, once an error is made, that seems to be finality. The authorizing committee did not have an open rule out here for me to bring this up to my colleagues under, and consequently I am here today having asked the Secretary of Defense to stop the money flowing, asked the Secretary of Navy to no avail, on more than one occasion, written letters, banged on the door of the gentleman from Colorado [Mr. HEFLEY] in the authorizing subcommittee, and find myself totally frustrated by the absence of an equitable and fair process to resolve this matter in the best interests of the taxpayers.

And while somebody can say, "Well, you are arguing for your own district here," actually we got a great base reuse plan undergoing, and the Navy just yesterday concluded negotiations with the city of Orlando that I think will wind up being approved, so the issue is not that.

The CHAIRMAN. The time of the gentleman from Florida [Mr. MCCOLLUM] has expired.

(By unanimous consent, MR. MCCOLLUM was allowed to proceed for 1 additional minute.)

Mr. MCCOLLUM. The issue is not a question of what is best for Orlando. The issue is what is wrong with a base move that should never have taken place, what is wrong with the fact that our laws do not provide a remedy for an error like this, and once one reads this General Accounting Office report that I will put in the RECORD at the appropriate time in the House of the Whole, it seems to me that the only reasonable remedy is for us to proceed with pulling back the money that was appropriated previously.

And so I would urge my chairman, though his point of order may be technically correct, to allow this amendment to proceed. It is the only remedy I know to stop this loss, unnecessary loss of money, and to remedy a base closure problem that really otherwise has no remedy that I know of that we can address.

The Navy's nuclear power facilities should remain in Orlando; the savings of money should be there. The move to Charleston makes absolutely no sense. A 20-year payback period is absurdly wrong, and the General Accounting Office report confirms the fact that we are wasting the taxpayers' money to make this move to some extraordinary measure that may be indicative of other problems, but I am only here to address the one tonight.

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

U.S. GENERAL ACCOUNTING OFFICE,
NATIONAL SECURITY AND INTERNATIONAL AFFAIRS DIVISION,
Washington, DC, November 22, 1996.

Hon. BILL MCCOLLUM,
House of Representatives.

DEAR MR. MCCOLLUM: In response to your June 18, 1996, request, we compared the overall cost of moving the Navy's Nuclear Power Propulsion Training Center (NNPTC) to Charleston, South Carolina, with the cost of retaining the Center in Orlando, Florida. On September 25, 1996, we briefed you on the results of our work; this letter summarizes that briefing.

BACKGROUND

In 1993 the Department of Defense (DOD) recommended to the 1993 Base Closure and Realignment Commission that the Navy's Training Center in Orlando, Florida, which housed the NNPTC, be closed. Most of the Center's basic and advanced training activities would then be relocated to the Navy's Great Lakes Training Center in Illinois. DOD recommended that the NNPTC be relocated to the submarine base at New London, Connecticut, and that the submarines at New London be relocated to Kings Bay, Georgia. The Commission approved the recommendation on the Navy Training Center but did not approve the submarine relocation. As a result, costly new construction was required for the NNPTC at New London.

During development of its 1995 base closure recommendations, the Navy looked for a less costly location for the NNPTC and ultimately recommended the Naval Weapons Station in Charleston, South Carolina. The 1995 Base Closure and Realignment Commission approved the relocation. To date, the NNPTC has not been relocated. Retaining NNPTC at the Navy Training Center in Orlando was not considered because it had been approved for closure in the previous Base Closure and Realignment round.

RESULTS IN BRIEF

Our analysis of Navy cost data shows that moving the NNPTC to Charleston will require more in up-front investment costs than remaining in Orlando. This cost will take about 20 years to recover through reduced annual operating expenses. Keeping the NNPTC in Orlando would not require such a large up-front cost, but operating the Center would cost more per year in Orlando than in Charleston.

ESTIMATED COSTS OF RELOCATION AND OPERATION

Our analysis of Navy cost data shows that moving the NNPTC to Charleston would require $115.4 million more in up-front costs than keeping the Center in Orlando. It also shows that the annual operating cost at Charleston would be about $8.8 million less than at Orlando. Table 1 shows the estimated one-time and annual recurring costs of relocating the NNPTC to Charleston and the costs of keeping it in Orlando.

TABLE 1: DIFFERENCE BETWEEN ESTIMATED COSTS OF RELOCATING THE NNPTC TO CHARLESTON AND LEAVING IT IN ORLANDO

[Dollars in millions]

Cost category	Charleston	Orlando	Difference [a]
One-time:			
Construction and/or renovation	$125.6	$25.7	$99.9
Contract cancellation	.....	10.0	(10.0)
Relocation [b]	25.5	.....	25.5
Total	151.1	35.7	115.4
Annual recurring:			
Support	15.7	20.3	(4.6)
Housing	4.0	6.3	(2.3)
PCS [c] to follow on training	.....	1.9	(1.9)
Total	19.7	28.5	(8.8)

[a] This column shows the difference between the costs in Charleston and Orlando (numbers in brackets are savings).

[b] Costs of relocating personnel and equipment and separating civilian personnel.

[c] Permanent change of station.

We based the cost estimates in table 1 on Navy data. These estimates came largely from current budget data or data developed during the 1995 base closure and realignment process. The budget data has not yet been finalized and is subject to change. The data developed during the 1995 base closure and realignment process was certified by the Navy as complete and accurate when it was submitted. We believe that this data is the best available for estimating the relative cost differences between the two locations. Following is a brief explanation of each of the cost categories in table 1.

One-Time Costs. The major one-time cost of relocating the NNPTC to Charleston is for the construction of classrooms, bachelor enlisted quarters (BEQ), a galley, and an addition to the existing medical/dental clinic. A contract for construction of all these facilities except for the clinic was signed on August 13, 1996. We took the one-time costs from contract data and the Chief, Naval Education and Training (CNET), fiscal year 1998 budget submission to Navy headquarters. Relocation costs are those generally associated with any base closure. We took the relocation cost estimate from the fiscal year 1998 CNET budget submission.

The one-time costs for Orlando reflect actions that may have to be taken if the NNPTC remains in Orlando, that is, construction and renovation of existing BEQs to meet current DOD enlisted housing standards and cancellation of the Charleston construction contract. The estimated cost to construct and renovate Orlando BEQs came from Navy data developed during the 1995 base closure and realignment process. However, when the Navy will actually budget the $25.7 million to construct and renovate the Orlando BEQs is uncertain. We included the Charleston construction contract cancellation cost in one-time costs because the construction contract was awarded on August 13, 1996. Navy officials from the Southern Division, Naval Facilities Engineering Command, estimated that if the Navy cancelled the contract by December 31, 1996, the termination cost would be about $10 million.

Annual Recurring Costs. The estimated $15.7 million annual Charleston support cost is taken from the fiscal year 1998 CNET budget submission. The budget submission contains an estimate of the cost to support the training center once it relocates to Charleston. According to Navy officials, the budget review process is not complete, and the estimates are therefore subject to change. The estimate does not include housing costs for training center staff and married students. According to Charleston officials, on-base family housing will be available for all those that need it. Charleston officials estimated the cost of operating this housing to be $4 million annually.

We took the estimated Orlando annual support cost of $20.3 million from data the Navy

developed at the request of the 1995 Base Closure and Realignment Commission. This estimate also does not include housing costs for training center staff and married students. According to Navy officials, no on-base housing would be available at Orlando, so housing would have to be obtained on the local economy. Navy data developed during the 1995 base closure and realignment process showed that the annual basic allowance for quarters and variable housing allowance cost at Orlando would be $6.3 million. Additionally, about half the students graduating from the Orlando training center would attend follow-on training at Charleston and incur permanent change of station costs. Again using Navy data, we estimated this cost to be $1.9 million.

PAYBACK PERIOD

Payback is the time in years before money spent on an action is recovered. Given the $115.4 million difference in the one-time cost of moving to Charleston versus the cost of remaining in Orlando, and the annual operating cost reduction of $8.8 million, it would take about 20 years to payback the difference in one-time costs. The Navy maintained that it would have to upgrade the BEQ at Orlando if they were to remain at that location. Therefore, we included this cost in our payback period estimate. You expressed concern about whether these renovations would actually occur and requested that we provide a separate payback calculation that deletes the renovation cost. That payback period would be about 27 years. To determine the payback period, we assumed that all one-time costs would be incurred in the first year and savings would begin to accrue in the second year. We also discounted costs to take into account the future value of money. We used a discount rate of 3.8 percent.

SCOPE AND METHODOLOGY

We based our review on documents obtained during meetings with officials from the Department of the Navy; NNPTC, Orlando; and the Naval Weapon Station, Charleston. We also reviewed documents on Navy and Base Closure and Realignment Commission work regarding the decisions in both 1993 and 1995 to relocate the Naval Training Center and NNPTC. We did not verify the Navy's data. We also visited the Naval Training Center in Orlando, Florida; the Navy's Center for Education and Training in Pensacola, Florida; and the Navy Weapons Station in Charleston, South Carolina.

We conducted our review between July and September 1996 in accordance with generally accepted government auditing standards.

AGENCY COMMENTS AND OUR EVALUATION

In commenting on a draft of this report, DOD agreed that moving the Navy's Nuclear Power Propulsion School [NNPTC] to Charleston will require up front costs and result in lower annual operating costs. DOD noted that the cost analysis prepared by the Navy for the 1995 Base Closure and Realignment Commission identified the costs for redirecting a move from New London to Charleston whereas our analysis focused on a direct cost comparison between Orlando and Charleston. DOD stated that without a mechanism to change the Commission's recommendation, the Department must implement it as directed. DOD also noted that both of our analyses showed that it is more cost effective to operate the NNPTC in Charleston. Our analysis showed Charleston had a lower annual operating cost but that it would take 20 years for this lower cost to payback the one-time up-front cost of moving to Charleston. DOD's comments are in enclosure I.

We are providing copies of this letter to the Chairmen and Ranking Minority Members of the Senate Committee on Armed Services and the House Committee on National Security; the Director, Office of Management and Budget; and the Secretaries of Defense and the Navy. We will also make copies available to others on request.

Please contact me at (202) 512-8412 if you or your staff have any questions about this letter. Major contributors to this letter were John Klotz, Assistant Director; Raymond C. Cooksey, Senior Evaluator; and Stephen DeSart, Senior Evaluator.

Sincrely yours,

DAVID R. WARREN,
Director, Defense Management Issues.

ENCLOSURE I

OFFICE OF THE
UNDER SECRETARY OF DEFENSE,
Washington, DC, November 20, 1996.

Mr. DAVID R. WARREN,
Director, Defense Management Issues, National Security and International Affairs Division, U.S. General Accounting Office, Washington, DC.

DEAR MR. WARREN: This is in response to your draft report: "MILITARY BASES: Information Relating to The Movement Of A Navy Training Center", Dated October 15, 1996, (GAO Code 709223/OSD case 1241).

The Department agrees that implementing the Commission's recommendation to redirect the transfer of the Navy's Nuclear Power Propulsion School (NPPS) from the Naval Submarine Base New London to Naval Weapons Station Charleston requires up front costs and will result in lower annual operating costs. The Department also agrees that the different methodologies used by the GAO and the Defense Base Closure and Realignment Commission to calculate implementation costs and savings result in different estimates of how long it may take to recover these costs.

The Navy prepared a separate Cost of Base Realignment Actions (COBRA) analysis for the BRAC 95 Commission to identify the costs for a redirect of the NPPS from New London to Charleston. This analysis included BRAC 93 funds cost avoidances due to the BRAC 95 recommendation to redirect the NPPS to Charleston instead of New London. The GAO analysis focused on the direct comparison of costs between Orlando and Charleston and did not include the cost avoidances identified by the Navy.

Regardless of the methodologies used or the differences in calculated costs and savings, both the GAO and the Department agree that it is more cost effective to operate the Nuclear Power Propulsion School in Charleston. Furthermore, without a mechanism to change the recommendation the Department must implement it as the Commission directed.

Thank you for the opportunity to provide the Department's comments on the draft report.

ROBERT E. BAYER,
Principal Assistant Deputy Under Secretary (Industrial Affairs & and Installations).

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POINT OF ORDER

Mr. PACKARD. Mr. Chairman, I certainly sympathize with the gentleman's concerns, but I must insist on my point of order against the amendment because it proposes to change existing law and constitutes legislating on an appropriations bill. Therefore it violates clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] wish to be heard on the point of order?

Mr. MCCOLLUM. If I might, Mr. Chairman.

The reality is that this amendment deals with appropriations. It discusses that no funds appropriated in this act or any other act for any fiscal year may be used for military construction for a particular purpose. It does not deal with authorization. It deals with appropriations, and it deals with cutting off the funding sources that this Committee on Appropriations put forward and the House approved both in the past and in this Congress.

And so I would urge that it be germane. I believe that it is. I do not understand the anomalies that I am advised about this rule if it is ruled out of order. I think it should be in order.

Mr. PACKARD. Mr. Chairman, I request a ruling from the Chair.

The CHAIRMAN. The Chair is prepared to rule on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Because the amendment does not confine its limitation to the funds in the pending bill, but instead applies it to other acts and other fiscal years as well, it must be held to constitute legislation in violation of clause 2 of rule XXI.

The point of order is sustained.

Are there other amendments?

If not, the Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 1998".

The CHAIRMAN. If there are no other amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr.

CHAMBLISS] having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2016) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes pursuant to House Resolution 178, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 14, not voting 25, as follows:

[Roll No. 250]

YEAS—395

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

NAYS—14

Barrett (WI)
Campbell
Conyers
Frank (MA)
Markey
Minge
Oberstar
Paul
Rahall
Ramstad
Royce
Sensenbrenner
Stark
Upton

NOT VOTING—25

Baesler
Becerra
Brown (OH)
Dellums
Edwards
Ewing
Fattah
Fazio
Frost
Gejdenson
Gilman
Kanjorski
Lantos
Largent
LaTourette
Lowey
Murtha
Riggs
Schiff
Shadegg
Sisisky
Smith (NJ)
Solomon
Taylor (NC)
Yates

□ 1918

Mr. NADLER changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. CHAMBLISS) laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 711 of Public Law 104–293, I hereby appoint the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction:

Mr. Tony Beilenson, Maryland

Yours very truly,

RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Hon. RICHARD A. GEPHARDT, Democratic leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, June 26, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 806(c)(1) of Public Law 104–132, I hereby appoint the following individual to the Commission on the Advancement of Federal Law Enforcement:

Mr. Gilbert Gallegos, Albuquerque, NM

Yours very truly,

RICHARD A. GEPHARDT.

SPECIAL ORDERS

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

THE AMERICAN FAMILY FARM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAPPS] is recognized for 5 minutes.

Mr. CAPPS. Mr. Speaker, at this time of the year when we talk about corn being so high by the Fourth of

July, I wish to talk briefly about the American family farm. The American family farm represents the heart and backbone of America. It reflects our values, our ideals, our heritage. Growing up in the heartland of this Nation in Nebraska, together with my brother Roger who is here today, I worked in farms and was surrounded by farms. The work ethic and the values I hold today stem from this upbringing. The community I now represent on the central coast of California actively participates in everything from cattle ranching to broccoli growing, to strawberry growing to wine cultivation.

This past week we celebrated our Nation's birthday. I participated in the Santa Barbara County Fair in Santa Maria, CA. The farmers there are worried about whether or not they will be able to pass their farms or ranches on to their children. Today's estate tax makes that very difficult, especially for these hardworking people in our district.

I strongly support efforts to protect the American family farm and provide estate tax relief for our Nation's hardworking farmers. Farmers and ranchers work long, hard hours over a lifetime to build their businesses. However, far too often the burden of costly estate taxes forces them to sell their land. This is especially prevalent in our district with soaring property values and continued suburban development. Not only do farmers and ranchers lose when their land is sold but we all lose. We lose open space, we lose a critical sense of community.

The American Farmland Trust just published a report entitled Farming on the Edge. This report lists farmlands on the central coast of California as one of the 20 most threatened agricultural regions in the Nation. The report warns that the U.S. population is expected to jump 50 percent by the mid-21st century and high quality farmlands will shrink 13 percent. During the same period the Nation could become a net food importer instead of a net food exporter.

Mr. Speaker, we just cannot allow this to happen. This is why I am supporting legislation to provide needed estate tax relief to our Nation's family farmers and ranchers. Fortunately this message is being heard throughout the country. Both tax bills on the House floor last month addressed estate tax relief. The President agrees and has made estate tax relief for family farmers and businesses one of his top priorities. I have cosponsored a bipartisan bill introduced by the House Committee on Appropriations chairman, the gentleman from Louisiana [Mr. LIVINGSTON], my friend, to increase the tax exemption from the current level of $600,000 to $1.2 million. I ask my colleagues to join me in this effort.

Mr. Speaker, it is also important that we encourage young people to become farmers and to be trained and educated to exert leadership in agribusiness. We need to make sure that agricultural education is strong and that groups like Future Farmers of America, the 4-H, Agriculture Future of America are supported and strengthened. I am intensely proud that Cal Poly State University in my district is noted as one of the best institutions in agricultural education in the Nation.

This month as Congress grapples with monumental budget and tax bills, we must not forget about our Nation's family farmers and the pressures they face. We must make our Nation's family farms and ranches a priority and protect this vital ingredient of our American heritage. Family farming is an irreplaceable enterprise that we cannot afford to take for granted.

CAPITAL GAINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise tonight to talk about the issue of indexing capital gains for inflation. I was very disappointed to recently hear that the President of the United States, Bill Clinton, opposed this, and he felt that this would be some sort of a time bomb that would explode the deficit.

I am very disappointed to hear him take this position because I believe very strongly that indexing capital gains for inflation is an issue of fairness. It is fairness to working people. It is fairness to the American taxpayer. And the best way to get this point across, Mr. Speaker, is to give an example.

Let us just suppose that 10 years ago you saved up $1,000 and you decided to invest in something. Let us say you were investing for maybe your daughter's college education, she was 8 at the time, now she is 18. And now today your thousand dollar investment was increased to $2,000. Well, you have got a $1,000 capital gain on that investment. And according to the kinds of tax policy that Bill Clinton would like, you would pay a capital gains tax on that $1,000. What we Republicans who support tax fairness say is that if inflation was such that that thousand dollars that you had 10 years ago is now only worth $500, then your real capital gains on that investment is $500.

□ 1930

It is not $1,000. And we should pay, Mr. Speaker, our 28 percent, or now, with our new capital gains reduction, it would be a 20-percent tax on the $500, and that is what we call indexing capital gains for inflation.

Now, the President says this is a time bomb that is going to explode the deficit. I feel compelled to talk a little bit tonight about why we are in the fix that we are in right here in Washington where we have these huge deficits, and it is spending.

It is not a problem with revenue. The American people have been sending more and more and more money to Washington, DC, and for years the deficits got bigger and bigger. It was not until the Republicans took control of this body that the deficits really started coming down.

Mr. Speaker, the problem is spending. As a matter of fact, when Ronald Reagan cut taxes in 1980, revenues into the Federal Treasury went up more than $400 billion. But the reason the deficit exploded is because this body, the Congress of the United States, the House of Representatives, doubled spending over the next 8 years, and that is where those huge deficits came from. If the Congress had held the line on spending, we would not be in the fix we are in today and we would not have a $5 trillion national debt, $18,000 for every man, woman, and child.

So when the President gets up and talks about this being a time bomb that is going to explode the deficit, what he is really saying to us is that he does not want to control himself, he does not want to control Washington when it comes to spending, and he wants to tax inflation. Our dollar is worth less, our investment is worth less because of inflation, but the President wants us to pay taxes on that.

I say, Mr. Speaker, that what we in the Republican Party stand for is tax fairness. And, Mr. Speaker, indexing capital gains is just an issue of fairness. If we have made that investment but inflation has eaten away at the value of that investment, we should not have to pay income tax to Washington, DC, for inflation.

Mr. Speaker, our tax bill is the right tax bill. It is a tax cut for the middle class, and it does provide badly needed capital gains reduction so that we can stimulate the economy and create good, high paying jobs well into the future. But what is very, very important, Mr. Speaker, is that we treat the wage earners all across America with fairness.

This indexing of capital gains, in my opinion, is a fundamental issue of tax fairness. It will not explode the deficit if this body controls themselves on spending, if they hold the line on spending. If the Congress of the United States can live within its means, we will keep the budget balanced well into future years.

The problem is not a deficiency of revenue for Washington, DC; the problem is, Mr. Speaker, too much spending.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). The Chair will remind all

persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

NATIONAL YOUTH SPORTS PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KIND] is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, I rise today to report to my colleagues in the House about a terrific program that I had the pleasure to visit during our 4th of July recess last week. The program is the National Youth Sports Program, which is one of the Department of Health and Human Services', the Department of Agriculture's and the NCAA's best kept secrets, yet it is consistently one of the most successful, cost-effective, and influential programs helping youth in this country today.

National Youth Sports helps at-risk, economically disadvantaged children and teenagers build the skills and the confidence they need to tackle the tough challenges and also gives them something positive to look forward to over their summertime break.

Each summer 170 colleges and universities help shape the future of our youth through this program. We have all heard of summer sports camps where parents spend a lot of money to send their children to catch the eyes of local coaches. Well, National Youth Sports is completely different.

While the program, which is provided at no cost to the participants, offers sports instruction and activities, the name is perhaps a misnomer. Program staff members also teach life skills, such as alcohol and other drug prevention, gang resistance, good nutrition, personal health, science and math, and job responsibilities.

National Youth Sports also provides other direct services to the participants, such as USDA provided and approved meals, accident and medical insurance for each participant, and a medical exam before activities start.

What makes the program so successful and cost effective is the outstanding partnership that exists between the Federal Government, local civil organizations and civic organizations, private businesses, individual colleges and universities of the NCAA, and local law enforcement agencies. Because the program is designed to serve youth from low income families, in fact approximately 90 percent of the participants at each of the 170 sites must meet U.S. poverty guidelines, those who become involved in the program know that they have a direct impact at helping at-risk youth make the right choices when confronting the challenges in their lives.

This more than anything is what I wish to convey to my colleagues here today. I am very proud to have 2 of the 170 universities, University of Wisconsin-La Crosse and the University of Wisconsin-Eau Claire in the congressional district that I represent, participating in this program every year.

If everyone here could have seen the look of enthusiasm that I saw in those kids' eyes when I visited the program last week, they would all realize the full value of the National Youth Sports Program. There are some truly amazing things being done in the program.

At the University of Wisconsin at Eau Claire, for instance, the staff has put together an exciting math and science curriculum that relies heavily on the use of computers. They have put together a challenging rope course to not only test individual athletic skills but also team building skills.

The University of Wisconsin-La Crosse program has entered into a partnership with the La Crosse Police Department that enables police officers to work in the program on a daily basis, infusing content from the GREAT Program, the Gang Resistance Education and Training.

Besides reporting about the National Youth Sports Program today, I also want to take a couple of seconds here today to commend a few of the individuals I met who make the program the big success that it is. At the University of Wisconsin-La Crosse, Mo McAlpine, Garth Tymeson, Joannie Lorentz, Phil Esten, Tim Laurent, Officer Roger Barnes, and Lieutenant Doug Groth of the La Crosse Police Department; and at the University of Wisconsin-Eau Claire it is Bill Harmes, Diane Gilbertson, Mary Maddox, and Brad Chapman.

There are many, many more staff and volunteers who devote countless numbers of hours at little or no compensation at all because they want to make a difference in young lives. They all bring a tremendous amount of enthusiasm, dedication, but also a concern for these children in our country.

The Federal Government's $12 million grant, which acts as seed money for the program, and the USDA's $3 million worth of donated food are a very wise investment in the future of our youth. In this environment of balanced budget negotiations, fiscal belt tightening and even tax cuts, the National Youth Sports Program is a program worth investing in and, I believe, worth expanding so we can provide the same opportunities to many more economically disadvantaged and at-risk youth in the country.

If we can find a way to provide money for an additional nine B–2 bombers, which during the course of a lifetime of those planes costs us roughly $27 billion, when the Department of Defense specifically requested that this country not allocate any additional money for more B–2 bombers, I think we can find a way to continue funding for this very worthwhile program.

That is why I ask my colleagues today to support this program. In fact, just one of those B–2 planes will finance the National Youth Sports Program for the next 250 years. Need I say more?

REPUBLICAN TAX PLAN FAVORS THE WEALTHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, my Republican colleagues are obviously concerned that the media and the American people are beginning to understand that their tax plan heavily favors the wealthy and that, if their plan is made into law, it would explode the deficit. Rather than balance the budget, it would unbalance the budget, and that would really be a great tragedy since so many people have worked so hard to achieve this balanced budget agreement.

I believe that Congress should balance the budget, and I also believe that we can cut taxes responsibly and in a way that maintains the goals of continued balanced budgets beyond the year 2000. Democrats feel that any tax cuts should be targeted primarily to working Americans. Unfortunately, the Republicans have thus far been successful in cutting a large portion of the taxes for their country club buddies.

Republican tax breaks focus on big business, special interests and wealthy families, while limiting tax cuts for education and families with children. They offer million dollar tax exemptions instead of helping working families. Democrats, on the other hand, strongly believe that the Republican values from this debate are out of sync with the average American. Democrats and President Clinton have offered alternatives that make better use of the tax cut moneys and focus them on middle-income families.

Mr. Speaker, over the weekend Treasury Secretary Rubin released a report that better illustrates how the Republican proposals primarily benefit wealthy individuals over the 10-year budget window. In addition, Secretary Rubin expressed serious concern regarding the potential for the Republican tax cuts to explode the deficit.

According to the Treasury report, which examined the last year of the Republican proposals, only 38 percent of the tax cuts would be for middle class families under the House proposal, while 55 percent of the tax cuts would go to the affluent. The President's tax cuts, on the other hand, are targeted more to the middle class. Eighty-three percent of the tax cuts under President Clinton's proposal would be targeted to the middle class, and only 10 percent would be targeted to the wealthy.

Now, there was another study conducted by Citizens for Tax Justice, which illustrated that over half of the tax cuts will benefit those making nearly a quarter of $1 million and above. Someone making nearly $650,000 can expect to receive somewhere near $22,000 in tax benefits, while someone making $44,500 can expect only a few hundred dollars. And those in the bottom 40 percent of the income distribution, but still working families, can actually expect to pay more taxes under the Republican proposal, which certainly is not fair, in my opinion.

The differences in the Democratic and Republican approaches in this budget plan are clear, and I will continue to urge Republicans to wake up and listen to the American people. The Republican tax cuts focus on short-term profits and financial gains. Democrats emphasize investment in education to create a highly trained work force for the future.

Republicans penalize low-income workers by not cutting their taxes and also treating people who are working their way off the welfare rolls as second-class citizens. Democrats, on the other hand, believe that low-income workers should not be excluded from the tax cuts and are eager to assist welfare recipients in becoming productive citizens.

The contrasts are so clear, Mr. Speaker: Republicans have always favored the corporate tax breaks and the million dollar exemptions, while Democrats have been the fighters for the middle class. Again, the argument is no longer about whether we should balance the budget or cut taxes but about how we should do it.

I believe the Democrat approach is the right approach. It is certainly not too late. We are now in the process of reconciling the budget. The Republicans really have to move to lighten the burden on low- and middle-income families if they are to expect that the President is going to approve this budget. And they cannot break the promises that were made to working families as part of this budget deal.

That was the commitment, that this budget deal was going to balance the budget and that the tax cuts were going to be mostly for working families. And the Republicans have to live up to that commitment. So far they have not, but it is not too late, and I am hopeful that we will work in that direction and that we can come together on a plan that both balances the budget and, at the same time, primarily helps working families.

That is the only fair way to do it, Mr. Speaker.

VOLUNTEERS AND OUR TAX DOLLARS AT WORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. TIAHRT] is recognized for 5 minutes.

Mr. TIAHRT. Mr. Speaker, I believe that we are all aware that we need to balance the Federal budget, and the reason it is no longer being argued is because the Republican Party heard the cries of the American public who said we must balance the Federal budget. It really is common sense, but it has been a generation since we have balanced the budget.

For a long time the Democrats were in control and they did not even consider it, would not even consider a balanced budget. The same with tax relief. It was not considered until the Republicans got control and took the cries of the American people to the floor of the House and made them heard, and now we are talking about how big the tax relief should be and who should get it.

□ 1945

And it is very clear that when you give $500 per child tax relief, that goes to the most poor as well as those who are making more.

Now when we talk about capital gains, the IRS has told us that tax relief in capital gains, 75 percent of the recipients will make less than $75,000. So there has been a lot of bad information about who is getting tax relief and who is not.

The Treasury Department is trying to manipulate the numbers to push more people into the wealthy category than actually exist there so they can focus on bogus numbers. But the truth is, the Republican Party is going to provide tax relief for middle-class people, for working poor, for people who need the tax relief. Because people do two things with their money once they get tax relief. They either spend it or save it. Both are good for our economy.

In an era when we are balancing the budget and we have limited spending, I think it is important that we take time to set national priorities. One of those national priorities that I think we need to set is the need for research for the gulf war illness that has plagued tens of thousands of our servicemen and women.

We really do not know how many Americans are affected by exposure to chemical warfare agents. Some 700,000 men and women served America in the gulf war. According to the Department of Defense, at least as a minimum, 20,000 soldiers were exposed to a chemical agent at Khamisiyah, according to the DOD. However, as many as 120,000 gulf war veterans may have been exposed, according to the CIA.

The real truth is we have no idea how many people are suffering from gulf war illness. We do not know how many were even exposed. And as time goes by, more and more of those are showing up with symptoms. According to the Journal of the American Medical Association, the symptoms are fatigue, joint pain, gastrointestinal complaints, memory loss, emotional changes, impotence, and insomnia. This is just some of what gulf war vets are living through every day. And so far, we have not given priority to finding the cure for this, finding the cure for our servicemen and women who served in the gulf war.

Thanks to people like Representative Dan Thimesch, from the 93d District of the Kansas House of Representatives, he has brought this issue to my attention and to the attention of the entire State of Kansas, and made it a priority there that we address the needs of people who are suffering from this illness.

When we establish these higher priorities, we need to shift money. When we are trying to get to balance the budget, we have these priorities that we have so many efficient programs, so we need to take the money from inefficient programs and move it to higher priorities like curing Gulf War illness.

Americorp is one of those programs that is very inefficient. We all know that it was designed as paid volunteers. The problem that we are having in Americorp is that we cannot keep people on the job. They sign up, start drawing their pay, and then quit showing up to do their paid volunteer work.

According to the Corporation of National Service, the annual direct compensation package for an Americorp volunteer is $15,900. Now, if this is an accurate figure, this is more than 42 percent of what the young people with real jobs between the ages of 15 and 24 make every year.

Incidentally, the directors of the Americorp program do not even use the word "volunteers." They prefer to call them "members," because if you go to the dictionary and look up the definition of "volunteer," you will see that there is nothing to do with pay. It is only when we get to a big government approach to volunteers that we decide to pay them to do what 89 million volunteers do every year.

In Kansas we had an interesting situation at the Cheney Reservoir. A dozen Americorp paid volunteers showed up to help clean up around the lake by request of the Cheney Lake Association. By the end of the first week, more than one half of the paid volunteers simply quit showing up for work.

In Colorado, Americorp built hornos. Hornos is a mud oven that was used by the residents of Colorado some 4,000 years ago to cook their food. But now this mud oven is available to travelers to stop by, collect some wood, cook their food in this primitive oven.

So Mr. Speaker, in conclusion, I would say that we need to establish higher priority, eliminate Americorp, and shift the money to curing gulf war illness.

AMERICA NEEDS REAL WELFARE-TO-WORK PROGRAMS

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

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

Ms. JACKSON-LEE. Mr. Speaker, I think that what is expected of those of us who are honored by service in the U.S. Congress is simply telling the truth.

Let me start by telling the truth about the team who have guided the Sojourner. Let me congratulate them for not only their initiative but their talent, their creativity, and for raising up science as not only an art and a study but the work of the 21st century.

Might I add my congratulations, as a Member of the House Committee on Science, for the outstanding work that has been done out in California on behalf of this country and of the world. We should never shy away from knowledge.

Now I think it is equally important to address this whole question of taxation, the deficit, and, yes, welfare reform. Interestingly enough, as my Republican colleagues keep focusing on the deficit, the deficit, the deficit, let me remind them that the revenue flow in June, according to the Wall Street Journal, reflecting a continued healthy economy, could signal a deficit of $50 billion or less for fiscal year 1997. Hear me clearly, $50 billion, less than a third of the original Government forecast, and a fifth of the peak $290.4 billion deficit in 1992.

After the budget passed in 1993, on the clock of the Clinton Administration, that is why we now have only a $50 billion deficit. That needs to be made clear. Policies of a Democratic administration brought this deficit down.

What we have now, however, are all of the individuals who keep hollering about a so-called deficit now trying to cut those who are in need, particularly those who are moving from welfare to work.

Interestingly enough, as I went to an inner city district, my own, and asked those individuals on welfare and those who are the working poor, all of us agreed collectively that welfare is not the way to go, that there needed to be reform. We opened our hearts and our minds to the issue of welfare reform. But let me cite for my colleagues the inequities of the Republican workfare or welfare reform.

Geneva Moore, a 45-year-old in New York. She indicates that she is happy to work the 20 hours a week as she cleans up a dusty and dirty back lot of the housing project, but she has a little dignity. And the question becomes, as she cleans her shabby back lot of the Murphy consolidated public housing, is how she gets treated and what kind of training she gets.

Well, my colleagues, she is learning to sweep a lot. Are there a lot of jobs for those who sweep a lot? I beg to ask the question, and say no. First of all, there is a question of minimum wage. I am glad the Democrats have convinced Republicans that those who work on welfare deserve the minimum wage. But you know what she does not get, Mrs. Moore, who has three children? She does not get the opportunity to ask for a brace for her back when she is lifting heavy trash cans, or boots and heavy gloves to protect her feet and hands from broken glass, crack vials, and junkies' needles.

Can she talk to a union organizer? Of course not. Can she get the dignity of a paycheck? Can she translate the sweeping of the shabby lot into a real job, which most Americans think workfare will bring about?

Moore and many others say that as long as she is doing work other people are hired and paid to do, she should not need to wait to be treated like a worker with the kind of benefits and kind of health care that she needs. She says clearly that these city maintenance workers, in particular in New York, they make $9 an hour. And while she does not, she says some of those workers drink coffee and remind her that she pays for their welfare check, creating a two-tiered, second-class citizenship when these so-called workfare individuals work alongside of the regular workers.

What about Hattie Hargrove, who used to work? She used to work and get benefits, but yet she was laid off by the parks department of New York. She had to go on welfare because she could find no job. And what is she doing in workfare now? Working in the city parks department with no benefits, alongside of those individuals who themselves will be downsized and soon to be unemployed?

We need to fix the welfare-to-work system. First of all, we need to recognize that we need the kind of jobs that will create opportunity for people to move from welfare to work, jobs that they can be hired for. We also have to recognize that we should not disadvantage low-income workers by attritioning them out and then putting in the work force people with no benefits, no ability to organize, no ability to understand and to be able to be protected against sexual harassment and discrimination. We are not giving dignity to these individuals who want to work, who want to be trained.

The other question is, if we truly want welfare-to-work, we need more child care, we need more moneys for transportation. And lastly, Mr. Speaker, let me say that the way to reform welfare is not to give big corporations the ability to run welfare like some States want to do, giving large corporations like Lockheed and others the ability to work welfare. And, lastly, we need to make sure that we give them the right kind of training, Mr. Speaker, in order to ensure that they get the right kind of jobs. Let us have real training and real welfare-to-work.

QUESTIONABLE DECISION BY THE CORPS OF ENGINEERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STRICKLAND] is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I come to the floor tonight to express a sentiment. The longer I live and the more I am involved in public life, the more convinced I become that the ordinary citizen is at a great disadvantage when they come up against the heavy hand of government or the all-powerful reach of a large corporation.

Case in point: I represent many small wonderful communities in southern Ohio. One of those communities is located on the banks of the beautiful Ohio River. It is a little village called Chesapeake. In Chesapeake, OH, many citizens have chosen to build their homes and to locate on the river because they appreciate the community spirit and the quality of life there.

A few months ago, a large corporation decided they wanted to establish a barge fleeting facility directly across the river from Chesapeake, OH; and, so, they approached the Army Corps of Engineers for a permit to do so.

Early on, the Congressman who preceded me in this office asked the Army Corps of Engineers to demand and require an environmental impact study leading to a statement which would determine whether or not the citizens, my constituents in Chesapeake, OH, would be damaged as a result of this fleeting facility.

When I was elected, I also asked the Army Corps of Engineers to have an environmental impact study completed before granting this permit. Nearly 2,000 of my constituents signed a petition to the Army Corps of Engineers. I met with the Army Corps in Huntington, WV. I met with the Assistant Secretary of the Army in charge of civil works in my office here in Washington. I simply asked that my constituents be protected. I said that if this permit was granted, it ought not to be granted until a study was done to make sure that all of the factors that should be considered were considered.

A few days ago, the headlines appeared in a local newspaper which said, "Corps Approves Barge Facility." And although I had been told that all the factors had been considered, I had been told that the aesthetic factors, property values, safety issues, recreational

interference, water and air pollution, that all of these factors had been considered, it is my judgment that they were not and that the Army Corps of Engineers disregarded hundreds, even thousands of my constituents in order to support a large corporation.

This troubles me greatly. There is something wrong when ordinary citizens living in the small communities of this country do not get a fair shake. And I think the real attitude of the Army Corps of Engineers was expressed by a spokesperson who said recently, I quote spokesman Steve Wright of the Huntington office, said,

> Officials heard comments about the facility's effect on the environment, air quality and noise factors and the aesthetics of where this barge facility will be built.

And then he said, and I quote,

> The people in Chesapeake who have concerns about the aesthetics might want to consider that they are on a super highway of commerce.

This attitude sickens me, Mr. Speaker.

□ 2000

It shows a callous disregard and insensitivity to American citizens who have a right to believe that their government and the agencies of their government care about them and are willing to protect them. I believe the Army Corps of Engineers needs a careful look. Perhaps their decisionmaking process needs to be reevaluated. Perhaps their funding needs to be reevaluated, because any time a part of this government shows disregard for American citizens, they have gone too far. They may have won this battle, but I believe that the Army Corps of Engineers has damaged itself. It certainly has damaged itself in the eyes of this Member of Congress. I will never feel as positive toward the Army Corps of Engineers or have the kind of respect that I have had in the past for the Army Corps of Engineers until they change their mode of operation and put the interests of ordinary American citizens above the interests of large corporations.

DEBT REDUCTION: WHERE WE WERE, WHERE WE ARE, WHERE WE ARE GOING

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

Mr. NEUMANN. Mr. Speaker, I rise this evening to bring my colleagues and the country as a whole up to speed on where we were, where we are now and where I hope we are going to in this country.

I left a very good job in the private sector. I had no experience in public life, I had no one I knew that was in politics and I left the private sector, I left a very good business, because of this picture and this chart.

What this chart shows is the growing debt facing the United States of America. This shows how much money our Federal Government has borrowed on behalf of the American people. It shows a pretty flat line from 1960 to 1980. The debt did not really grow very much from 1960 to 1980. But in 1980 forward, the debt has just grown right off the chart. I would just point out to the folks that are watching this evening that we are currently about here on this chart. It is a very serious problem facing our country, and it is why a lot of us came here in the class of 1994. It is now the sophomore class. For all the folks out there that are watching going, "1980, that's the year Ronald Reagan took over," they are blaming the Republicans for this, I say, "OK, I am hearing you." For all the people out there that are saying, "Well, the Democrats spent out of control in those years," that is OK, I am hearing that, too, because the parties have been blaming each other for this problem for the last 15 or 20 years.

I personally think it is time we stop blaming each other and figure out what we as Americans can do to solve this problem. The debt today stands at about $5.3 trillion. The number looks like this. I used to teach mathematics, we used to do a lot of things with this number in our math classroom. $5.3 trillion is the amount of money that the Federal Government has borrowed on behalf of the American people. Here is what we used to do in my classroom. We used to divide that number by the number of people in the United States of America to see how much it would be if each one were to pay off just their share of the Federal debt. It turns out the Federal Government has borrowed $20,000 in behalf of every man, woman and child in the United States of America or for a family of five like mine, they have borrowed $100,000.

Here is the kicker in this thing. The interest alone, just the interest on that Federal debt, we really owe that money to individuals who buy T-bills, to foreign countries. We saw the Japanese threaten to call their notes and the stock market plunge here a couple of weeks ago and I saw threats from the Chinese today that they were going to call in their notes. We actually owe that money to people and we are paying interest on it.

The interest alone for a family of five on average is $580 a month. It is not all in income tax. A lot of it they do not really see. It is like when you walk into a store and you buy a loaf of bread, the store owner makes a small profit on that loaf of bread and part of that profit gets sent out here to Washington and gets applied toward this interest. When it is all over and done with, an average family of five in the United States of America today is paying $580 a month in the interest on this Federal debt.

I would like to concentrate on what brought me here to Washington and talk about the past, and the people out there are a little cynical as we talk about some of these issues and for some reason they do not believe everything that they hear from Washington, D.C., and rightly so.

When I came to Washington, I was very frustrated because the people in Washington promised continually we were going to have a balanced budget. Then they promised another balanced budget and they raised taxes. They did all of these things supposedly to get us to a balanced budget, but the balanced budget never materialized.

I would like to start with this chart that shows the Gramm-Rudman-Hollings promises of 1985. This blue line shows the promises that were made by the Congresses then to get us to a balanced budget by 1991. The red line shows what actually happened. I emphasize again this is the past. This is pre-1995. This is 1994 and before. The promise was made to balance the budget. That is the blue line. The red line is what actually happened. Deficits ballooned.

So in 1987 they figured out they were not going to be able to follow this path, so they again promised the American people they would balance the budget and the blue line again shows the Gramm-Rudman-Hollings fix, but again we see the red line is what they actually did, and the deficits exploded.

The amazing thing to me is that the people in this community cannot quite figure out why the American people are so angry at Congress and at Washington. Here is the reason. Washington has repeatedly made promises to the American people that they were going to deal with this very serious problem, the growing national debt, and in the past, and I emphasize in the past, they were not able to accomplish their goal. So they made these promises back there in the late 1980s and the early 1990s. In fact, the deficits ballooned when they were supposed to be getting to zero.

In 1993, Congress got together and they decided what they ought to do to bring these deficits down and they passed the largest tax increase in history. Gasoline taxes went up, Social Security taxes went up, taxes on taxes went up, all taxes went up. All the people paid more taxes with the idea that somehow if Washington took enough money out of the pockets of people and brought it out here to Washington, somehow that would lead us to a balanced budget.

When we start talking about and thinking about the past, the people are very cynical because they have received promise after promise that we get to a balanced budget, and then in

1993 the people got together in this community, in Washington, and said well, the only way we can get to a balanced budget is to raise taxes and they passed the biggest tax increase in history. I emphasize again, this is the past. This is pre-1995, this is before the Republicans took over in the House of Representatives and in the Senate. This is the track record that had been laid down.

I would like to yield to the gentleman from Minnesota [Mr. GUTKNECHT], who is also going to talk a little bit about the past and how government spending happened in the past.

Mr. GUTKNECHT. I would like to thank the gentleman from Wisconsin. I have a chart of my own I would like to show. I really like the way we are going at this, by talking a little bit about where we were, where we are and where we are going. I think the gentleman is absolutely right.

I was home over the Fourth of July break. We were in about six parades, at a lot of community festivals, including Spam Jam, had a wonderful time in Austin, MN, on Saturday, but in talking to a lot of folks, there is a good deal of cynicism. On one hand I think they are very happy that they think that we are getting closer to a balanced budget, but they have had their hearts broken before.

I want to show this chart, and I hope people can see this, because what it shows is a history. Benjamin Franklin said, "I know no lamp by which to see the future than that of the past." The track record of Washington and the track record of Congress over the last 30 or 40 years has not been very good. What this chart shows is between 1975 and 1995, the red lines show how much Congress spent for every dollar that it took in. What it really translates to on average between those years of 1975 and 1995, for every dollar that Congress took in, they spent $1.22. That is the bad news and it is the truth. But if we look at the blue lines, that is since the gentleman and I came to Congress. We said that we are going to change the way Washington works, we are going to make the Federal Government go on a diet, we are going to eliminate wasteful Washington spending, and we are going to balance the people's books.

I am happy to report that we are making real progress. If we look at these blue lines, there are two things that I think are good news. First of all, the amount that we spend in excess of what we take in is coming down dramatically, and frankly we are ahead of schedule. I think the gentleman may have another chart on that.

But if we look at it since we came to Washington, the average is about $1.075 as opposed to $1.22 over the last 20 years. So we are making progress, but I think the American people have every reason to be cynical. But as Patrick Henry once said, "The price of liberty is eternal vigilance." The real critical path is that we stay on this path as we go forward.

The bad news is that if we had not made some serious changes in the way Washington works, if we had not been willing to make some changes both in entitlements and in domestic discretionary spending, the truth of the matter is we were going to absolutely consign our kids to a life of debt, dependency and despair and a lower standard of living. For the first time a growing number of Americans were saying that they believed that their kids would actually have a lower standard of living than they have enjoyed. That is just plain wrong. That is the essence of the American dream. The bad news is Congress had not done a very good job over the last 40 years. We have not done everything right. I certainly do not want to say that we have not made some pretty serious mistakes, but I think on balance we are heading in the right direction. We have eliminated something like 289 Federal programs, we have saved the taxpayers in excess of $50 billion, and thanks to that, there is more consumer confidence. It is not just consumers, but there is more confidence on Main Street and on Wall Street and in the business community. We are seeing more investment, we are seeing more jobs, and so we are taking in more revenue. The real name of the game, you cannot tax yourself to prosperity. What we need is economic growth. As a result of the growth that we have seen over the last couple of years, yes, the deficit is coming down dramatically, we are on the right path, we are ahead of goal, we are under budget and we have got to keep the pressure on to stay that way.

Mr. NEUMANN. I would point out, the gentleman is kind of moving into the present. I would just like to sum up this picture of the past and then move forward into the present. When we sum up this picture of the past, I just keep coming back to this chart and I just keep thinking of these promises. This is where the deficit was going to get to zero in 1991, the Gramm-Rudman-Hollings promise of 1985 and this is what actually happened. The deficits exploded. Then they made a new series of promises to the American people. Again the deficits exploded.

The past is not a very good track record of keeping their commitment to the American people. So in 1993 what happened, biggest tax increase in American history. I think it is real important to point out that that tax increase passed in the House of Representatives by a single, solitary vote. Lots of people in this community knew that raising taxes, taking more money out of the pockets of the American people was not the right way to deal with this problem. It went over to the Senate and in the Senate that 1993 tax increase passed by a single, solitary vote again, and we got the biggest tax increase in American history as their plan as to how we could get this under control.

That brings us kind of to the present. The present I am going to define as from 1995 to now. I am going to define it as the time when the Republicans took over out here and look at just exactly how different it has been from before, from this picture of the past to what has been going on in the last 3 years. A lot of folks do not remember that in 1995, when the Republicans took over, we laid down a plan to balance the Federal budget, too. Our plan was a 7-year plan to balance the Federal budget. We are currently in the third year of our 7-year plan, and I think it is more than fair for the American people to look at our projections and see whether or not we have kept our word to them. So I brought a chart, and this chart shows what the projected deficit was, that is the red column, that was what was in our plan back in 1995. The blue column is the actual deficit. The first two columns here are 1996. That year is over and done with.

The first year of our plan, we were not only on track, but we were roughly $50 billion ahead of schedule. Contrast that to those charts I had up here before where they never hit the targets. First year, on track, ahead of schedule. Year 2, 1997, this fiscal year is about to end. This year we projected a deficit of $174 billion. The actual is going to be, we are now hearing, as low as $45 billion. Again over $100 billion ahead of schedule.

I think it is real important to note what happens. The government was projecting that it was going to borrow out of the private sector $174 billion. Instead, it borrowed $100 billion less, $67 billion, and maybe even less than that. What happens? When the Federal Government did not go into the private sector to borrow that money, that meant the money stayed available in the private sector. When the money was available in the private sector, that meant the interest rates stayed down and when the interest rates stayed down, of course, people bought more houses and cars, and when people bought more houses and cars, of course, that was job opportunities. So they left the welfare rolls and went to work and this is what has led to the strong economy that we have right now today.

We are now going into the third year. This is what we are spending our time on out here in Washington right now. We are in the third year of this 7-year plan to balance the Federal budget. The facts are in the third year, once again we will be ahead of schedule, ahead of what was promised back there in 1995, a strong contrast between the broken promises of the late 1980's and early 1990's and what is going on now, where we are not only hitting our targets but we are actually ahead of

schedule. It is a very, very different Washington from what was here before 1995.

I will go a step further. I think we also need to contrast the tax increases of 1993, the other side's solution to this problem, with how we have gone about solving the problem. The other side said the only way we can hit these targets, the only way we can get to a balanced budget and reduce the deficit is to take more money out of the pockets of the people and bring it out here to Washington.

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When the Republicans took over we said, "No, no, that's not how we're going to do it. We're going to curtail the growth of government spending. If we curtail the growth of government spending, government doesn't spend as much, we should be able to get to a balanced budget without raising taxes." And in fact that is exactly what has happened.

This red column shows the average growth of spending in the last 7 years before the Republicans took over. Spending at the Federal Government level was going up by 5.2 percent. This blue column shows how fast it is going up, and I would point out that this is not the draconian cuts that the other side would like you to believe are going on. Spending was going up by 5.2 percent. It is now going up by 3.2 percent.

There are a lot of folks in this community, myself included, that would like to see this government spending go up by even less, but the point is it is still going up but it is going up at a much slower rate than what it was going up before.

Government spending has been curtailed. The growth of government spending has been curtailed to a point where we can both balance the budget and reduce taxes on the American people. That is the good news.

And I just point out for those that are interested in the inflation-adjusted dollars, before the GOP took over in 1995 spending was going up at an inflation-adjusted dollar increase of 1.8 percent. That has been reduced by two-thirds in the GOP plan.

So we have effectively curtailed the growth of government spending, not the draconian cuts that they would like us to believe, but curtailed the growth of government spending to a point where when we look at charts like these we see that we are not only hitting our targets but we are ahead of schedule, and we are now able to continue hitting our targets and remain ahead of schedule while at the same time reducing taxes on the American people.

And maybe we should throw it open to a little bit of discussion about these tax cuts. It is real important when we talk about the tax cuts that we realize we are still on track to our balanced budget, we are not breaking the agreements like they did in the past. We are certainly not raising the taxes like they did in 1993. In fact, we are on track to a balanced budget and reducing the taxes at the same time.

And here in this discussion about the present, let us just pause a little bit and talk about the tax reductions for the American people, letting the people keep more of their own money.

Mr. GUTKNECHT. If the gentleman would yield, let me go back to a couple of points, because again we understand why the American people are cynical. They should be cynical. But let us just talk about a couple of numbers, and I think you were the first one to really discover this, and in fact I think we should also point out that I think all of your charts have been verified by the Congressional Budget Office. I mean you did not make these numbers up. Those are the actual numbers, and the Congressional Budget Office is the nonpartisan, bipartisan group which is in effect the official scorekeeper for Congress.

So when we talk about budget numbers, when we talk about limiting the growth of Federal spending to 3.2 percent, that is what the Congressional Budget Office says. And more importantly, another point that is many times demagogued is that we are making these huge cuts. The truth of the matter is Federal spending is still growing at faster than the inflation rate.

And what we said, I know when I first ran I said we could balance the budget if we would simply limit the growth of Federal spending to slightly more than the inflation rate, and still allow for those legitimate needs of the people who depend on the Federal Government and our legitimate needs for national defense and so forth. We can do all that and make room for a modest amount of tax relief for working families, and that is exactly what we are doing.

But you are the first one to really discover how much a difference we have actually made because, as you recall, back in 1995 we said that in fiscal year 1997, which we are in right now, this Congress would spend $1,624 billion. Well that, you know, is what we said 2 years ago, and that was legitimate, and I think those were honest numbers. The truth of the matter is this Congress is going to spend $1,622 billion. We are actually going to spend less money in this fiscal year than we said we were going to spend 2 years ago.

Now I would ask my colleagues and anyone else who may be watching this special order to ask themselves when is the last time that Congress actually spent less than it said it was going to spend. I cannot remember a time in my lifetime when that has actually happened.

You also mentioned something else that I think we need to really emphasize because I think the American people understand this, and frankly I had a very interesting meeting yesterday in my office with a gentleman who is very closely affiliated not only with our welfare system but with many people who are on the system, and I do not want to disclose his name because some of the things he said were very, very intriguing.

And I think the American people have been way out in front of this whole welfare reform debate for a long time because they know that if you encourage people to become dependent, unfortunately what you do is you make people even more dependent, and the tragedy of our welfare system has not been that it has cost too much money, although that certainly has been a byproduct. The real tragedy of the welfare system that we have in this country was that it destroyed peoples' initiative and it destroyed families, it undermined work and it undermined personal responsibility.

Well, the good news about not only our budget but our welfare reform plan which requires work, requires personal responsibility, encourages families to stay together; well, the President went on the radio the other day, and he said by his own admission there are over a million families that are no longer dependent on the welfare system in America today. That is an enormous victory, and I do not care if the President takes credit, I do not care if the Republican Congress takes credit, and I really think the American people should take credit. But that is an enormous victory, and again it is not about saving money, it is about saving people and it is about saving families and it is about saving children from one more generation of dependency and despair.

Mr. NEUMANN. If the gentleman would yield one second on the welfare issue, I was in a place in Kenosha where it was kind of a one-stop help find job and get them off the welfare rolls all at the same time, Kenosha, Wisconsin, and it was one of the most exciting conversations I have had in a long time, and it illustrates what you are saying. When people are on welfare they are depending on the Government for their raise, they are depending on the Government for everything they get.

In this place they were taking me around, they were showing me how people left welfare and got their first job. But they did not talk to them just about their first job after they leave welfare. They were showing them their second and third and fourth job, they were all the way down the line to where their fourth job would be and how much money they could earn as they move through this process.

In other words, if they were willing to take responsibility for themselves and work hard, they could actually get ahead in America. That is what made

this Nation great, and it provides hope and opportunity for their families to live a better life than they thought they could. Well, they had only the government to rely on. What a wonderful statement as we look at welfare reform, to look at an organization that is showing people not only their first job, but what the potential is as they improve their lives and the lives of their family, looking at their second job and their third and their fourth job opportunities and how that improved lifestyle can make things so much better for their families.

That is what welfare reform is about.

Mr. GUTKNECHT. And frankly that is what many of our colleagues were talking about for a number of years before we came here. They were talking about moving away from the welfare state and to an opportunity society, and we are making real progress in that direction.

In fact, in meeting with particularly small business employers in my district, the biggest problem that I hear at virtually every stop is we cannot find people. We have; in fact I have had a number of businesses say we turn away business, we simply do not have enough good people to get the product out the door or to get the job done so we are turning away business, and is that not a wonderful problem to have? And that people with modest amounts of skill now are able to get out there to become self-sufficient.

And I have often said this, and I really believe this, that a job is more than the way you earn your living. A job helps to define your very life. It is about a sense of self worth. And what we are giving to over a million families today is something they did not have a year ago, and that is a job, a future, real hope and real opportunity.

And if I could I want to share one more story, I know that you go to schools often, as well as I do. I often go to schools, I read to kids, I listen to kids, and we can learn a lot sometimes from kids. And I was at a school a few months ago in my district, and one of the teachers, after the kids went home, we were meeting with the teachers. We were talking about welfare and what it has done to families and what it was doing in their particular school, and actually she was quite congratulatory.

She said, "I think you guys are doing the right thing about welfare reform," and she said, "I'd like to tell you a story. There was one of my students who came in. He has just started acting better." His behavior was better, he was carrying himself better, everything about him was better. His deportment was better, his studies were better, his grades were better. So finally the teacher said, "You know, Johnnie, is there something different at your house?"

And Johnnie said, "Yeah, my dad got a job."

I mean it has an effect on families, and so by getting the economy moving stronger, by increasing consumer confidence, by getting Americans to believe once again that Congress can balance the budget, that we can live within our means and we can allow Americans to keep and spend more of what they earn, we have done a lot more than just balance the budget. It is about helping families to really have more hope in their futures.

Mr. NEUMANN. I think again we should emphasize that we are now talking about the present, what has happened from 1995 to 1997 and how things are different, and certainly the concept of able-bodied welfare recipients leaving the welfare rolls and going to work so they have hope and opportunity in their life is certainly significant. I think it is important that we continue to contrast the present to the past, to show how different it is now, in 1995 to 1997 through the present, to what it was before.

And remember the Gramm–Rudman–Hollings broken promises of a balanced budget versus now, where we are not only on track but ahead of schedule in our third year of our plan to balance the budget. And the tax increases of 1993, biggest tax increase in American history, passed in this institution by a single vote, went over the Senate in 1993; again it passed the Senate by a single vote. Taxes went up, the gasoline tax, social security tax.

I would like to just point out as we talk about these families and we think about our families out there, that not only are we in the third year of a 7-year plan to balance the Federal budget and on track and ahead of schedule, we are also about to pass one of the biggest tax cuts, at least in the last 16 years and maybe ever, and we are doing that at the same time that we are balancing the budget. These tax cuts are very real.

And you know I hear all the demagoguing out in this city, and they try to muddy the waters to a point where nobody seems to understand. But you know what? I found out in Wisconsin they do understand.

A family of five that I see in church every Sunday, they got 3 kids, one headed off to college and 2 kids still at home. They are middle income folks, probably earning between $40,000 and $50,000 a year. They understand what these tax cuts mean. They know that for each one of the kids that are still at home they are going to get $500 back to put into an account.

And it was real interesting. I was having a conversation with the parent, and she said, "When I get that $500 it goes immediately into an account to pay for their college," and that is what this is all about. They sure understand that they are going to get their $500-per-child tax cut.

And they also understand, the one that is off at college, the one that started college, they are going to get $1,500 to help pay the tuition at that college.

Now their son happens to be headed to the same college I think my daughter is headed to, so we sure understand about the cost of going to college. This family of 5, they may not have understood all this demagoguing that is going on out here, but they understood the idea that they were going to keep a thousand dollars, $500 for each of the kids at home, and get $1,500 help to pay for college; they understood that very, very well.

So when all the demagoguing is done out here in this city and the people actually see the money coming back or, better yet, it is their money, they get to keep their own money; when they see that actually happening, they are going to understand perfectly well that it is not about the demagoguing. It is about them keeping more of their own hard-earned money instead of sending it to Washington. It is about them knowing better how to spend their own money than the people in Washington, and that is what these tax cuts are about.

Capital gains, we started talking to some folks that had invested in some real estate, and they are thinking of selling the real estate, and some people that had pension funds, and virtually every American has some sort of a pension fund. When they cash in the pension funds, the capital gains reduction kicks in.

Before, if you would have made a $10,000 profit on your pension fund over a 15- or 20-year period of time, you would have sent the Government $2,800 out of that $10,000 profit. Now you only send them $2,000, you keep the extra $800 in your own house, in your own pocket.

That is what these tax cuts are about. They are about the American people keeping more of their own money in their pockets instead of sending it to Washington.

I would add one other thing to this, that the death tax is being reformed so that the estates that are being passed on from one generation to another are not being taxed again when someone dies, and that is very, very important as we look at what these tax cuts are really all about.

I see my good friend the gentleman from Florida [Mr. WELDON], has joined us.

Mr. WELDON of Florida. I thank the gentleman for yielding, and I want to thank you in particular for the hard work you do here on this budget issue. I think you have clearly stood out in our class as somebody who has worked very, very aggressively to rein in the deficit monster.

And I was sitting over in my office, and let me just add, by the way, that the gentleman from Minnesota [Mr. GUTKNECHT] as well has been doing a

super job fighting for—and you know this is not just a fight for us. This is a fight for the working people all across America, working families who have trouble making ends meet, who do not know how they are going to pay for the braces, who do not know how they are going to pay for college when, you know, the little girl and the little boy who is getting big gets to that college age. How are they going to do it?

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This is not about numbers. This is about families. This is about how American families are going to make ends meet.

I want to thank both of the gentlemen. I was sitting over in my office, and I was watching the charts they were displaying and the way they were explaining all of this. I wanted to come over here and just join in. I just want to ask a question if I can, I would say to the gentleman from Wisconsin [Mr. NEUMANN].

That chart that is on the floor there, if we could just put that up, I have a question about that. Mr. Speaker, I would ask the gentleman, is he saying that spending prior to our arrival in January 1995, when the 104th Congress got sworn in, when all three of us arrived, spending was increasing here at almost 2 percentage points ahead of the inflation rate?

Mr. NEUMANN. Yes. Yes. Spending was growing much more rapidly than inflation, almost twice as fast as the rate of inflation.

Mr. GUTKNECHT. Mr. Speaker, if the gentleman will continue to yield, in the last 20 years Government spending at the Federal level has increased to nearly double that of the national inflation rate. That had been the pattern. The gentleman almost quoted a good old farm fellow in my district who said it so clearly. He said, the problem is not that we do not send enough money in to Washington. The problem is that Congress spends it faster than we can send it in.

So raising taxes to try to balance the budget has never worked. What really has to happen is we have to limit the growth in spending, allow spending to increase but at a much slower rate, and we cannot only balance the budget then but we can actually allow American families to keep more of what they earn.

Mr. NEUMANN. There is a big danger in this chart. This is where some of our conservative friends look at this and they see that Government spending is still increasing faster than the rate of inflation. They look at this chart and say, why is Government spending still increasing faster than the rate of inflation? I personally agree with them. I would much prefer to see this even smaller than what it is.

But there has been a huge change in the growth of Government spending from what was here before and what is here now. It is this curtailing the growth of Government spending that has allowed us to be in the third year of our 7-year plan to balance the budget and be ahead of schedule, and now be able to come out to the American people and say, look, the budget is going to be balanced in 2000, maybe even in 1999, and we are going to reduce taxes.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, I think a lot of this gets right at the issue of what is right and what is fair. I rose on this floor over an hour ago and I was talking about the President's criticism of our decision to index capital gains to inflation. He is going around saying that is going to explode the deficit.

I just take real offense at him saying that, and some of his staff saying that, because the problem was created by too much spending. The charts that the gentlemen have put forward make that very, very clear. The issue of indexing capital gains to inflation is a very simple one. If you are a working man and you manage to set aside $1,000 for an investment, let us say it is for your children's college, you have an 8-year-old, and in 10 years they are going to be in college and that doubles in value to $2,000. But if inflation has been such that it has really only gone up about $500 in value, we say you pay capital gains on that $500. Bill Clinton wants you to pay capital gains on the whole $1,000 increase in your investment. In effect you are paying capital gains taxes to Washington, DC, on inflation.

I just think that is dead wrong and it is an issue of fundamental fairness. Likewise, it is just wrong and unfair for elected officials to come up here to Washington and to vote over and over again to increase spending and then throw up their hands and say we have to raise taxes to balance the budget.

Mr. NEUMANN. That is the past. That is 1993 that we were talking about, where they did literally throw up their hands and pass the biggest tax increase in history. I would just add, as we are discussing what President Clinton is throwing out here in these tax cuts, the other big argument going on here in the community is, if a person is not paying any taxes today, can they receive a tax cut.

In Wisconsin people start laughing when I ask that question. Of course, if you are not paying any taxes today you cannot receive a tax cut. But that is the other big argument in whether or not this tax cut package passes. If a person is paying no taxes today, the other side wants to give them a tax cut. It is not really a tax cut; what they want to do is send them a check, which actually becomes welfare.

So the other big argument, it is the indexing argument the gentleman mentioned, and the argument about whether or not a person who is not paying taxes should receive a tax cut. Most of our hard-working families that are paying taxes think it would be unfair for people not paying taxes to receive a tax cut. It comes back to this fairness issue.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield again, I am aware that the President wants to do that. He wants to give the $500 per child tax credit that is in our bill to people who do not pay taxes, so it essentially amounts to $500 per child. We can call it a welfare check, we can just call it benevolence, but this is somebody who is not paying any taxes, no Federal withholding at all. He wants to turn around and give them the $500 per child tax credit.

I agree with the gentleman that the $500 per child tax credit should go to people who are paying taxes. It should not be turned into a welfare program.

One of the other things that is really bothering me about what the White House is doing is they are doing some very, very strange calculations on people's income. They are doing something that totally boggles my mind, where if you have a house and you have a family income of $30,000 a year, but if you lived on the street and you rented your house out for $500 a month, then they do $500 times 12 and they get $6,000 and they say, really, your family income is $36,000.

Mr. NEUMANN. Could the gentleman go through that once more? I want to make sure I understand it. If a family is earning $30,000 a year and they are living in this house, the Government does not say you are earning $30,000 a year. The Government, under the Clinton administration, is saying that if they lived in a tent in the backyard and rented the house out and then collected $500 a month, or $6,000 for a year, they are going to say that they have to count that rent toward their income?

Mr. WELDON of Florida. Let me just clarify, OK? It is not the Government in the sense that the Congress is not saying that, the Congressional Budget Office is not saying that.

Mr. GUTKNECHT. Not even the IRS says this. Only the Treasury Department uses this convoluted system called imputed income.

Frankly, I have to say, and I think I am a fairly well educated person, I was in politics before I came here, I had never heard the term "imputed income" before I came to Congress.

It is worse than just the $30,000 example. What they have done is taken a family at $44,000, they have assumed they could rent their house for $1,000 a year, which adds $12,000 to that income, brings them up to $36,000, and then they assume someone in that income bracket would probably have at least a $20,000 capital gain.

So they take someone who has approximately the median family income in the United States, and all of a sudden they have imputed them into the

wealthy category, making more than $75,000 a year. It is one of the most convoluted, crazy things I have ever heard in my life, and yet only here in Washington can a crazy idea like that have any credence.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will yield further, only at 1600 Pennsylvania Avenue does that have any credence, because I believe people like the gentleman from Ohio, Mr. JOHN KASICH, and the gentleman from Texas, Mr. BILL ARCHER, do not use these kinds of convoluted figures.

Mr. GUTKNECHT. We actually had some Members of this Congress come before the House not too long ago and say, in effect, with those numbers, that our tax cut was targeted at the rich.

Mr. WELDON of Florida. If the gentleman will continue to yield, does he mean Members of the House of Representatives?

Mr. GUTKNECHT. Yes, colleagues of ours from States the gentleman would recognize.

Mr. NEUMANN. On the other side of the aisle, I might add. I think that is real important.

Mr. GUTKNECHT. The IRS does not use that. Frankly, in all of this discussion, and the gentleman from Wisconsin [Mr. NEUMANN] and I were talking, earlier, frankly, what we need to do is get, and I think the Senate Finance Committee already has an electronic work sheet on a web site and we hope to have it on a web site very, very soon, and we will have work sheets available, and perhaps by the next time we have a special order we can have a chart made up so average American families can calculate for themselves; do not take my word for it, do not take the Treasury Department's word for it, calculate it for yourself.

I will give a classic example. The same story. I came home a couple of weeks ago, there was a family going to a garage sale, they had three kids. That is $1,500 more they would have to spend. Those kids, when they go to college, it can be up to $1,500.

Do not take our word for it. We ought to have a work sheet, whether it is on a web site so people who have access could do that, or an actual written work sheet so people can calculate their own tax. It is not what it might be worth to somebody else, but what is it worth to the average family in the gentleman's district? To the average family in my district it is worth over $1,000 a year.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, that gets back to what I was talking about before. This is not about numbers. We tend to spend a lot of time here in Washington throwing around numbers, but this is really about moms and dads in Minnesota, in Wisconsin, in Florida, where I come from, having more money to buy clothes, to buy braces, to set aside for college education.

One of the points that I really want to stress is we, the Republicans in the House of Representatives and in the Senate, are delivering on a Clinton campaign promise of 1992 to provide a middle class tax cut.

One of the things that motivated me to run for Congress back in 1994 was that Bill Clinton had campaigned on ending welfare as we know it, and then just did not follow through on that. He campaigned on a middle class tax cut and he raised taxes. Of course, it did take us to pass welfare reform, and now we are following through on another Clinton campaign promise, to provide that middle class tax cut. Our tax cut is a middle class tax cut.

What boggles my mind is to have Members on the other side of the aisle get up day after day and tell us that, if we would just let them do the tax cut, that they would do a better tax cut. These are the people who raised taxes in 1993, who did not want to cut taxes in 1993, or 1994, or 1995, or 1992, or 1991. They want to increase spending, and increase spending, and raise taxes, and raise taxes.

For them now to come before this body, to come before the American people straight-faced and look us in the eye and say their tax cut would be a better tax cut, or their tax cut would really, truly be a middle class tax cut, to me is absolutely amazing.

It is the Republican Congress, the Republican Senate, and yes, we have been working with the administration on this, and this is a cooperative effort and he is agreeing to go along with us, it is a Republican initiative to finally deliver on the Republican promise of 1994 and the Clinton promise of 1992 to provide a middle class tax cut.

Mr. NEUMANN. Mr. Speaker, it is true, everything the gentleman is saying. But I think the most important outcome here is that it is good for the American people. That is what this is all about. The gentleman has gone back and hit on those past things. I think it is important.

We remember the broken promises, where Gramm–Rudman-Hollings is going to get us to a balanced budget, and it did not happen; in 1993 where they said they were going to cut taxes but instead they gave us the biggest tax increase in history. And I think it is very important we contrast that to the present, and we look at the fact that we are fulfilling our campaign promises for 1994. We are actually doing what we told the American people we would.

I would like to kind of wrap up the discussion of the present and turn our focus to the future with this chart. This chart shows when we came here what the deficit stream was projected to be. Deficits were headed up over $300 billion. If we had come here and played golf and basketball instead of doing our job, this is where the deficit line would have gone. Twelve months in the yellow line shows how much progress was made. The green line shows our hope to balance the Federal budget. This is our Republican plan laid into place in 1995 to balance the Federal budget.

Mr. GUTKNECHT. That was the original 7-year plan.

Mr. NEUMANN. The original 7-year plan to balance the Federal budget. We were to get to zero in the year 2002. We are now in the third year, and it is important to note that the deficit is significantly under those projections. We are in the third year of a 7-year plan to balance the Federal budget and we are not only on track, but we are significantly ahead of schedule. It is very, very important to note the contrast between what was here before and what is happening now. We are laying down this track record so the American people can once again have some faith in this institution.

Mr. WELDON of Florida. If the gentleman will continue to yield for a question, Mr. Speaker, I want to look to the future. As the gentleman knows, I represent an area of Florida that includes the Kennedy Space Center, an area that has always had its eyes looking to the future.

The question I have for the gentleman is, I believe if we remain committed to our principles that that black line that is showing there will come down to the zero mark and we will have the budget balanced. If we stay true to our principles and hold the line on spending, we will actually start showing a very small surplus. Is that not correct?

Mr. NEUMANN. That is absolutely correct. I think the gentleman is coming to the significant question here of, after we balance the budget, then what? Is our job done?

Mr. WELDON of Florida. That was the question I wanted to ask the gentleman. Go ahead.

Mr. GUTKNECHT. If both Members will yield for a second, the gentleman from Wisconsin [Mr. NEUMANN] and I both serve on the Committee on the Budget. We actually have gotten the CBO and others to run some numbers. If our economic growth rate remains even close to the level it is at, in fact, it could drop dramatically from what the economic growth rate has been for the last year, we will balance the budget on our current path not in the year 2002, not in the year 2001. I believe, and I think the gentleman from Wisconsin [Mr. NEUMANN] will probably agree with me, we are going to balance the budget by the year 2000.

□ 2045

Frankly, it may even be 1999. I want to come back to one of the points you made. You said this is not just about numbers. We talk about 12.3 percent

and 174 billion. It flies past most Americans like a Nolan Ryan fast ball. It is about people, but more important, I think what we are doing really is all about preserving the American dream for our kids. What kind of a country are we going to give to our kids? That is why it is important that we talk a lot tonight about the National Debt Repayment Act. You have spent an awful lot of time on this. You have an awful lot of cosponsors. That is where we are really headed in the future. That is why it is important.

I wonder if you would share about the National Debt Repayment Act.

Mr. NEUMANN. Mr. Speaker, I put another chart up here because I think it is important that we recognize the differences between the past and the present, but we also realize that once we get to a balanced budget we still have this $5.3 trillion debt. That debt is going to be passed on to our children if we do not do something about.

That brings us to the future. That brings us to, after we balance the budget, then what? The answer to that question is the National Debt Repayment Act. The National Debt Repayment Act does this. After we reach a balanced budget, it caps the growth of government spending at a rate 1 percent below the rate of revenue growth. It caps, after we reach a balanced budget, it caps the growth of government spending 1 percent below the rate of revenue growth. So if spending goes up by 4 percent, revenue goes up by 5, that creates a small surplus. That surplus is then used one-third to further reduce taxes and two-thirds to pay down the national debt.

So we create the surplus by capping the growth of government spending. We take one-third of the surplus, let the people keep more of their own money, additional tax cuts, two-thirds goes to repay the national debt. If we do that, by the year 2026 the entire Federal debt will be repaid in its entirety and we can pass this Nation on to our children debt free.

In doing so, when we repay the national debt, we are also putting the money back into the Social Security trust fund that has been taken out. Every year the Social Security system collects more than it pays back out to seniors in benefits. The idea is, we are supposed to be building this savings account, a savings account that, when we do not have enough money coming in, is where we are supposed to get the money to make good on payments to seniors.

The problem is, the money has not been going into that savings account. It has been spent on other Government programs. In fact, that trust fund, that Social Security trust fund, is now all part of this $5.3 trillion debt. So under the National Debt Repayment Act, we create the surplus after we have reached a balanced budget, two-thirds goes to repay the debt and, as we are repaying the Federal debt, we are also putting the money back into the Social Security trust fund. And we pay off the debt in its entirety so we can give this Nation to our children debt free. Instead of them sending $580 a month out here to do nothing but pay interest on the Federal debt, they can keep that in their own home in their own family and decide how best to spend their own money rather than sending it out here to Washington, DC.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman will continue to yield, as I understand it, we are paying out about $340 billion to pay interest on that debt. So with your legislation, which I am a cosponsor of, not only would we be able to pay off the national debt and take that burden off of our kids and the future of our children and not only would we be able to provide more tax relief for working families, but we would no longer be paying these $300 billion a year interest payments; is that correct?

Mr. NEUMANN. That is correct. For a family of five, that translates into $580 a month to do nothing but pay interest on the Federal debt.

Mr. WELDON of Florida. In effect it is a win/win situation that taxpayers would get to keep more of their hard-earned money and we would pay off the debt and we would not have these big interest payments. And we would actually have more money within the Federal budget to pay for roads, for example, or say maybe a manned mission to Mars, for example?

Mr. NEUMANN. And do not forget the other part of that, that is that the Social Security trust fund is restored. It is so important to look at this because if the money is not in the Social Security trust fund, Social Security is bankrupt in the year 2012. So it also solves the Social Security problem at least through the year 2029.

Mr. WELDON of Florida. I am really glad you brought this issue up, the National Debt Repayment Act, because that was one of the reasons I came over to join you and Mr. GUTKNECHT. I want to thank you for allowing me to join you in this conversation. I think it has been very informative.

Mr. GUTKNECHT. Mr. Speaker, I just want to talk a little bit about the National Debt Repayment Act. A lot of people I think are going to look at this and some of our critics on the other side of the aisle will say this cannot happen. I want to remind them, these are the same Members who said we cannot balance the budget, we cannot reform welfare, we cannot reform Medicare, we cannot reform the Medicaid system. We cannot do all of that and balance the budget and provide tax relief. And yet we are proving that it can be done.

And what the National Debt Repayment Act shows is that by again just limiting the growth modestly of Federal spending, and I think I am correct in this, Federal spending under the National Debt Repayment Act will still continue to increase. We are not talking about pulling the rug out from senior citizens and people who need legitimate services from the Federal Government. Spending will still go up.

Mr. NEUMANN. Faster than what I would like, I might add. But absolutely. Spending would still go up and could go up faster than the rate of inflation. It is important to remember that revenues to the Federal Government grow because of real growth in the economy but also because of inflation. So it is really kind of two things happening simultaneously. Revenues, in fact, increase.

Mr. GUTKNECHT. Show that chart. I think people are astonished when people see the numbers, the average Federal revenue growth over the last 17 years.

Mr. NEUMANN. The average increase in revenue to the Federal Government over the last 3 years was 7.3 percent. Inflation is only 2½, 3 percent. So it is going up at over twice the rate of inflation. Revenue to the Federal government. This is the amount of money that came in this year compared to last year; 5-year average, 7.3 percent increase; 10-year average, 6.2; 17-year, bottom line revenue to the Federal Government has been growing at a very significant rate over the last 17 years. It has not been revenue that is the problem. The problem has been spending that is out of control. This chart also shows that the budget agreement that we signed, a lot of people said it was pie in the sky, it was not.

Mr. GUTKNECHT. It was rosy scenarios.

Mr. NEUMANN. The budget agreement only projects a 4 percent growth. I think it is real important to see that 4 percent number next to these numbers, what has actually been happening. It is very, very conservative. In fact, I asked the question, if revenues grow by 6 percent instead of 4, what happens? In fact we find that we have a balanced budget by the year 2000. We run a surplus in the year 2000. That is when the National Debt Repayment Act would kick in, two-thirds of that surplus goes to pay down the debt, one-third goes to reduce taxes even further for the American people. And that is what this is all about.

I think maybe we should conclude or start to wrap this up by just kind of briefly going back through the past, the present and the future. I always use this chart to talk about the past because I think it says it better than anything else we have. During the late 1980's and early 1990's, the American people were promised a balanced budget. This blue line shows how it was supposed to work. Deficits exploded. In fact we did not follow the blue line.

They never hit their targets. They said, in 1987, we will fix that. And they gave the American people another whole series of promises, and they never hit that target either. The American people got cynical.

In 1993, they looked at this picture and they said, well, we sure cannot curtail the growth of Government spending. The only thing we can do to get this under control is to reach into the pockets of the American people and collect more taxes. So in 1993, by a single vote in the House of Representatives and a single vote in the Senate, they passed the biggest tax increase in American history and they thought that was the only way to reduce the deficit. The American people responded in 1994 and said we have had enough of this. We do not like those broken promises. We do not think you need more of our money. You are already getting enough of our money out there in Washington. They sent a whole new group of people out here and the GOP took over control of Congress.

We are now in the third year under Republican control of Congress. In the third year of our plan to balance the budget, the contrast is so stark. The first year of our plan we promised a deficit, of our 7-year plan, we promised a deficit of $154 billion. It was actually 107. First year on track, ahead of schedule. Second year Republican control, second year of our 7-year plan to balance the Federal budget, we promised a deficit not greater than 174. The deficit was 67. Second year on track, ahead of schedule. Third year is what we are debating right now, deficit promise of 139, it will be under 90. Third year of a 7-year plan on track and ahead of schedule.

Notice the stark contrast. Not only are we on track and ahead of schedule to produce what we promised the American people, a balanced budget, we are not only on track and ahead of schedule, but we are also letting the American people keep more of their own money. That is the tax cuts. Five hundred dollars per child, $1,500 to help go to college. Capital gains coming down from 28 percent to 20 percent. Reducing the death tax so families can pass on their estates to their children.

These are all things that are now coming about at the same time we are staying on track and ahead of schedule to balancing the budget. This has all been done not with the old theory, the 1993 theory that the people rejected in 1994, the idea that we have to raise taxes. This is all being done at the same time that we are lowering the taxes on the American people. It can happen. It is working beautifully. The American people are responding, the economy is responding in a very, very positive way. The future, that is past, present, the future after we get to a balanced budget, we have still got a $5.3 trillion debt.

The National Debt Repayment Act, after we reach a balanced budget, will cap the growth of spending at a rate 1 percent lower than the rate of revenue growth. By doing that, we can then create a surplus. With that surplus, two-thirds goes to reducing the Federal debt, one-third goes to additional tax cuts. We can pay off the entire Federal debt under this plan by the year 2026 and pass this great Nation of ours on to our children completely debt free. So instead of having to send $580 a month to pay interest on the Federal debt, our families can, in the year 2026, just keep that money in their own home, put it away to save for their kids' college or send them to a better school or buy a better house or better car, whatever they see fit, but not send the money out here to Washington.

The National Debt Repayment Act then, the future, caps the growth of Government spending at a rate 1 percent below the rate of revenue growth. Takes two-thirds of the surplus and uses it to repay debt and the other one-third to reduce taxes even further. And as we are paying off the Federal debt, it is important to remember that also will restore the Social Security trust fund money. All the money that has been taken out would be returned to the Social Security trust fund under the National Debt Repayment Act. That is a vision.

That is what this is all about. Broken promises of the past, the tax increases of the past, those are days gone by. The American people rejected those ideas in 1994. In 1995, through the present, we are now in a situation where we are in the third year of a 7-year plan to balance the budget. We are on track and ahead of schedule. We are letting the American people keep more of their own money. It has been done by curtailing the growth of Government spending as opposed to raising taxes on the people. The future holds very bright prospects for our children. It holds us paying off the Federal debt, reducing taxes even further, and making sure the Social Security trust fund is solvent for our senior citizens.

Mr. GUTKNECHT. Mr. Speaker, I think our time has about expired. I think you have summarized very well where we were, where we are and where we are going. The negative naysayers said you cannot balance the budget, you cannot provide tax relief, you cannot reform welfare, you cannot save Medicare, not all at the same time. Well, it is happening.

This chart illustrates very clearly where we were. For the last 20 years, we spent, this Congress spent $1.22 for every dollar they took in. We are now spending less than $1.04 for every dollar we take in. We are making real progress. We are on the right track. The American people understand that. And we are going to balance the budget and let people keep more of what they earn.

Mr. NEUMANN. I want to wrap up this evening with a tribute to a church that I attended twice in the last 3 days here. The church held a very special service and they put in a huge amount of effort. A little church in Williams Bay. It is Calvary Community Church. What they did is they held a special worship service on two nights to honor our veterans. When I went there the first night, the church was absolutely packed. I got there about a half hour before the service started. There were 900 people there. I could not believe it. I walked in the place. It was absolutely jam-packed. All American citizens there to pay tribute to our veterans. What better place could they be to celebrate the Fourth of July weekend?

I went back the second night, my wife and I. Sue and I were driving over to the church service and we said, they cannot possibly have 900 people in this church again the second night in a row. They had 900 people the second night in a row. What that does for me is it reinvigorates me, gives me hope for the future of this great country.

We saw in two nights 1,800 people turn out to a church to pay tribute to the veterans that have done so much to give us this great Nation that we live in. I thought that would be a fitting way to wrap this discussion up this evening because they have done so much in the past to give us this great Nation that we live in today. It is now our responsibility, our awesome responsibility to do the right thing so that our children receive a better Nation than we received, so that we live up to our responsibility to pass this Nation on to the next generation in a fiscally sound way, a way that they can also look forward to living the American dream, hopes and dreams for their families and for their children and their grandchildren. That is what this is all about.

ON TRADE

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I cannot help but comment on the discussion that we have just had here before I talk about trade, because I think it has a distorted view of history. I would like to correct my colleagues who just spoke by reminding the American people that in 1993, when the Clinton administration took office, they inherited a $300 billion annual deficit from the Republicans.

□ 2100

Three hundred billion. And, of course, in 1993, we passed a very important budget that has worked in several ways:

It has eliminated literally hundreds of government programs. It reduced the Federal work force by 250,000 people, I believe. We have the lowest Federal work force since John F. Kennedy, the lowest Federal work force today. And it also brought the deficit down from the Bush Republican number of $300 billion annually down to about 65 this year, every year reducing that budget deficit. And not one Republican voted for that 1993 budget deal that basically has brought us into balance.

So when my friends speak of spending, they have this convenient amnesia about their policies and how it was in the 1993 bill that we were able to finally get some control to the point now where our debt relative to our gross domestic product is the lowest of any Western developed nation in the world today.

I want to turn to another subject, if I could, this evening, Mr. Speaker, and that is trade. I will be joined hopefully by a few of my colleagues to talk about the North American Free Trade Agreement and its effects on the people of Mexico and the United States over the past 3½ years.

We are engaging in this discussion because sometime this fall, we think, Congress will be asked to approve something that is known as fast track. Now, people are out there saying what is this fast track that he is talking about; is that some kind of a Washington special lingual term that is out there to confuse the rest of us? Well, fast track is an authority that the Congress surrenders to the administration to make a trade deal. Fast track forces Congress to accept or reject an entire trade agreement rather than allowing us to improve upon the agreement that is reached by our trade negotiators with other nations.

The administration wants fast track, all administrations want fast track, in order to expand NAFTA to other nations in Central and South America. What we are saying is that, before we rush ahead to expand NAFTA, we should understand the effects it has already had on the workers in the United States and in Mexico.

I try to use the analogy that, if our house has a flooded basement, our roof is burning and we have chaos in our house, we do not decide to build an addition to the house. We decide to take care of these problems that we have before we pass on improvements to our house. The same is true with our trade agreement.

We will see much analysis of NAFTA over the next couple of weeks, starting later this week, when the administration is going to release a report on NAFTA, and we will discuss that a little later this evening. What I would like to discuss now is the remarkable election that took place on Sunday in Mexico.

Mexico is our neighbor. There are good people in Mexico, hard-working people, people who are struggling, people who have had a very difficult time with human rights and democracy. Elections have repeatedly been stolen in Mexico.

They had a very important election on Sunday. There were over 100 million people in Mexico. Opposition on both the left and the right of the ruling Institutional Revolutionary Party, or PRI, as it is called, these opposition parties scored significant victories, victories that will unravel nearly 70 years of one-party rule in Mexico. And the biggest one ever was the Party of the Democratic Revolution, which is a party that is headed by Mr. Cardenas, who was overwhelmingly elected the mayor of Mexico City. And by the way, this is the first time they allowed the second most powerful position in Mexico, the mayor of Mexico City, to be elected.

This election was significant for many reasons, but I want to focus on two of those reasons this evening. Most people agree that the conduct in the election on Sunday was not perfect but that it was by far the fairest national election conducted over the past 68 years in Mexico. This was the first real chance that the people of Mexico have had to see their ballots actually tallied and counted and not discarded or misplaced somewhere.

The voters rejected the PRI. That is the 70-year ruling party. They protested its economic policies and they bravely chose change. Now, in the past, they have chosen change, but their ballots were not counted and elections were stolen from the people, and it was done on a regular basis. The most notable example was the Presidential election in 1988, not too long ago, in which most people believe that Cardenas handily beat Carlos Salinas only to have the apparent victory snatched from him by the PRI massive electoral fraud.

In that election Cardenas' phones were tapped, his top aides were murdered, and the government halted the vote count on election night and declared Salinas the winner. Over the next 6 years, as many as 500 Cardenas and PRD activists were murdered in an attempt to intimidate and silence the opposition. That is a startling, startling number. Five hundred of his supporters and activists were murdered by the ruling party.

What amazed me through all of this was the acceptance of Carlos Salinas in America as some kind of savior, an intellectual, elite, smart, sophisticated individual. He fooled the entire elite intellectual community in this country.

It has been said in Mexico that the PRI governed not from the ballots of democracy but from the bullets of revolution. It has also been called the perfect dictatorship by one of the great writers of Mexico, Octavio Paz. It was only a matter of time before these misdeeds of the PRI caught up with them, and on Sunday these misdeeds did catch up with them.

While many people will try to characterize the vote on Sunday in Mexico as only being significant because it produced a major shift in power away from the PRI, anybody who watched that election and listened to that election and analyzed that election and saw what the Mexican workers were going through, and I will describe that in a second, will understand clearly that this was significant because the Mexican people felt their economic situation needed to be changed.

A major factor in the ascension of the PRD and Cardenas has been their economic program. Many people here probably believe that all of Mexico supported NAFTA, and that the loss of American jobs has greatly benefited Mexico. But that is not the case at all. In fact, it is just the opposite. The very few at the top, in our country and in Mexico and to some degree in Canada as well, have benefited well, but the majority of people, 80 percent of the American people, probably higher than that in Mexico, have suffered as a result of what I consider one of the worst treaties this country, if not the worst, has ever put together.

Now, let me talk about what has happened there, because Mexico has been devastated since NAFTA through an economic crisis triggered by the devaluation of their peso, which we argued was going to happen when we debated NAFTA on this floor, and also by the PRI government policies that benefitted investors at the expense of the working people in Mexico. And, of course, investors were benefited in the United States at the expense of our workers.

The PRD and Cardenas agree that NAFTA and the economic policies of the existing ruling party there, the PRI, are not working. They favor changing NAFTA to make it fair to workers in all three countries. In order for NAFTA to work, according to its opponents, we had to build a consumer market in Mexico.

The idea was that we will have this free trade and the people that are producing things in Mexico will increase their salaries, and when they increase their salaries they will be able to buy more products from us, more consumer products, and everything will kind of just bubble up. Well, the opposite has happened. Everything has sort of bubbled down.

That means ensuring that Mexican workers, under this theory, had jobs at wages in which they could afford to buy United States products. But, as I said, just the opposite has happened. The lives of millions of people in Mexico have been devastated, thanks in part to NAFTA, to the economic crisis precipitated by the peso devaluation in

1994, and to the wage controls forced on workers by the existing Government and the businesses and official labor unions it controls.

There was a concerted effort, since 1980 basically, where the corrupt labor union in Mexico, which lost its leader, by the way, a man who was 96 years old, who passed away, and maybe there is hope for change now, but he was in cahoots with the investors, the business elite, the foreign investors and the Government to keep wages low. The effects of these failed policies on workers in Mexico has been staggering. It has been staggering. That, in turn, had smoked out NAFTA for what it really was about, giving corporations investment guarantees in Mexico and then solidifying the role of the maquiladora region in Mexico, that is the area along the United States-Mexican border, and California, Arizona, New Mexico and Texas, solidifying the role of this area called the maquiladora region as an export platform.

What does export platform mean? That means people produce to ship right back into this country. United States companies are shifting jobs to Mexico, paying Mexican workers about 10 percent of what American workers were being paid and are shipping their products right back here to the United States. The toll of this on Mexican workers has been severe. The gap between Mexico's richest and their poor has been rapidly expanding, as I might add, as it has been in the United States. Our gap between the rich and the poor in this country is growing ever more every year, every 4 or 5 years. It is expanding to an all-time high today.

Twenty-eight thousand small businesses have failed in Mexico since NAFTA. The number of unemployed in Mexico doubled in 2 years. Our own embassy in Mexico estimated in late 1995 that 35 percent of Mexicans were either unemployed or underemployed. Real wages in Mexico are 27 percent lower than in 1994 and 37 percent lower than they were in 1980. Real wages. And 19 percent of workers made less than the minimum wage, which is only $3.30 a day. Not an hour, $3.30 a day. And 66 percent of workers lack any benefits at all, any pension or health benefits.

Eight million people. Listen to this. Since NAFTA, eight million people in Mexico have fallen from middle class status into poverty. Eight million in just 3½ years. And perhaps worst of all, millions of children have entered the work force to try to keep their families making ends meet.

The Mexican people were stunned by all of this, as one can imagine. Their wages were cut. If they had any benefits, they were cut out. They were being dropped into poverty. Twenty-eight thousand of them lost businesses. The peso was devalued. They woke up one morning and the worth of the money they had in their pocket, or if they had a little savings account, dropped by 30 or 40 percent. So they were mad. They were mad. And they were stunned and they opted for change, and I believe the American people feel the same way about this treaty.

Now, people say the economy is doing so well in the United States. It is doing extremely well for about 20 percent of Americans. They are doing incredibly well. Incredibly well. But for 80 percent of America, their wages have been stagnant since 1979. Almost 20 years. Going on almost 20 years now. And it is easy to understand, because corporations and companies are saying to workers, "If you want a wage increase, you want pension benefit increases or health benefit increases, we are out of here; we are going to Mexico."

And do not take my word for it. There was a study done by Kate Bronfenbrenner, University of Cornell in New York, just done recently for the Labor Department. This study, by the way, was suppressed because of what it said. It said that 62 percent of businesses in this country use NAFTA as a lever, as a wedge against their own workers, saying that, "If you demand too much, we are out of here; we are leaving." Sixty-two percent. An amazing number. An amazing figure.

So there was change in Mexico. I believe the American people feel the same way about this. And if the vote on NAFTA were held today, I believe it would be a much different story because we are coming to realize that, after 3½ years, trade agreements like NAFTA cannot ignore the issues of wages and basic standards for workers or the environment, or for things we do not ordinarily talk about when we talk about trade, like food safety.

I am concerned that the report that many people will be looking at for information about NAFTA that will be issued later this week will not address these serious issues either. Later this week we will be releasing its version, the administration, of how well NAFTA has worked. But I am not sure it will include a serious discussion about how NAFTA is depressing wages, affecting food safety, highway safety and a number of other issues.

□ 2115

I want to relay to you a story of one real person who has been affected by NAFTA, a story you will not read about in the study on NAFTA. I met this woman a couple weeks ago. She was from the city of El Paso, right on the border, a city which has more certified NAFTA job losses than any other city in the country. Her name is Irma Montoya.

Ms. Montoya worked in an electronics plant in El Paso for 8 years. She worked hard. She paid her taxes. She played by the rules. She did her best. But despite her best efforts, the company shut down in El Paso when maquiladoras from just across the border, miles away, took over the work her plant did.

And why did they do that? Of course, because they were being paid. She was being paid a very low salary, very close to the minimum wage in this country. They moved the plant just a few miles over the border because they could get away with paying people less than a dollar an hour over there.

Now Irma received no health or pension benefits from her company. And despite being eligible for NAFTA job training assistance, she received no real help. She wanted to become an accountant and was told it would be too expensive. So now Irma is stuck without a job, without a pension, without health benefits, without training. And she lives in a city where the unemployment rate is about 12 percent.

NAFTA provided the incentive not only for the loss of her job but for the downward pressure on wages and benefits for the American workers, which left Irma without a pension or without health benefits. And this is going on all over the country.

Just the other week my friends were here, the gentleman from Ohio [Mr. KUCINICH] and the gentlewoman from Ohio [Ms. KAPTUR], and the gentleman from Pennsylvania [Mr. KLINK] and the gentlewoman from Missouri [Ms. DANNER], and they were telling me about how these jobs are leaving, how people are being stranded without benefits, without the proper training, and it is going on all over the country. There are hundreds of thousands of people just like Irma Montoya all over this country.

And while you will not hear about Irma Montoya later this week in the administration's report on NAFTA, we are going to keep coming to the floor. My colleague, the gentleman from Massachusetts [Mr. MOAKLEY], who is with me, who is going to talk about this issue in just a second, and other colleagues are going to come here and talk about this issue because it needs to be aired.

And while I do not think the NAFTA report will be all that enlightening, one memo that I would recommend to everyone here in this Chamber and in the Congress and my colleagues is to take a look at Professor Harley Shaiken, who was at the University of California at Berkeley, who has probably more knowledge on this issue than anybody in America and who has studied the economic relationship between the United States and Mexico extensively. Look at his report. Professor Shaiken sheds some light on what I would call the myth behind the increased exports to Mexico.

There is no denying that exports to Mexico have risen since NAFTA, although imports from Mexico have increased more dramatically. We had

about a $2 billion surplus with Mexico prior to NAFTA, which is only 3½ years ago. We have a $16 billion deficit today. That is a major shift. That means they are sending us here a lot more than we are sending them there. We are sending them a few more things, but listen to what is happening to those things that we send them.

He, Professor Shaiken, analyzing trade data, shows that the vast majority of export growth has been in what he calls the revolving door exports. And what do we mean by revolving door? Those are goods that are shipped to Mexico as components, therefore counted as exports, but then they are assembled right on that maquiladora border. They get over the line, they are assembled and they come right back here, shipped right back to the United States. The revolving door exports have surged 230 percent since NAFTA, rising from $18 billion in 1993 to $42 billion last year.

These exports accounted for 40 percent of our total exports to Mexico in 1993, but that share grew 62 percent last year. So 62 percent of our exports to Mexico are shipped right back here. They are assembled, put together by people who are making 70 cents, a dollar an hour, and then they are sold back here, at no reduced rates, I might add. These are not job-creating exports, they are job destroying exports. As Professor Shaiken noted in his memo, paraphrasing Pogo, "We have met the market and it is us."

The memo also notes that NAFTA has increased for especially direct investment in Mexico from other nations as well. This is kind of interesting. Remember the claim during our debates, where the NAFTA proponents said that we want to pass NAFTA now to get into Mexico before the Europeans and the Asians could get in there?

Well, the fact is that those nations have a trade surplus with Mexico. We have a $16 billion deficit, and they are investing in Mexico at rapid rates since NAFTA. Investments from Germany have tripled since NAFTA; investments from Japan have increased tenfold.

Now keep that fact in mind when we are going to hear the same claim this year about going into Latin American nations before European and Asian nations do. We are going to hear that same argument, and it is just full of holes. The facts show that we will all get into those markets, and that rushing through an ill-conceived free-trade agreement does not give us any type of advantage in that respect.

One other item from Professor Shaiken's memo that I would mention at this point is about continued falling real wages in Mexico. He notes that Mexican workers have been unable to make wage gains despite increased productivity. What does that mean? That means they are putting out more, Mexican workers are producing more, dramatically more, because they are hard workers and because they are working in newer modern facilities.

Some of these facilities in the maquiladora, and I have traveled and looked at them, they are as modern as anything we have here in this country. So productivity in Mexico has risen 38 percent since NAFTA, but real hourly wages have dropped by 21 percent over the same period. So you figure it out. They are producing more for their executives and CEO's, and these corporations, mostly multinationals, productivity is way, way up and their wages are going down.

And then when our workers try to get a wage increase here in their plants, they see multinational people who are down there and who own corporations up here say to our workers, "We cannot give you any wage increase, cannot take care of any health or pension benefits because we will just go down to Mexico and we do not have to pay them anything." So they are leveraging. They are leveraging.

Productivity in Mexico, as I said, has risen by 38 percent since NAFTA, but real hourly wages dropped by 21 percent. Despite the fact that many plants in Mexico approach or exceed United States productivity levels, the hourly wage in Mexican manufacturing was less than 10 percent of the United States levels in 1996. They make one-tenth of what our workers make, and this is a trend that has only accelerated since NAFTA. This disparity between wages and productivity in Mexico existed well before NAFTA and during stable economic times.

Between 1980 and 1993, manufacturing productivity in Mexico rose by 53 percent while real wages declined by 30 percent. So you know the investors, the money people, the multinationals, they are doing very well. Their workers have been falling further and further behind, 8 million falling into poverty from the middle class in Mexico.

That fact led many of us during the NAFTA debate in 1993 to call for a linkage between wages and productivity in Mexico and for ensuring the rights of workers in Mexico, that those rights were honored, but our cause went unheeded. And the problem has only gotten worse, as we have already seen. So this is a trend, I think, that is going to continue on and on unless we seriously address these issues of wages and worker rights in our trade agreement.

The current system is tragic for working people both in the United States and in Mexico and in Canada, as well. It does not have to be permanent, though. The people of Mexico spoke on Sunday, and the American people through us in Congress will have a chance to speak this fall when we have this debate.

We need to remember that this trade debate is not just about markets and trade barriers; it is about jobs, it is about living standards, it is about human rights, it is about human dignity. Human dignity. These struggles we are about to engage in have been fought in this country before and around the world by earlier generations of workers.

At the turn of this century, 100 years ago, the industrial revolution brought massive change, just as the global economy and technology and information are changing the landscape today. And at that time, giant corporations tried to do the same thing. They tried to control the process. But the people got wise, they figured it out. They figured out they were being exploited. They figured out their land was being exploited, and they banded together. They formed labor unions and they formed progressive movements. They came together and fought back and they made a difference. That struggle led to the creation of a system of labor and social and health rules which increase our living standards in this country.

If it was not for people coming together, led mostly by labor unions in this country, we would not have a minimum wage, we would not outlaw child labor, we would not have weekends, we would not have a 40-hour work week, we would not have an 8-hour day, we would not have health benefits. We have to remind ourselves sometimes that people banding together can make a difference.

But it is that very system that is under attack today, and we cannot afford to go backward 100 years. This debate is about our economic future, and whether we want to take our Nation forward or go back to an era in this Nation in which workers' rights were not guaranteed and in which a few wealthy corporations controlled our economy.

This is a fight against trans nationals, multinational corporations. That is what this is about. There are very few governments standing up to them today. Labor is on the decline in many parts. Although I might just say in this country it is on the rebound, and it is becoming more vibrant and more organized, and they are organizing more workers every day because of the statistics I read to you.

I predict in Mexico, with the demise of their labor leader, who passed at 96 and who was, I believe, corrupt and did not serve working people well, and with the demise of the PRR government, we will see stronger labor unions, we will see people banding together in progressive units and demanding a fair and just wage.

So we do not want to go back as a nation to where we were 100 years ago. We want a trade policy that is going to move us forward. That is what this debate is about, and that is why we are here talking about it, so that people can understand some of the other side of the issue.

We are going to get a report, as I said twice or three times this evening, from the administration this week on NAFTA; and I would ask the people to look at that in its entirety. They are not going to hear in that report about food processing or they are not going to hear about food safety.

Let me talk about food safety for just a second. Then I want to yield to my good friend, the gentleman from Massachusetts [Mr. MOAKLEY], the ranking member of the Committee on Rules. Remember a few months ago the strawberry scare in this country, contaminated strawberries came in from Mexico? Hundreds and hundreds of kids in this country, particularly in my State of Michigan, were affected. We had 1,100 kids who had to go get vaccine shots, a series of very difficult shots, and hundreds of them were sick.

That has happened with wheat, and it is happening with other foods. And, of course, the drug problem. You know, we tried to negotiate a tougher drug deal than NAFTA, but we caved. Drugs are coming in here at incredible rates, an incredible rate. Seventy percent of the cocaine coming into this country comes through Mexico, 25 percent of the heroin, and it is passing through every day. It is a wave line down in Texas.

They inspect trucks. They inspect 1 truck out of 200. Eleven thousand trucks come across the border. Eleven thousand trucks come across the border every day. One out of every two hundred get inspected. So lots of drugs are coming in here. The NAFTA agreement was one of the worst agreements this country ever signed and engaged in.

I am not opposed to having an agreement with Mexico. They are good people. They are hard-working people. They have a new chance for a new beginning. I want a good trade relationship, but I want a relationship that will elevate their workers to our standards, rather than bringing our workers down to their poverty standards. That is not too much to ask. That is what the Europeans did when Portugal and Greece wanted into the European Union, you know, an economic market union that is strong and vibrant.

□ 2130

But the Europeans said to Greece and to Portugal, "Before you come in, you have got to meet a few standards here on food safety, you have got to meet a few standards on wages, on productivity, a few other things. And then we will let you in." And these countries said, "Well, that's reasonable, that's fair, we'll do that." They met those standards and they were accepted and they are part of the union. That is what we were trying to get with a good NAFTA. But instead, we got one of the worst pieces of legislation, I believe, this country has ever engaged in.

I thank my colleague from Massachusetts for staying so late and participating in this. I appreciate his leadership on this issue and his passion for working people. He is one of the great leaders of this body on Central American issues. I remember vividly the gentleman from Massachusetts [Mr. MOAKLEY] leading the effort to bring justice and dignity to El Salvador. I thank him for joining me this evening.

Mr. MOAKLEY. Mr. Speaker, I thank my leader, and my dear friend from Michigan. I do not think there is anybody in this House who is a better friend to American workers than the gentleman from Michigan [Mr. BONIOR]. He knows that NAFTA was a bad idea and he is really speaking out on this issue. He is on the right side of this issue.

I was in my office watching my leader speaking on this thing when my telephone rang and a young lady from Milton, Massachusetts called up and said, "I'm looking at my television set and I notice the gentleman from Michigan [Mr. BONIOR] speaking on NAFTA. How do you stand on NAFTA?" I said, "I voted against NAFTA, as did the gentleman from Michigan [Mr. BONIOR]." But there are people out there that the gentleman has really educated this evening with some of the facts that he has given, and I am sure that many votes might change as a result of it.

Mr. Speaker, the North American Free-Trade Agreement has been a bad idea. It has been bad news to the American economy, it has been bad news for the American workers, it has been bad news for the Mexican workers, and before the passage of NAFTA, the United States had a trade surplus with Mexico, but since the passage of NAFTA our trade deficit has ballooned to $16.1 billion.

Mr. Speaker, a $16.1 billion deficit is hardly good news for the economy. The deficit in large part is due to the revolving door exports. In fact, Mr. Speaker, 62 percent of our exports to Mexico were revolving door exports, which mean that our raw goods were sent to Mexico, assembled by Mexican workers and sent back to the United States.

Before the NAFTA agreement, Mr. Speaker, only 22 percent of our exports to Mexico were revolving door exports. These exports, along with other conditions of this agreement, have cost American workers wages and in many cases cost American workers their jobs. In fact since 1993, NAFTA has cost American workers over 420,000 jobs. That is right, Mr. Speaker, 420,000 jobs have been lost as a result of NAFTA. The Department of Labor has certified that in the years 1994 and 1995, 52,000 Americans lost jobs in 400 U.S. plants since the passage of NAFTA. Many of these workers, unfortunately, Mr. Speaker, came from my home State, the Commonwealth of Massachusetts.

Since the start of NAFTA, hundreds of thousands of jobs have been shifted to maquiladora production plants, which pay very low wages for work done right on our border. As of March of this year, the maquiladora plants employed more than 861,000 Mexican workers in over 2,600 plants. These plants are taking American jobs from all over the country. In fact, in the Commonwealth of Massachusetts, just this year, the Osram Sylvania Co., a fluorescent light manufacturing plant, sent 160 jobs to Mexico. When asked why they moved, company officials said, "The move was NAFTA-related."

For those American jobs that have not gone to Mexico, the threat is always there that they will go, and for that reason American wages have stayed low, closer to Mexican wages.

In fact, the NAFTA Labor Secretariat found that half the American firms used threats of moving to Mexico to fight union organizing. When forced to bargain with labor organizers, 15 percent of the firms actually closed part or all of a plant. That is triple the rate of shutdowns before NAFTA.

But, Mr. Speaker, despite what has happened to our workers, despite what has happened to our economy, the people who are suffering most are the Mexican workers. Their wages are less than one-third of what they were in 1980. Some 14.9 percent of Mexicans live below the poverty rate, which is less than $1 a day. In fact, the Mexican Government even has policies to hold down the wages to attract investments despite the thousands of people living on less than $1 a day.

In 1995, one out of every five Mexican workers worked for less than the Mexican minimum wage, and 66 percent got no benefits whatsoever.

Since Mexican workers do not make very much money, they can barely afford to put food on the table, much less buy American products. Mexican infant mortality is very high, 13 deaths per 1,000 live births. For those children who do survive, 10 million of them are sent to work, violating Mexico's own child labor law.

From what I can tell, Mr. Speaker, nothing at all has been done about the horrendous environmental degradation in Mexico. Thirty percent of the population of Mexico have no access to sanitation. I have heard that some of the workers that live in some of these new industries that have gone down to Mexico are still living in refrigerator crates.

Mr. BONIOR. The gentleman makes a very good point. The American Medical Association, in examining this border, the maquiladora border that the gentleman is talking about, termed it a cesspool of infectious disease. This is our American Medical Association. That is how bad the environmental degradation is in that area, and that

has caused, as the gentleman has correctly stated, numerous health problems, literally babies born without brains. There are hideous examples of deformities, just unconscionable activities on the part of the corporations that have gone down there and the governments that have allowed it to happen. I thank the gentleman for raising that point.

Mr. MOAKLEY. The gentleman from Michigan is absolutely correct. On some days the children in Mexico City can hardly breathe. This polluted air is making its way into this country. The ozone levels in El Paso, TX have increased steadily since NAFTA. The rate of hepatitis in the border region of the United States has risen to about four times the U.S. average.

Mr. Speaker, hepatitis is a very contagious disease that does not respect borders, yet the NAFTA agreement looks the other way. As the gentleman from Michigan alluded to, we import fruits and vegetables from a country that has virtually no environmental regulations and that many times these fruits and vegetables are filled with pesticides that are not even allowed in our country.

But despite all of these problems, Mr. Speaker, the administration now is proposing expanding NAFTA to Chile and possibly the rest of the southern hemisphere. I think this is a very dangerous idea. Any agreement we make should include very serious and very specific regulations on labor, on the environment, and on human rights. These conditions should not be left for later action because, as we have seen with this trade agreement, provisions that were left out of the original agreement never really happened.

I am glad to join my leader, an expert on this matter, and I look forward to continuing this debate with him.

Mr. BONIOR. I thank my colleague for his leadership and passion on this issue and for bringing to light some of the important facts on workers' rights and health and safety. We appreciate the gentleman's contribution.

PROBLEMS ASSOCIATED WITH IMPLEMENTATION OF IMPENDING EPA STANDARDS

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

Mr. MASCARA. Mr. Speaker, I was supposed to join the gentleman from Pennsylvania [Mr. KLINK] this evening to talk about the problems associated with the impending standards to be implemented by the Environmental Protection Agency.

First of all, I would like to give a historic perspective to illustrate why I have joined so many of my colleagues in the House of Representatives to speak about the national ambient air quality standards. First let me clear the air, no pun intended. I support, as do many Members of Congress, clean air and a sound environmental policy in this country. The key word is "sound."

I would like to share with my colleagues, Mr. Speaker, a historic perspective about the 15 years' experience that I had in county government. During that time I served on the Southwestern Pennsylvania Regional Planning Commission and during those 15 years I served as chairman 3 years and also as chairman of the Plan Policy Committee which had the responsibility of implementing ISTEA, which is the Intermodal Surface Transportation Efficiency Act and the Clean Air Act amendments of 1990 which were a companion bill. So I had an opportunity as a county commissioner to see the system from the bottom up and now as a Member of Congress to see it from the top down. I do have some experience in dealing with legislation that applies to clean air and air quality standards.

As a member of the Regional Planning Commission, we covered six counties, including Allegheny, Armstrong, Beaver, Butler, Washington, and Westmoreland and the city of Pittsburgh. I also served as chairman of this Plan Policy Committee that had the responsibility of implementing those two pieces of legislation, including the National Highway System Act.

This enabled me to have a better understanding of the problems associated with implementing those standards in southwestern Pennsylvania. I led a group of county commissioners in 1994 suggesting that the nonattainment status in southwestern Pennsylvania was incorrect, and that we as county commissioners and the city of Pittsburgh council requested that an independent testing firm test the quality of air in southwestern Pennsylvania to determine whether in fact we did not reach attainment. We found at that time that some of the equipment that was used in measuring the quality of air was faulty, we found that the air quality samples that were taken were taken on the hottest days of the year. We requested and the Department of Transportation in Pennsylvania and the Department of Environmental Resources agreed to permit a testing company, an independent testing company to measure the quality of air in southwestern Pennsylvania.

□ 2145

The tests that were done by this independent firm proved our suspicions that the earlier testing was inappropriate and resulted in inaccurate test results. The air quality in the Pittsburgh region had definitely met the air quality standards. The Pennsylvania DER advised the EPA that southwestern Pennsylvania had met its ozone standards, and the EPA sat on the new information and never corrected our status from moderate nonattainment to attainment.

Listen to this. Based on monitoring data between 1989 and 1994, western Pennsylvania's air quality met or exceeded the national standards for ozone levels. Apparently the application got lost in the bureaucratic maze, for it took the EPA over 2 years to respond instead of the mandated 18-month period. That summer, the summer of 1995, western Pennsylvania's ozone readings exceeded acceptable levels on only 9 days. Let me remind you that 1995 was one of the hottest summers on record.

Yes, we paid the price for clean air that we now breathe, and as I said earlier we all support clean air. Southwestern Pennsylvania citizens paid the price, and now they want us to believe the new standards could eventually put the remaining 100,000 miners out of work and impact workers in the few remaining jobs we have in southwestern Pennsylvania.

Mr. Speaker, I remind you that as a part of the 1980's and the decline in the steel and mining industry that we lost nearly 200,000 manufacturing jobs in southwestern Pennsylvania. And these new air quality requirements are without a basis of science, and we are asking the President, and I joined in with several of my colleagues in writing the President asking him to take another look at the air quality standards which will be implemented this year.

OUR FOUNDING FATHERS WERE GREAT MEN OF GOD

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

Mr. KINGSTON. Mr. Speaker, with the Fourth of July having just passed, I wanted to reflect on some of the thoughts I had and shared with people in Glynn, Wayne, and Pierce County, GA, this past week. I started out by saying, you know, one of the big thrills of Washington is to occasionally go up to the top of the dome, and when you do that it is kind of a special feeling. You duck into an unmarked and inconspicuous door, you climb up about a story, some spiral steps in an old roundhouse that used to contain some sort of a heating turbine, and then you go on an 1865 catwalk in between the skin of the new dome and the limestone of the old dome. You go up, round and round, for maybe 20 minutes on a set of steel concrete and cables, about 200 feet. Finally you get to the top, and on the top you see one of the best views of some of the most significant monuments in our country. You can see the Washington Monument, the reflecting pond, the Lincoln Memorial, the Jefferson Memorial, Robert E. Lee's home, and hidden in the trees,

you know, the Korean and the Vietnam Memorials are also there. Each one of these monuments contains a special chapter in American history, and if you look beyond these monuments, you can see a glimpse of America herself.

On the Fourth of July we celebrate our Nation's birthday. It is fitting that we reflect on these monuments and the great souls that they immortalize. We can think about from Concord and Lexington to Vietnam and Desert Storm we seek to understand more of our own history. We look inside ourselves, if you will.

Standing on the balcony of the dome of the Capitol, Mr. Speaker, to the far left you see Thomas Jefferson's monument, the third President, founder of the University of Virginia, and author of the Declaration of Independence. His work formally began when Richard Henry Lee introduced a resolution for independence in the Continental Congress. Congress, even then being Congress, decided to form a committee, and a committee was formed consisting of Robert Livingston, Roger Sherman, Benjamin Franklin, John Adams and the 34-year-old Thomas Jefferson. In the nearby drafthouse he worked late into the Philadelphia nights, these words:

"When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them to another" and so forth.

As he labored, surely he knew the death warrant that would become not just for him but for so many, the strife, the hardship and inevitably war.

What guided Thomas Jefferson, George Washington, and Benjamin Franklin? They were smart, they were enlightened, they were visionaries, but did they also pray? I submit to you, Mr. Speaker, that like so many of our great American leaders that they did indeed pray, because I think that our Founding Fathers were guiding them.

I also believe that they were men who were ready as this whole Nation to sacrifice for this thing called freedom, and I think, third, that they knew that freedom is fragile.

Let us talk about the godliness. We always hear about Thomas Jefferson being a deist, which seems almost a buzz word for atheist, yet on his monument Thomas Jefferson says: Can the liberties of a Nation be secure when we have removed a conviction that these liberties are the gift of God? Indeed I tremble for my country when I reflect that God is just and that his justice cannot sleep forever. End of quote.

Very explicit words, Mr. Speaker, and indeed a warning.

Likewise, Benjamin Franklin admonished delegates at the Constitutional Convention to pray to break a deadlock. His words were in the beginning of our war with Britain, we prayed daily for guidance. Our prayers were heard and were answered. Have we now forgotten this powerful friend? The longer I live, this I know to be true. God governs the affairs of men. For if a sparrow cannot fall to the ground without his notice, is it probable a Nation can rise without his aide?

And George Washington on his tomb, rather than pontificating about the many, many achievements he has, he instead merely quotes the gospel of John.

I submit to you that our Founding Fathers were great men and women of God, and they had divine guidance in that America was not just born by luck or by accident. Second, Mr. Speaker, we can rest assured that they had made many, many sacrifices and were willing to, just as millions of Americans have also done, follow in their example. Indeed Thomas Jefferson and George Washington would be much happier spending their time at Monticello and Mount Vernon.

Robert E. Lee, as we look at his, the Custis mansion across the river, Robert E. Lee lost this to Arlington Cemetery; and adjoining him by way of Memorial Bridge, Abraham Lincoln lost his life because of the Civil War, as did 360,000 Union soldiers and 135,000 Confederate soldiers.

Their examples were followed in every war. The Revolutionary War, 25,000 died; the War of 1812, 2,300 died; the Mexican War, 13,000; the Spanish American War, 2,300; World War I, 117,000; World War II, 408,000. And while their monuments cannot be seen from the top of the Capitol, Mr. Speaker, there are two very significant monuments. One consists of 19 life-sized figures. In the morning mist they seem to move. The wind catches their ponchos, their faces strained to the sky, their bodies bent in fatigues. They are American soldiers in the Korean conflict, a conflict that claimed 3 million Koreans and 1 million Chinese citizens. These soldiers are tired, hungry, cold. Their sunken eyes search for a sniper and surely for hope. They move slowly and eternally toward a black marble wall that merely says four words:

Freedom is not free.

They should know. Over 54,000 of them died. Their figures haunt us, but as we turn around through the trees across the reflecting pond and over the berm, there lies another wall. Here we face 58,211 names of other great Americans. This wall is still sober and forceful. Each name is a story.

Brantley, David Watson: Born 1946, Kite, GA; graduated 1964, Glynn Academy; died June 7, 1968 from an exploding mine in the Huz Nghiz Province.

Cameron, James Frederick: graduated Glynn Academy; shot down over the Tan Kieu Hamlet, September 13, 1969.

Smith, Russell Lamar: Born March 26, 1948; graduated Glynn Academy 1966; married, one unborn son; killed by small arms fire; DaNang, November 28, 1968.

Honaker, Raymond Kermit: Born February 16, 1949; graduated Glynn Academy 1967; helicopter shot down, August 31, 1968.

Armstrong, Atwell Asbell: Born August 19, 1947; killed by small arms fire, October 25, 1968 at Song Be.

Miller, Hebert: Killed April 21, 1971, near Quang Tri Province.

Rabb, Robert of Darien, GA; his loving mother Doris Rabb is with us today.

Grina, Thomas: Born November 16, 1949; killed December 19, 1967 by a ground explosion trying to rescue his fellow marines pinned in a killing field.

From Brunswick alone: Leonard J. Peacock, Roger E. Mathis, Carlton Amerson, Larry Williams Bailey, John Devvin Bell, and Rayford H. King.

The names go on and on and on from coastal Georgia, from the entire East Coast of the United States and all through the United States, each soldier a hero, each paying the highest price for this ideal we call freedom.

And on this national birthday let us proudly and sincerely appreciate their lives and their family. Let us recognize the high and significant advancement they gave the cause of freedom. The Vietnam war was to stop the growth of communism so we can say loudly: Mission accomplished.

Thailand, Singapore, Indonesia, Philippines, Malaysia, all once in great peril of Communist rule, are now out of danger and democratic nations today, and 179 out of 192 or 93 percent of the world's countries have free elections. And in the last 10 years 69 nations for the first time in their history have had free elections, and that includes five from the former Soviet Union.

Would this have happened without Vietnam? Hardly. Again I say: Mission accomplished.

But, Mr. Speaker, as we go back and review these monuments, let me close with this: Last summer when the Olympic torch came through Washington I asked one of the Olympic leaders, what happens when the torch goes out? He said, we merely relight it. And I said, is that it, you just relight it? He said yes, that is it. What a shame that freedom's torch cannot be so easily relit. I believe that the torch of freedom that we pass down from generation to generation is more like a candle than a torch and it is a stormy night and the wind is blowing.

Edmund Burke said this, Mr. Speaker. The price of freedom is eternal vigilance, and the name of the great soldiers whose names are on the monuments and the names who are not on monuments, let us never forget that Americans have sacrificed a lot for this ideal we call freedom. Freedom is indeed fragile.

On the field of Gettysburg, Lincoln put it this way:

It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead

shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

Let us remember that, and I will close with the words of Edmund Burke. The price of freedom is eternal vigilance. Let us remember that on this Nation's birthday.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Mr. GEPHARDT) for today before 6:30 p.m., on account of airline delays in Chicago.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) until 6 p.m. today, on account of travel delays.

Mr. RIGGS (at the request of Mr. ARMEY) for today, on account of illness.

Mr. YATES (at the request of Mr. GEPHARDT) today after 6:15 p.m., on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. CAPPS, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. PICKERING, for 5 minutes each day, on today and July 9 and 10.

Mr. KINGSTON, for 5 minutes, on July 9.

Mr. SAXTON, for 5 minutes each day, on July 9, 10, and 11.

Mr. RAMSTAD, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

Mr. HERGER, for 5 minutes, on July 9.

Mr. RADANOVICH, for 5 minutes, on July 9.

Mr. TAUZIN, for 5 minutes, today.

Mr. JONES, for 5 minutes each day, on July 9 and 10.

Mr. DUNCAN, for 5 minutes, on July 9.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes each day, on July 9 and 10.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MASCARA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. HAMILTON.

Mr. PASCRELL.

Mr. DAVIS of Illinois.

Mr. ETHERIDGE.

Mr. KUCINICH.

Mr. FRANK of Massachusetts

Ms. NORTON.

Mr. STOKES.

Mr. KLECZKA.

Mr. BONIOR.

Mr. VISCLOSKY.

Mrs. MALONEY of New York.

Mr. LEVIN.

Mr. HINCHEY.

Mr. BARRETT of Wisconsin.

Mr. KLINK.

Mr. TRAFICANT.

Mr. PASTOR.

Mr. STRICKLAND.

(The following Members (at the request of Mr. TIAHRT) to revise and extend their remarks and include extraneous material:)

Mr. FORBES.

Mr. RADANOVICH.

Mr. GALLEGLY.

Mr. GINGRICH.

Mr. KELLY.

Mr. DAVIS of Virginia.

Mr. LEWIS of California.

Mr. BURR of North Carolina.

Mr. EWING.

Mr. BEREUTER.

Mr. PITTS.

Mr. FOX of Pennsylvania.

Mr. COMBEST.

Mr. SMITH of New Jersey.

Mr. SHAYS.

Mr. COBLE.

(The following Members (at the request of Mr. KINGSTON) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii.

Mr. WAXMAN.

Mr. KINGSTON.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On June 27, 1997:

H.R. 1553. An act to amend the President John F. Kennedy Assassination Records Collection Act of 1992 to extend the authorization of the Assassination Records Review Board until September 30, 1998.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, July 9, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4039. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington: Amended Assessment Rate [Docket No. FV97-946-1 FIR] received July 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4040. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Eastern Colorado Marketing Area; Suspension of Certain Provisions of the Order [DA-97-05] received July 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4041. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Tuberculosis in Cattle and Bison; State Designation [Docket No. 97-041-1] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebufenozide; Pesticide Tolerances for Emergency Exemptions [OPP-300500; FRL-5719-9] (RIN: 2070-AB78) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4043. A letter from the Secretary of Health and Human Services, transmitting a report of violations of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4044. A letter from the Secretary of Defense, transmitting the Department's report entitled "Report on Accounting for United States Assistance Under the Cooperative Threat Reduction (CTR) Program," pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 1996; to the Committee on National Security.

4045. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Year 1997-1998 for a Knowledge Dissemination and Utilization Project Rehabilitation Research and Training Centers, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4046. A letter from the Secretary of Education, transmitting Final Regulations—Impact Aid Program, Title VIII of the Elementary and Secondary Education Act, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4047. A letter from the Secretary of Education, transmitting Final Regulations—William D. FORD Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4048. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the Notice of Final Funding Priorities for Fiscal Years 1997-1998 for Rehabilitation Research and Training Centers and a

Knowledge Dissemination and Utilization Project, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4049. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for Impact Aid Program, Title VIII of the Elementary and Secretary Education Act, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4050. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for William D. FORD Federal Direct Loan Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

4051. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Reorganizing, Renumbering, and Reinvention of Regulations; Terminology; Correction (RIN: 1212-AA75) received June 26, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4052. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [KS 026-1026; FRL-5853-1] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4053. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Yolo-Solano Air Quality Management District [CA 105-0041a; FRL-5843-9] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4054. A letter from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's "Major" final rule—Assessment and Collection of Regulatory Fees for Fiscal Year 1997 [MM Docket No. 96-186] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4055. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of the Telecommunications Act of 1996: Reform of Filing Requirements and Carrier Classifications; Anchorage Telephone Utility, Petition for Withdrawal of Cost Allocation Manual [CC Docket No. 96-193; AAD 95-91] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4056. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of Sections 68.104 and 68.213 of the Commission's Rules Concerning Connection of Simple Inside Wiring to the Telephone Network, and Petition for Modification of Section 68.213 of the Commission's Rules filed by the Electronic Industries Association [CC Docket No. 88-57; RM-5643] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4057. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Raton, New Mexico) [MM Docket No. 96-206, RM-8877] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4058. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Nashville, Arkansas) [MM Docket No. 97-16, RM-8932] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4059. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Chatom and Grove Hill, Alabama) [MM Docket No. 97-71, RM-8920] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4060. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Glenwood Springs, Colorado) [MM Docket No. 97-40, RM-8949] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4061. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mukwonago, Wisconsin) [MM Docket No. 97-92, RM-9032] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4062. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Dickson, Oklahoma) [MM Docket No. 96-248, RM-8950] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4063. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Naches, Washington) [MM Docket No. 97-2, RM-8955] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4064. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano and Marble Falls, Texas) [MM Docket No. 95-49, RM-8558] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4065. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97-37, RM-8975] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4066. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Victor, Idaho) [MM Docket No. 97-33, RM-8937] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4067. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Valdez, Alaska) [MM Docket No. 96-258, RM-8967] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4068. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Franklin, Idaho) [MM Docket No. 97-13, RM-8915] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4069. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grass Valley, California) [MM Docket No. 97-29, RM-8921] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4070. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Portland and Seaside, Oregon) [MM Docket No. 96-212, RM-8884] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4071. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alamogordo, New Mexico) [MM Docket No. 96-144, RM-8827] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4072. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Concerning Trade Regulation Rule on Care Labeling of Textile Wearing Apparel and Certain Piece Goods; Conditional Exemption From Terminology Section of the Care Labeling Rule [16 CFR Part 423] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4073. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports [Docket No. 96N-0108] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4074. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F-0062] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4075. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final

rule—Indirect Food Additives: Polymers; Technical Amendment [Docket No. 97F-0198] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4076. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Investigational New Drug Application; Exception from Informed Consent; Technical Amendment [Docket No. 97N-0223] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4077. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Adminsitration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 97F-0004] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4078. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for the EDGAR System (RIN: 3235-AG96) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4079. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 10-97 extending U.S. involvement in the Cooperative Outboard Logistics Update (COBLU) with the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

4080. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Bahrain for defense articles and services (Transmittal No. 97-22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

4081. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4082. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform and Oversight.

4083. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Chief Financial Officers Act Report for the Federal Deposit Insurance Corporation for 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4084. A letter from the Chairman, Federal Housing Finance Board, transmitting the 1996 management reports of the 12 Federal Home Loan Banks and the Financing Corporation, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

4085. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

4086. A letter from the Secretary, Smithsonian Institution, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4087. A letter from the Chief, Forest Service, transmitting a copy of the Final Environmental Impact Statement, Record of Decision, and the Revised Land and Resource Management Plan for the Tongass National Forest; to the Committee on Resources.

4088. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 062497C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4089. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; "Other Rockfish" Species Group in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 062497B] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4090. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 961227373-6373-01; I.D. 062797C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4091. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Define Fishing Trip in Groundfish Fisheries [Docket No. 970619143-7143-01; I.D. 061097A] (RIN: 0648-AC68) received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4092. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 960805216-7111-06; I.D. 063097C] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4093. A letter from the Acting Director, Office of Surface Mining Reclamation and Enforcement, transmitting the Office's final rule—Virginia Abandoned Mine Land Reclamation Plan [VA-104-FOR] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4094. A letter from the Director, Executive Office for U.S. Trustees, Department of Justice, transmitting the Department's final rule—Qualifications and Standards for Standing Trustees (RIN: 1105-AA32) received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4095. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Civil Money Penalties Inflation Adjustments (Coast Guard) [CGD 96-052] (RIN: 2105-AC63) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4096. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and Class E Airspace; Los Angeles, CA (Federal Aviation Administration) [Airspace Docket No. 97-AWP-15] (RIN: 2120-AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4097. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Lewisburg, WV (Federal Aviation Administration) [Airspace Docket No. 97-AEA-24] (RIN: 2120-AA66) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4098. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28936; Amdt. No. 403] (RIN: 2120-AA65) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4099. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, and -500 Series Airplanes [Docket No. 97-NM-28-AD; Amendment 39-10060; AD 97-14-03] (RIN: 2120-AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4100. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-154-AD; Amdt. 39-10051; AD 97-13-05] (RIN: 2120-AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4101. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Standard 54H60 Series Propellers (Federal Aviation Administration) [Docket No. 97-ANE-24-AD; Amdt. 39-10054; AD 97-13-07] (RIN: 2120-AA64) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4102. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (Coast Guard) [CGD08-97-018] (RIN: 2115-AE84) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4103. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes, Excluding Airplanes Equipped With Pratt & Whitney PW4000 and General Electric CF6-80C2 Series Engines (Federal Aviation Administration) [Docket No. 97-NM-94-AD; Amdt. 39-10064; AD 97-14-06] (RIN: 2120-AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4104. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G-159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97-NM-17-AD; Amdt. 39-10066; AD 97-14-08] (RIN: 2120-AA64) received July 7, 1997, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4105. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G-I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–16–AD; Amdt. 39–10068; AD 97–14–10] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4106. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Lockhead Model L–1011 Series Airplanes Equipped with Rolls-Royce Model RB211–524 Series Engines (Federal Aviation Administration) [Docket No. 97–NM–06–AD; Amdt. 39–10065, AD 97–14–07] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4107. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace Corporation Model G–159 (G–I) Airplanes (Federal Aviation Administration) [Docket No. 97–NM–15–AD; Amdt. 39–10067; AD 97–14–09] (RIN: 2120–AA64) received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4108. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903 [STB Ex Parte No. 537] received July 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4109. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans' Benefits Improvements Act of 1996 (RIN: 2900–AI66) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4110. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Veterans Education: Submission of School Catalogs to State Approving Agencies (RIN: 2900–AH97) received June 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4111. A letter from the Chief Counsel, Bureau of the Public Debt, transmitting the Bureau's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes, and Bills; Determination Regarding State Statute; District of Columbia [Department of the Treasury Circular, Public Debt Series, No. 2–86] received July 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4112. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accelerated Cost Recovery System [Revenue Ruling 97–29] received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4113. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Claims for Certain Income Tax Convention Benefits [TD 8722] (RIN: 1545–AV33) received June 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4114. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transition Relief for Failures to Make Plan Distribution to Certain Employees or Offer Options to Defer Distribution by April 1, 1997 [Announcement 97–70] received July 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 1, 1997)

Mr. REGULA: Committee on Appropriations. H.R. 2107. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–163). Referred to the Committee of the Whole House on the State of the Union.

(Pursuant to the order of the House on June 26, 1997 the following report was filed on July 3, 1997)

Mr. LEACH: Committee on Banking and Financial Services. H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes; with an amendment (Rept. 105–164 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2018. A bill to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY; with an amendment (Rept. 105–165). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1198. A bill to direct the Secretary of the Interior to convey certain land to the city of Grants Pass, OR, with an amendment (Rept. 105–166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Senate Joint Resolution 29. An act to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes (Rept. 105–167). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 822. A bill to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, WA; with an amendment (Rept. 105–168). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1658. A bill to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; with an amendment (Rept. 105–169). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 951. A bill to require the Secretary of the Interior to exchange certain lands located in Hinsdale, CO, (Rept. 105–170). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 960. A bill to validate certain conveyances in the city of Tulare, Tulare County, CA, and for other purposes; with an amendment (Rept. 105–171). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 179. Resolution providing for consideration of the bill (H.R. 1775) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 105–172). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 180. Resolution providing for consideration of the bill (H.R. 858) to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen and Tahoe National Forest in the State of California to demonstrate the effectiveness of the resource management activities proposed by the Quincy Library Group and to amend current land and resource management plans for these national forests to consider the incorporation of these resource management activities (Rept. 105–173). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

(The following action occurred on July 1, 1997)

Pursuant to clause 5 of rule X the Committee on National Security discharged from further consideration. H.R. 1775 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

(The following action occurred on July 3, 1997)

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than September 15, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON:

H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, UT, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; to the Committee on Resources.

By Mr. COOK:

H.R. 2109. A bill to amend the Federal Election Campaign Act of 1971 to require reports filed under such act to be filed electronically and to require the Federal Election Commission to make such reports available to the public within 24 hours of receipt; to the Committee on House Oversight.

By Ms. DELAURO (for herself, Mr. GEJDENSON, Mr. GONZALEZ, Mr. EVANS, Mr. ABERCROMBIE, Ms. KILPATRICK, Mr. STARK, Mr. DELLUMS, and Ms. RIVERS):

H.R. 2110. A bill to require employer health benefit plans to meet standards relating to the nondiscriminatory treatment of neurobiological disorders, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Commerce,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 2111. A bill to reduce the amounts allocated for payments pursuant to production flexibility contracts entered into under the Agricultural Market Transition Act; to the Committee on Agriculture.

By Mr. FRANKS of New Jersey (for himself, Mr. DEFAZIO, Mr. OBERSTAR, Mr. CLEMENT, and Mr. FRANK of Massachusetts):

H.R. 2112. A bill to amend the Communications Act of 1934 to increase the forfeiture penalty for telephone service slamming and to require providers of such service to report slamming incidents, and for other purposes; to the Committee on Commerce.

By Mr. GEKAS (for himself and Mr. FROST):

H.R. 2113. A bill to amend the Internal Revenue Code of 1986 to exempt from certain reporting requirements certain amounts paid to election officials and election workers; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 2114. A bill to amend the Federal Reserve Act to provide for the appointment of the presidents of the Federal reserve banks by the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking and Finance Services.

By Mr. LIVINGSTON:

H.R. 2115. A bill to provide that compliance by States with the National Voter Registration Act of 1993 shall be voluntary; to the Committee on House Oversight.

By Mr. PASCRELL:

H.R. 2116. A bill to designate the post office located at 194 Ward Street, in Paterson, NJ, as the "Larry Doby Post Office"; to the Committee on Government Reform and Oversight.

By Mr. PITTS:

H.R. 2117. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of farmland which by covenant is restricted to use as farmland and to exclude the value of such farmland from estate taxes; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 2118. A bill to prohibit smoking in Federal buildings; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. MURTHA, Mr. SOLOMON, Mr. PAXON, Ms. MOLINARI, Mr. MCNULTY, Mr. LATOURETTE, Mr. WELDON of Florida, Mr. ACKERMAN, Mr. FORBES, Mr. BAKER, Mrs. MALONEY of New York, Mr. EHRLICH, Mr. COOK, Mr. LIVINGSTON, Mr. FLAKE, Mr. WELLER, Mr. TOWNS, Mr. ENGEL, Ms. DUNN of Washington, Mr. HALL of Ohio, Mr. MCINTOSH, Mr. MEEHAN, Mr. LEWIS of California, Mr. GIBBONS, Mr. MASCARA, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. CLEMENT, Mr. FOLEY, Mr. CALLAHAN, Mr. MCHALE, Mr. BROWN of California, Mr. DAVIS of Virginia, Mr. JENKINS, Mr. GORDON, Mr. FILNER, Mr. WOLF, Mr. MCINTYRE, Mr. ORTIZ, Mr. RAMSTAD, Mrs. MCCARTHY of New York, Mr. HEFNER, Mr. BURTON of Indiana, Ms. RIVERS, Mr. MCGOVERN, Mr. SESSIONS, Mr. LOBIONDO, Mr. COOKSEY, Mr. METCALF, Mr. HUTCHINSON, Mr. BROWN of Ohio, Mr. BENTSEN, Mr. SMITH of New Jersey, Mr. MANTON, Mr. SHAYS, Mr. ALLEN, Mr. LIPINSKI, Mr. NEAL of Massachusetts, Mr. KASICH, Mr. WALSH, Mr. BUYER, Mr. BOEHLERT, Mr. ADERHOLT, Mr. CANADY of Florida, Mr. BALLENGER, Mr. WELDON of Pennsylvania, Mrs. MINK of Hawaii, Mrs. KELLY, and Mr. MANZULLO):

H. Con. Res. 109. Concurrent resolution recognizing the many talents of the actor Jimmy Stewart and honoring the contributions he made to the Nation; to the Committee on Government Reform and Oversight.

By Ms. JACKSON-LEE (for herself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FROST, Mr. GREEN, Mr. ARCHER, Mr. REYES, Mr. GONZALEZ, Mr. BENTSEN, and Mr. LAMPSON):

H. Con. Res. 110. Concurrent resolution to congratulate and commend the United Way of the Texas gulf coast on the occasion of its 75th anniversary; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. CARSON, Mr. CLAY, Ms. ESHOO, Mr. FILNER, Mr. FLAKE, Mr. OWENS, Mr. SABO, Mr. STARK, and Mr. VENTO.

H.R. 15: Mr. BROWN of California and Mrs. CLAYTON.

H.R. 45: Mr. MARTINEZ and Mr. MCGOVERN.

H.R. 51: Mr. RAHALL.

H.R. 53: Ms. WOOLSEY.

H.R. 58: Mr. EVERETT and Mr. DUNCAN.

H.R. 59: Mr. MCINTOSH, Mr. RADANOVICH, and Mr. PITTS.

H.R. 122: Mrs. LINDA SMITH of Washington and Mr. GRAHAM.

H.R. 192: Mr. TANNER.

H.R. 197: Mrs. MEEK of Florida.

H.R. 264: Mr. VENTO.

H.R. 339: Mrs. LINDA SMITH of Washington and Mr. JONES.

H.R. 343: Mr. GIBBONS.

H.R. 367: Mr. CLAY, Mr. WELDON of Pennsylvania, Mr. EVANS, Mr. FILNER, Mr. MICA, Mr. KASICH, and Mr. CALLAHAN.

H.R. 387: Mr. SANFORD, Mr. MILLER of Florida, and Mr. CANNON.

H.R. 399: Mr. GIBBONS.

H.R. 414: Mr. TANNER.

H.R. 492: Ms. WOOLSEY.

H.R. 519: Ms. MCCARTHY of Missouri.

H.R. 616: Mr. ALLEN, Ms. HARMAN, and Mr. ROEMER.

H.R. 631: Mr. ROHRABACHER.

H.R. 633: Mrs. MORELLA and Mr. HOYER.

H.R. 681: Mr. POMBO and Ms. HARMAN.

H.R. 753: Mr. HASTINGS of Florida, Mr. DIXON, and Mr. GEJDENSON.

H.R. 754: Mr. GUTIERREZ and Mr. TRAFICANT.

H.R. 767: Mr. GIBBONS.

H.R. 774: Ms. RIVERS and Ms. JACKSON-LEE.

H.R. 789: Mr. DAN SCHAEFER of Colorado.

H.R. 813: Mr. BUNNING of Kentucky.

H.R. 859: Mr. MCINTOSH.

H.R. 875: Mr. BLILEY and Ms. SANCHEZ.

H.R. 883: Mr. SKAGGS.

H.R. 887: Mr. FRANK of Massachusetts.

H.R. 915: Mr. MALONEY of Connecticut, Mr. ACKERMAN, Mrs. KENNELLY of Connecticut, Ms. SLAUGHTER, Mr. SNYDER, Mr. JACKSON, and Mr. GUTIERREZ.

H.R. 921: Mr. KENNEDY of Rhode Island.

H.R. 965: Mr. GIBBONS.

H.R. 977: Mr. POSHARD.

H.R. 978: Mr. OLVER.

H.R. 991: Ms. BROWN of Florida.

H.R. 1002: Mr. GIBBONS and Ms. DEGETTE.

H.R. 1023: Ms. MCCARTHY of Missouri, Mr. LAMPSON, Mr. SESSIONS, Mr. SMITH of Michigan, and Mr. JONES.

H.R. 1050: Ms. CARSON and Mr. MCGOVERN.

H.R. 1054: Ms. HOOLEY of Oregon, Mr. PRICE of North Carolina, Mr. GIBBONS, and Mr. ENSIGN.

H.R. 1060: Mr. PICKETT, Mr. OBERSTAR, Mr. FROST, Mr. CALLAHAN, Mr. STUMP, Mr. SISISKY, and Mr. ISTOOK.

H.R. 1061: Mrs. MEEK of Florida and Mr. PASCRELL.

H.R. 1108: Mr. BURTON of Indiana.

H.R. 1114: Mr. PRICE of North Carolina, Mr. BARRETT of Wisconsin, Mr. GILMAN, Mrs. FOWLER, Mr. ENGEL, Mr. LAMPSON, Mr. RUSH, and Mr. BALDACCI.

H.R. 1126: Mr. HANSEN and Mr. METCALF.

H.R. 1161: Mr. PAYNE.

H.R. 1165: Mrs. CLAYTON, Mr. NADLER, Mr. TOWNS, Mr. TRAFICANT, and Mr. TURNER.

H.R. 1168: Mr. CONDIT, Mr. NORWOOD, Mr. METCALF, and Mr. LEACH.

H.R. 1169: Mr. FRANKS of New Jersey.

H.R. 1171: Mr. RYUN, Mr. ROHRABACHER, and Mr. MASCARA.

H.R. 1175: Ms. SANCHEZ.

H.R. 1181: Mr. HOUGHTON, Mr. KING of New York, Mr. OLVER, Mr. LAZIO of New York, Mr. DOYLE, and Mr. KENNEDY of Massachusetts.

H.R. 1240: Mr. OLVER and Mr. KENNEDY of Rhode Island.

H.R. 1280: Mr. WEXLER and Mr. JONES.

H.R. 1283: Mr. CALVERT, Mrs. NORTHUP, Mr. BURTON of Indiana, Mr. BLUMENAUER, and Mr. CASTLE.

H.R. 1296: Mr. FROST.

H.R. 1330: Mr. PETERSON of Minnesota.

H.R. 1334: Ms. MILLENDER-MCDONALD.

H.R. 1373: Mr. THOMPSON and Mr. BROWN of Ohio.

H.R. 1376: Mr. JACKSON, Mr. PASCRELL, Mr. OLVER, Mr. GREEN, and Mr. ROTHMAN.

H.R. 1437: Mr. ACKERMAN, Mr. CAPPS, Mr. MILLER of California, Mr. STARK, Mr. KENNEDY of Massachusetts, Mr. FROST, Ms. MCKINNEY, Mr. GILMAN, and Mrs. ROUKEMA.

H.R. 1450: Mr. VISCLOSKY and Mr. KILDEE.

H.R. 1492: Mr. STUMP.

H.R. 1500: Mr. MALONEY of Connecticut.

H.R. 1507: Mr. EVANS, Ms. LOFGREN, Mr. COYNE, Mr. ABERCROMBIE, Mr. DIXON, Mr. CONYERS, Mr. STUPAK, Mr. SCOTT, Ms. JACKSON-LEE, Ms. PELOSI, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. WYNN, Mr. WATT of North Carolina, Mr. PASTOR, and Mr. STOKES.

H.R. 1526: Mr. SENSENBRENNER, Mr. MCINTYRE, Mr. ANDREWS, Mr. KLECZKA, Mr. LEACH, Mr. WHITFIELD, Mr. SOUDER, and Mrs. NORTHUP.

H.R. 1534: Mr. DOOLEY of California, Mr. FROST, Mr. HASTINGS of Washington, Mr. HANSEN, Mr. RILEY, and Mr. BOB SCHAFFER.

H.R. 1543: Mr. MARTINEZ.

H.R. 1544: Mr. COOK, Mr. TALENT, and Mr. GOODLATTE.

H.R. 1609: Mr. DELAHUNT.

H.R. 1614: Mr. GIBBONS, Mr. WOLF, and Mr. MANTON.

H.R. 1619: Mr. JOHN, Mr. HAMILTON, Mr. SHIMKUS, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. ROEMER, Mr. LATHAM, Mr. CAMP, and Mr. MORAN of Kansas.

H.R. 1636: Mr. LEVIN, Mr. LIPINSKI, Mr. LAMPSON, and Mr. SABO.

H.R. 1679: Mr. DOYLE and Mr. MCDADE.
H.R. 1689: Mr. PETERSON of Minnesota.
H.R. 1693: Mr. GUTIERREZ, Ms. RIVERS, and Ms. MILLENDER-MCDONALD.
H.R. 1709: Mr. MCINTOSH, Mr. DOOLITTLE, Mr. CUNNINGHAM, Mr. THORNBERRY, Mr. BOB SCHAFFER, Mr. GOODLATTE, Mr. MANZULLO, Mr. SMITH of Texas, Mrs. CHENOWETH, Mr. SENSENBRENNER, Mr. PORTER, and Mr. KLUG.
H.R. 1716: Mrs. MALONEY of New York and Ms. FURSE.
H.R. 1743: Mr. HASTINGS of Washington.
H.R. 1782: Ms. WOOLSEY.
H.R. 1802: Mr. DIAZ-BALART, Mr. KING of New York, and Mr. SOLOMON.
H.R. 1812: Mrs. MYRICK.
H.R. 1814: Mr. FRANK of Massachusetts.
H.R. 1824: Mr. OLVER, Mr. PAYNE, and Mr. FLAKE.
H.R. 1836: Mr. SUNUNU.
H.R. 1839: Mr. TAYLOR of Mississippi, Mr. SNOWBARGER, and Mr. HANSEN.
H.R. 1849: Mr. FROST, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, Mr. WATKINS, Mr. BURR of North Carolina, Mr. WATTS of Oklahoma, Mr. ISTOOK, and Mr. UNDERWOOD.
H.R. 1855: Mr. KENNEDY of Massachusetts, Mr. TIERNEY, and Mr. LOBIONDO.
H.R. 1859: Mr. BARRETT of Nebraska.
H.R. 1873: Mr. MCGOVERN.
H.R. 1874: Mr. BENTSEN, Mr. DELLUMS, and Mr. STARK.
H.R. 1912: Mr. BATEMAN.
H.R. 1946: Mr. MANTON and Mr. FILNER.
H.R. 1955: Mr. SESSIONS, Mr. HOBSON, Mr. LIPINSKI, Ms. DUNN of Washington, Ms. HOOLEY of Oregon, and Mr. CANADY of Florida.
H.R. 1993: Ms. CARSON.
H.R. 2005: Mr. DAN SCHAEFER of Colorado, Mr. WATTS of Oklahoma, Ms. VELÁZQUEZ, and Mr. MCNULTY.
H.R. 2011: Mr. COOKSEY, Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. EHRLICH, and Mr. WATTS of Oklahoma.
H.R. 2029: Mr. PETERSON of Pennsylvania and Mr. HASTINGS of Florida.
H.R. 2031: Mr. FLAKE and Mr. RUSH.
H.R. 2064: Mr. HILLIARD and Mr. HOUGHTON.
H.R. 2070: Mrs. KELLY and Mr. MCHUGH.
H.R. 2081: Mr. WELDON of Florida.
H.R. 2103: Mr. LAHOOD and Mr. LATOURETTE.
H.J. Res. 76: Mr. SANDERS and Mr. LAMPSON.
H.J. Res. 78: Ms. DUNN of Washington, Mr. CAMP, Mr. BATEMAN, Mr. MCINTYRE, Mr. COOKSEY, Mr. COBLE, Mr. REDMOND, and Ms. CHRISTIAN-GREEN.
H. Con. Res. 6: Mr. TALENT and Mr. GOODE.
H. Con. Res. 40: Mr. RANGEL, Mr. LEACH, Ms. CARSON, Mr. FROST, Ms. WOOLSEY, and Mr. YATES.
H. Con. Res. 52: Mr. NADLER, Mrs. MEEK of Florida, and Mrs. MCCARTHY of New York.
H. Con. Res. 55: Mr. BILIRAKIS, Mr. MARKEY, Mr. BLILEY, and Mrs. LOWEY.
H. Con. Res. 97: Mr. TORRES and Mr. STARK.
H. Con. Res. 107: Mr. GREENWOOD.
H. Res. 16: Mr. FROST and Mr. WOLF.
H. Res. 26: Mr. MARKEY, Mrs. LOWEY, Mr. PASCRELL, Ms. BROWN of Florida, and Mr. MEEHAN.
H. Res. 37: Mr. FATTAH, Mr. BERMAN, and Mr. UNDERWOOD.
H. Res. 50: Mr. DOYLE.
H. Res. 122: Mr. DELLUMS and Mr. FRANKS of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 886: Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 858

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(3) RIPARIAN RESTORATION.—During any fiscal year in which the resource management activities required by subsection (d) result in net revenues, the Secretary shall recommend to the authorization and appropriation committees that up to 25 percent of such net revenues be made available in the subsequent fiscal year for riparian restoration projects that are consistent with the Quincy Library Group-Community Stability Proposal within the Plumas National Forest, the Lassen National Forest, and the Sierraville Ranger District of the Tahoe National Forest. For purposes of this paragraph, net revenues are the revenues derived from activities required by subsection (d), less expenses incurred to undertake such activities (including 25 percent payment to the State of California under the Act of May 23, 1908 (Chapter 192; 35 Stat. 259; 16 U.S.C. 500, 553, 556d).

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall implement and carry out the following resource management activities on an acreage basis on the Federal lands included within the pilot project area designated under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) EFFECT ON MULTIPLE USE ACTIVITIES.—The Secretary shall not rely on the resource management activities described in subsection (d) as a basis for administrative action limiting other multiple use activities in the Plumas National Forest, the Lassen National Forest, and the Tahoe National Forest.

(g) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas

National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(h) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (j).

(2) The date that is five years after the date of the commencement of the pilot project.

(i) EXPEDITIOUS IMPLEMENTATION AND ENVIRONMENTAL LAW COMPLIANCE.—

(1) ENVIRONMENTAL LAW REQUIREMENT.—All environmental impact statements for which a final record of decision is required to be prepared in accordance with this subsection, and all records of decision adopted under this subsection, shall comply with applicable environmental laws and the standards and guidelines for the conservation of the California spotted owl as set forth in the California Spotted Owl Province Interim Guidelines issued by the Forest Service, and subsequently issued final standards and guidelines that modify such interim guidelines when such final standards and guidelines become effective.

(2) ENVIRONMENTAL IMPACT STATEMENT FOR PILOT PROJECT AND FIRST INCREMENT.—Not later than the expiration of the 150-day period beginning on the date of the enactment of this Act, the Regional Forester for Region 5 shall, after a 45-day period for public comment on the draft environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) for all of the pilot project area specified in subsection (b)(2) that covers the resource management activities required by subsection (d) for the 5-year duration of the pilot project—

(A) adopt a final record of decision for that statement; and

(B) include as part of that statement a project level analysis of the specific resource management activities required by subsection (d) that will be carried out in an area within the pilot project area during the increment of the pilot project that begins on the day that is 150 days after enactment of this Act and ends December 31, 1998.

(3) SUBSEQUENT YEARLY ENVIRONMENTAL DOCUMENTS.—Not later than January 1 of 1999 and of each year thereafter throughout the term of the pilot project, the Regional Forester for Region 5 shall, after a 45-day public comment period, adopt a final record of decision for the environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 consisting of a project level analysis of the specific resource management activities required by subsection (d) that will be carried out during that year. A statement prepared under this paragraph shall be tiered where appropriate to the environmental impact statement referred to in paragraph (2), in accordance with regulations issued by the Council on Environmental Quality.

(4) CONSULTATION.—Each statement and analysis required by paragraphs (2) and (3) shall be prepared in consultation with the Quincy Library Group.

(5) FOREST SERVICE FOCUS.—

(A) IN GENERAL.—The Regional Forester for Region 5 shall direct that, during the period described in subparagraph (B)—

(i) any resource management activity required by subsection (d), all road building, and all timber harvesting activities shall not be conducted on the Federal lands within the Plumas National Forest, Lassen National Forest, and Sierraville Ranger District of the Tahoe National Forest in the State of California that are designated as either "Off Base" or "Deferred" on the map referred to in subsection (a); and

(ii) excess financial and human resources available to National Forests and Ranger Districts that are participating in the pilot project shall be applied to achieve the resource management activities required by subsection (d) and the other requirements of this section within the pilot project area specified in subsection (b)(2).

(B) PERIOD DESCRIBED.—The period referred to in subparagraph (A) is when the resource management activities required by subsection (d) are being carried out, or are eligible to be carried out, on the ground on a schedule that will meet the yearly acreage requirements of subsection (d) and under environmental documentation that is timely prepared under the schedule established by paragraphs (2) and (3).

(6) PROTECTION OF EXISTING WILDERNESS.—This section shall not be construed to authorize any resource management activity in any area required to be managed as part of the National Wilderness Preservation System.

(7) CONTRACTING.—The Forest Service, subject to the availability of appropriations, may carry out any (or all) of the requirements of this section using private contracts.

(j) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(k) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (g)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (g)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(l) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(m) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 858

OFFERED BY MR. MILLER OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 2: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quincy Library Group Forest Recovery and Economic Stability Act of 1997".

SEC. 2. PILOT PROJECT FOR PLUMAS, LASSEN, AND TAHOE NATIONAL FORESTS TO IMPLEMENT QUINCY LIBRARY GROUP PROPOSAL.

(a) DEFINITION.—For purposes of this section, the term "Quincy Library Group-Community Stability Proposal" means the agreement by a coalition of representatives of fisheries, timber, environmental, county government, citizen groups, and local communities that formed in northern California to develop a resource management program that promotes ecologic and economic health for certain Federal lands and communities in the Sierra Nevada area. Such proposal includes the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993, and prepared by VESTRA Resources of Redding, California.

(b) PILOT PROJECT REQUIRED.—

(1) PILOT PROJECT AND PURPOSE.—The Secretary of Agriculture (in this section referred to as the "Secretary"), acting through the Forest Service and after completion of an environmental impact statement, shall conduct a pilot project on the Federal lands described in paragraph (2) to implement and demonstrate the effectiveness of the resource management activities described in subsection (d) and the other requirements of this section, as recommended in the Quincy Library Group-Community Stability Proposal.

(2) PILOT PROJECT AREA.—The Secretary shall conduct the pilot project on the Federal lands within Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest in the State of California designated as "Available for Group Selection" on the map entitled "QUINCY LIBRARY GROUP Community Stability Proposal", dated June 1993 (in this section referred to as the "pilot project area"). Such map shall be on file and available for inspection in the appropriate offices of the Forest Service.

(c) EXCLUSION OF CERTAIN LANDS AND RIPARIAN PROTECTION.—

(1) EXCLUSION.—All spotted owl habitat areas and protected activity centers located within the pilot project area designated under subsection (b)(2) will be deferred from resource management activities required under subsection (d) and timber harvesting during the term of the pilot project.

(2) RIPARIAN PROTECTION.—

(A) IN GENERAL.—The Scientific Analysis Team guidelines for riparian system protection described in subparagraph (B) shall apply to all resource management activities conducted under subsection (d) and all timber harvesting activities that occur in the pilot project area during the term of the pilot project.

(B) GUIDELINES DESCRIBED.—The guidelines referred to in subparagraph (A) are those in the document entitled "Viability Assessments and Management Considerations for Species Associated with Late-Successional and Old-Growth Forests of the Pacific Northwest", a Forest Service research document dated March 1993 and co-authored by the Scientific Analysis Team, including Dr. Jack Ward Thomas.

(d) RESOURCE MANAGEMENT ACTIVITIES.—During the term of the pilot project, the Secretary shall, to the extent consistent with applicable Federal law and the standards and guidelines for the conservation of the California Spotted Owl as set forth in the California Spotted Owl Sierran Province Interim Guidelines, implement and carry out the following resource management activities on the Federal lands included within the pilot project area under subsection (b)(2):

(1) FUELBREAK CONSTRUCTION.—Construction of a strategic system of defensible fuel profile zones, including shaded fuelbreaks, utilizing thinning, individual tree selection, and other methods of vegetation management consistent with the Quincy Library Group-Community Stability Proposal, on not less than 40,000, but not more than 60,000, acres per year.

(2) GROUP SELECTION AND INDIVIDUAL TREE SELECTION.—Utilization of group selection and individual tree selection uneven-aged forest management prescriptions described in the Quincy Library Group-Community Stability Proposal to achieve a desired future condition of all-age, multistory, fire resilient forests as follows:

(A) GROUP SELECTION.—Group selection on an average acreage of .57 percent of the pilot project area land each year of the pilot project.

(B) INDIVIDUAL TREE SELECTION.—Individual tree selection may also be utilized within the pilot project area.

(3) TOTAL ACREAGE.—The total acreage on which resource management activities are implemented under this subsection shall not exceed 70,000 acres each year.

(4) RIPARIAN MANAGEMENT.—A program of riparian management, including wide protection zones and an active restoration effort.

(e) COST-EFFECTIVENESS.—In conducting the pilot project, Secretary shall use the most cost-effective means available, as determined by the Secretary, to implement resource management activities described in subsection (d).

(f) FUNDING.—

(1) SOURCE OF FUNDS.—In conducting the pilot project, the Secretary shall use—

(A) those funds specifically provided to the Forest Service by the Secretary to implement resource management activities according to the Quincy Library Group-Community Stability Proposal; and

(B) excess funds that are allocated for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest.

(2) PROHIBITION ON USE OF CERTAIN FUNDS.—The Secretary may not conduct the pilot project using funds appropriated for any other unit of the National Forest System.

(3) FLEXIBILITY.—During the term of the pilot project, the forest supervisors of Plumas National Forest, Lassen National Forest, and Tahoe National Forest may allocate and use all accounts that contain excess funds and all available excess funds for the administration and management of Plumas National Forest, Lassen National Forest, and the Sierraville Ranger District of Tahoe National Forest to perform the resource management activities described in subsection (d).

(4) RESTRICTION.—The Secretary or the forest supervisors, as the case may be, shall not utilize authority provided under paragraphs (1)(B) and (3) if, in their judgment, doing so will limit other nontimber related multiple use activities for which such funds were available.

(5) OVERHEAD.—Of amounts available to carry out this section—

(A) not more than 12 percent may be used or allocated for general administration or other overhead; and

(B) at least 88 percent shall be used to implement and carry out activities required by this section.

(6) AUTHORIZED SUPPLEMENTAL FUNDS.—There are authorized to be appropriated to implement and carry out the pilot project such sums as are necessary.

(g) TERM OF PILOT PROJECT.—The Secretary shall conduct the pilot project during the period beginning on the date of the enactment of this Act and ending on the earlier of the following:

(1) The date on which the Secretary completes amendment or revision of the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest pursuant to subsection (h).

(2) The date that is five years after the date of the commencement of the pilot project.

(h) CORRESPONDING FOREST PLAN AMENDMENTS.—Within 180 days after the date of the enactment of this Act, the Regional Forester for Region 5 shall initiate the process to amend or revise the land and resource management plans for Plumas National Forest, Lassen National Forest, and Tahoe National Forest. The process shall include preparation of at least one alternative that—

(1) incorporates the pilot project and area designations made by subsection (b), the resource management activities described in subsection (d), and other aspects of the Quincy Library Group Community Stability Proposal; and

(2) makes other changes warranted by the analyses conducted in compliance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604), and other applicable laws.

(i) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than February 28 of each year during the term of the pilot project, the Secretary after consultation with the Quincy Library Group, shall submit to Congress a report on the status of the pilot project. The report shall include at least the following:

(A) A complete accounting of the use of funds made available under subsection (f)(1)(A) until such funds are fully expended.

(B) A complete accounting of the use of funds and accounts made available under subsection (f)(1) for the previous fiscal year, including a schedule of the amounts drawn from each account used to perform resource management activities described in subsection (d).

(C) A description of total acres treated for each of the resource management activities required under subsection (d), forest health improvements, fire risk reductions, water yield increases, and other natural resources-related benefits achieved by the implementation of the resource management activities described in subsection (d).

(D) A description of the economic benefits to local communities achieved by the implementation of the pilot project.

(E) A comparison of the revenues generated by, and costs incurred in, the implementation of the resource management activities described in subsection (d) on the

Federal lands included in the pilot project area with the revenues and costs during each of the fiscal years 1992 through 1997 for timber management of such lands before their inclusion in the pilot project.

(F) A schedule for the resource management activities to be undertaken in the pilot project area during the calendar year.

(2) LIMITATION ON EXPENDITURES.—The amount of Federal funds expended on each annual report under this subsection shall not exceed $50,000.

(j) FINAL REPORT.—

(1) IN GENERAL.—Beginning after completion of 6 months of the second year of the pilot project, the Secretary shall compile a science-based assessment of, and report on, the effectiveness of the pilot project in meeting the stated goals of this pilot project. Such assessment and report—

(A) shall include watershed monitoring of lands treated under this section, that should address the following issues on a priority basis: timing of water releases, water quality changes, and water yield changes over the short and long term in the pilot project area;

(B) shall be compiled in consultation with the Quincy Library Group; and

(C) shall be submitted to the Congress by July 1, 2002.

(2) LIMITATIONS ON EXPENDITURES.—The amount of Federal funds expended for the assessment and report under this subsection, other than for watershed monitoring under paragraph (1)(A), shall not exceed $150,000. The amount of Federal funds expended for watershed monitoring under paragraph (1)(A) shall not exceed $75,000 for each of fiscal years 2000, 2001, and 2002.

(k) RELATIONSHIP TO OTHER LAWS.—Nothing in this section exempts the pilot project from any Federal environmental law.

H.R. 1775

OFFERED BY: MR. CONYERS

AMENDMENT NO. 2: Page 10, after line 15, insert the following new section:

SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE CURRENT AND SUCCEEDING FISCAL YEARS.

At the time of submission of the budget of the United States Government submitted for fiscal year 1999 under section 1105(a) of title 31, United States Code, and for each fiscal year thereafter, the President shall submit to Congress a separate, unclassified statement of the appropriations and proposed appropriations for the current fiscal year, and the amount of appropriations requested for the fiscal year for which the budget is submitted, for national and tactical intelligence activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.

H.R. 1775

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 3: Page 6, after line 24, insert the following new section:

SEC. 105. REDUCTION IN FISCAL YEAR 1998 INTELLIGENCE BUDGET.

(a) REDUCTION.—The amount obligated for activities for which funds are authorized to be appropriated by this Act (including the classified Schedule of Authorizations referred to in section 102(a)) may not exceed—

(1) the amount that the bill H.R. 1775, as reported in the House of Representatives in the 105th Congress, authorizes for such activities for fiscal year 1998, reduced by

(2) the amount equal to 0.7 percent of such authorization.

(b) EXCEPTION.—The amounts appropriated pursuant to section 201 for the Central Intelligence Agency Retirement and Disability Fund may not be reduced by reason of subsection (a).

(c) TRANSFER AND REPROGRAMMING AUTHORITY.—(1) The President, in consultation with the Director of Central Intelligence and the Secretary of Defense, may apply the limitation required by subsection (a) by transferring amounts among accounts or reprogramming amounts within an account, as specified in the classified Schedule of Authorizations referred to in section 102(a).

(2) Before carrying out paragraph (1), the President shall submit a notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, which notification shall include the reasons for each proposed transfer or reprogramming.

H.R. 1775

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 4: Page 10, after line 15, insert the following new section:

SEC. 306. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

H.R. 1775

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: Page 10, after line 15, insert the following new section:

SEC. 306. ESTABLISHMENT OF 3-JUDGE DIVISION OF THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA FOR DETERMINATION OF WHETHER CASES ALLEGING BREACH OF SECRET GOVERNMENT CONTRACTS SHOULD BE TRIED IN COURT.

(a) ASSIGNMENT OF JUDGES.—The Chief Justice of the United States shall assign 3 circuit judges or justices (which may include senior judges or retired justices) to a division of the United States Court of Appeals for the District of Columbia for the purpose of determining whether an action brought by a person, including a foreign national, in a court of the United States of competent jurisdiction for compensation for services performed for the United States pursuant to a secret Government contract may be tried by the court. The division of the court may not determine that the case cannot be heard solely on the basis of the nature of the services to be provided under the contract.

(b) *Assignment and Terms.*—Not more than 1 justice or judge or senior or retired judge may be assigned to the division of the court from a particular court. Judges and justices shall be assigned to the division of the court for periods of 2-years each, the first of which shall commence on the date of the enactment of this Act.

(c) FACTORS IN DIVISION'S DELIBERATIONS.—In deciding whether an action described in subsection (a) should be tried by the court, the division of the court shall determine whether the information that would be disclosed in adjudicating the action would do serious damage to the national security of the United States or would compromise the safety and security of intelligence sources inside or outside the United States. If the division of the court determines that the case may be heard, the division may prescribe steps that the court in which the case is to be heard shall take to protect the national security of the United States and intelligence sources and methods, which may include holding the proceedings in camera.

(d) REFERRAL OF CASES.—In any case in which an action described in subsection (a) is brought and otherwise complies with applicable procedural and statutory requirements, the court shall forthwith refer the case of the division of the court.

(e) EFFECT OF DIVISION'S DETERMINATION.—If the division of the court determines under this section that an action should be tried by the court, that court shall proceed with the trial of the action, notwithstanding any other provision of law.

(f) OTHER JUDICIAL ASSIGNMENTS NOT BARRED.—Assignment of a justice or judge to the division of the court under subsection (a) shall not be a bar to other judicial assignments during the 2-year term of such justice or judge.

(g) VACANCIES.—Any vacancy in the division of the court shall be filled only for the remainder of the 2-year period within which such vacancy occurs and in the same manner as the original appointment was made.

(h) SUPPORT SERVICES.—The Clerk of the United States Court of Appeals for the District of Columbia Circuit shall serve as the clerk of the division of the court and shall provide such services as are needed by the division of the court.

(i) DEFINITIONS.—For purposes of this section—

(1) the term "secret Government contract" means a contract, whether express or implied, that is entered into with a member of the intelligence community, to perform activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 and following); and

(2) the term "member of the intelligence community" means any entity in the intelligence community as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. App. 401a(4)).

(j) APPLICABILITY OF SECTION.—

(1) IN GENERAL.—This section applies to claims arising on or after December 1, 1976.

(2) WAIVER OF STATUTE OF LIMITATIONS.—With respect to any claim arising before the enactment of this Act which would be barred because of the requirements of section 2401 or 2501 of title 28, United States Code, those sections shall not apply to an action brought on such claim within 2 years after the date of the enactment of this Act.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 6: Page 10, after line 15, insert the following new section:

SEC. 306. STUDY OF CIA INVOLVEMENT IN THE USE OF CHEMICAL WEAPONS IN THE PERSIAN GULF WAR.

Not later than August 15, 1999, the Inspector General of the Central Intelligence Agency shall conduct, and submit to Congress in both a classified and declassified form, a study concerning Central Intelligence Agency involvement (or knowledge thereof) of the use of chemical weapons by enemy forces against Armed Forces of the United States during the Persian Gulf War. Such study shall determine—

(1) whether there is any complicity of Central Intelligence Agency agents, employees, or assets in the use of chemical weapons;

(2) whether there is any use of appropriated funds for such purposes; and

(3) the extent of involvement of other elements of the Intelligence Community of the United States or foreign intelligence agencies in the use of such weapons.

H.R. 1775

OFFERED BY: MS. WATERS

AMENDMENT NO. 7: Page 10, after line 15, insert the following new section:

SEC. 306. CLANDESTINE DRUG STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Clandestine Drug Study Commission" (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall—

(1) secure the expeditious disclosure of public records relevant to the smuggling and distribution of illegal drugs into and within the United States by the Central Intelligence Agency or others on their behalf or associated with the Central Intelligence Agency;

(2) report on the steps necessary to eradicate any Central Intelligence Agency involvement with drugs or those identified by Federal law enforcement agencies as drug smugglers; and

(3) recommend appropriate criminal sanctions for the involvement of Central Intelligence Agency employees involved in drug trafficking or the failure of such employees to report their superiors (or other appropriate supervisory officials) knowledge of drug smuggling into or within the United States.

(c) MEMBERSHIP.—The Commission shall be comprised of nine members appointed by the Attorney General of the United States for the life of the Commission. Members shall obtain a security clearance as a condition of appointment. Members may not be current or former officers or employees of the United States.

(d) COMPENSATION.—Members of the Commission shall serve without pay but shall each be entitled to receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(e) QUORUM.—A majority of the Members of the Commission shall constitute a quorum.

(f) CHAIRPERSON; VICE CHAIRPERSON.—The Chairperson and Vice Chairperson of the Commission shall be elected by the members of the Commission.

(g) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson or Vice Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(h) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter which the Commission is empowered to investigate by this section. The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(i) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses). Except as provided in this subsection, a person may not be excused from testifying or from producing evidence pursuant to a subpoena on the ground that the testimony or evidence required by the subpoena may tend to incriminate or subject that person to criminal prosecution. A person, after having claimed the privilege against self-incrimination, may not be criminally prosecuted by reason of any transaction, matter, or thing which that person is compelled to testify about or produce evidence relating to, except that the person may be prosecuted for perjury committed during the testimony or made in the evidence.

(j) CONTRACT AUTHORITY.—The Commission may enter into and perform such contracts, leases, cooperative agreements, and other transactions as may be necessary in the conduct of the functions of the Commission with any public agency or with any person.

(k) REPORT.—The Commission shall transmit a report to the President, Attorney General of the United States, and the Congress not later than three years after the date of the enactment of this Act. The report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as the Commission considers appropriate.

(l) TERMINATION.—The Commission shall terminate on upon the submission of report pursuant to subsection (k).

(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 to carry out this section.

H.R. 2107

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 1: Page 2, line 13, strike "$581,591,000" and insert in lieu thereof "$576,939,000".

Page 60, line 20, strike "$636,766,000" and insert in lieu thereof "$638,866,000".

EXTENSIONS OF REMARKS

HOUSE RIGHT TO GIVE MIDDLE CLASS A BREAK

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. GINGRICH. Mr. Speaker, I would like to submit into the CONGRESSIONAL RECORD the following editorial, "House Right to Give Middle Class a Break." Appearing in the Atlanta Journal on June 30, 1997, this article cuts through all the misleading rhetoric surrounding the recently passed House tax-cutting bill. While providing the first major Federal tax cut to working Americans in 16 years, this bill will bestow a full three-quarters of its benefits upon middle income Americans with incomes under $75,000 per year.

I would like to clear up two misconceptions about this bill. First of all, some of my friends on the left have attacked this bill because we chose to give tax relief to taxpayers, rather than channel the money into additional welfare spending. The fact of the matter is that the poorest working Americans do not pay Federal income tax, and the payroll taxes that are withheld from their paychecks are more than fully refunded through the earned income tax credit. To give an additional $500-per-child tax credit to those who pay no taxes is welfare, plain and simple. Now if my redistributionist friends on the left favor higher welfare spending, they are welcome to make that argument on its own merits, but they should not disguise additional welfare payments as a tax credit.

The second false argument made by critics of the bill is that it is a tax giveaway to the rich. First of all, my Republican colleagues and I, start from the premise that tax dollars belong first and foremost to those who earned it, not the Government. Thus, the term "tax giveaway" can only be accurately used to describe the redistribution of wealth, whereby the Government confiscates money from the one who earned it to give it to someone who did not earn it. Furthermore, in analyzing who benefits from this tax bill, the Treasury Department cooked the books to make practically any taxpaying jobholder rich. For example, in calculating income, the Treasury Department factored in the potential revenue which could be generated by renting out one's house. No rational American considers him or herself wealthier by such a hypothetical source of additional income.

I join the Atlanta Journal in celebrating this long-overdue tax relief for hard-working Americans.

[From the Atlanta Journal, June 30, 1997]

OPINION: HOUSE RIGHT TO GIVE MIDDLE CLASS A BREAK

The House has passed a budget bill that would eliminate deficits by 2002, offer college scholarships to thousands of students and, for the first time in 16 years, give a significant tax break to an overburdened middle class.

And though it does all those remarkable things—helped by a hard-charging economy—the bill garnered support from just 27 Democrats. The Senate on Friday passed a similar budget bill, but with considerably more bipartisan support.

The 179 Democrats who voted against the House bill complained that it tilted too heavily in favor of the "rich" (read: the middle class) and did too little to help the "poor" (read: those who pay little or no taxes).

"They [Republicans] give tax breaks to people who don't need them," charged Rep. Edward Markey (D-Mass).

We think the middle class needs them, and thus we're glad that families earning $75,000 a year or less would get 76 percent of this bill's benefits. The main ones are:

$3,000 in tax breaks for the first two years of college, or $10,000 per year in tax deductions for tuition. The provision, a pet project of President Clinton, consumes about $30 billion of the overall $85 billion in tax cuts.

An increase in the amount of income exempted from inheritance taxes from $600,000 to $1 million. While Democrats charge this provision helps the rich, mostly it benefits small-business owners who risk losing a family business to an onerous tax liability after the death of a relative.

A cut in the capital gains tax to 20 percent from 26 percent, and adjusting capital gains to the effects of inflation. This benefits not just the wealthy, but a middle class increasingly invested in 401(k)s and mutual funds, as well as average home sellers whose "gains" are largely the result of inflation.

A tax credit of $500 per child 17 or younger for families earning less than $110,000. The credit, benefiting millions of families, would be $400 next year, rising to $500 thereafter.

House Democrats complain not just about the capital gains tax cut—which benefits all Americans by sparking capital investment and job creation—but also that Republicans refused to extend the child care tax credit to the working poor. Democrats wanted the $500-per-child credit to go to those who don't even have $500 in tax liability, giving the working poor, on top of the Earned Income Tax Credit, one more "refund" on taxes they didn't pay. But that's not a tax cut; it's another scheme to seize income from one American and put it in the pocket of another.

To the extent the working poor pay taxes, prepare their kids for college and try to save for the future, this bill is a boon to them. But in the end, tax cuts should go to people who actually pay taxes.

TRIBUTE TO BASEBALL LEGEND AND CIVIL RIGHTS PIONEER, LARRY DOBY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to Mr. Lawrence Eugene Doby of Montclair, NJ, the first African-American to play baseball in the American League.

Mr. Doby was a leader in breaking down the color barriers both in baseball, and outside the stadium walls in our society. Mr. Doby first played for the Cleveland Indians on July 5, 1947. Now, as we approach the 50th anniversary of that momentous day, it is fitting that we pay tribute to this great civil rights pioneer and honor his many achievements.

Mr. Doby was born in Camden, SC, on December 12, 1923. In 1938, he and his mother moved to Paterson, NJ, where he immediately demonstrated his great athletic prowess. At Eastside High School, he lettered in no less than four sports—baseball, basketball, track, and football. Upon his graduation from high school, Mr. Doby enrolled in Long Island University on a basketball scholarship. He later transferred to Virginia Union College, but had his education interrupted when he was drafted into the Navy in 1943.

Mr. Doby began his path to eventual stardom after receiving an honorable discharge from the Navy in 1946, when he joined the San Juan Senators in Puerto Rico and played there for several months. Later in 1946, Mr. Doby joined the Newark Eagles in the Negro National League as a second baseman. In his first year on the Eagles, Mr. Doby had a .348 batting average and earned a spot on the Negro American League All-Stars team. He also led the Eagles to the World Series, where they defeated the Kansas City Monarchs in a seven-game series.

During the early part of the 1947, rumors began spreading that Mr. Doby had been chosen to be the Jackie Robinson of the American League. These rumors became reality on July 5, 1947, as Bill Veeck of the Cleveland Indians officially purchased his contract from Effa Manley, the owner of the Newark Eagles.

Mr. Doby played in the American League for a total of 13 seasons. He spent nine of those with the Indians, three with the Chicago White Sox, and one, his last season, with the Detroit Tigers. His baseball career as a player ended on May 7, 1960, due to a torn ligament, fractured ankle and several other injuries. Throughout his career, Mr. Doby had amassed an astounding record, including a .283 batting average; 253 home runs; 969 runs; and a .983 fielding average. He also broke down several additional color barriers by becoming the first African-American to play in the World Series, hit a home run in any World Series, and win a major league home run title.

Despite his many commitments and extensive traveling, Mr. Doby managed to find time to raise a close-knit family. On August 19, 1946, he married his childhood sweetheart, Helyn Curvy, also from Paterson. Together, they raised five children, six grandchildren, and four great-grandchildren.

After his career as a player ended, Mr. Doby by no means gave up on his commitment to the sport of baseball. Instead, he entered the second phase of his career, as a

manager. In 1971, he became a full-time batting coach for the Montreal Expos. He would later serve as coach for the Cleveland Indians; manager of Zulia, a team in Maracaibo, Venezuela; and serve in a number of other scouting and coaching positions in the Major League. He became manager of the Chicago White Sox in 1978, becoming only the second African-American manager in Major League history.

Mr. Doby was inducted into the Hall of Fame of the Cleveland Indians and Chicago White Sox in 1987. He also received recognition from the State of New Jersey, as the State legislature declared July 15, 1987, "Larry Doby Day," and Mr. Doby was presented with the Governor's Award. In addition, Baseball Commissioner Peter Ueberroth appointed Mr. Doby to serve on a special committee to help find ways to further integrate Major League baseball.

Despite his great accomplishment, Mr. Doby has remained modest and endearing, a true gentleman. Mr. Doby always give thanks to God for giving him the talent to help integrate baseball and American society, to Mr. Veeck for giving him the opportunity to use that talent, and to his wife. Helyn, for holding together their family while he was away.

Mr. Speaker, I ask that you join me, our colleagues, Mr. Doby's family and friends, the Township of Montclair and the city of Paterson in recognizing Lawrence Eugene Doby for his outstanding and invaluable service to the community, to baseball, and to America.

TRIBUTE TO PAUL DEMOURA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. VISCLOSKY. Mr. Speaker, it is my pleasure to recognize Mr. Paul DeMoura of Swan Sea, MA, who is one of the top collectors of hats and caps in the United States.

Paul has collected hundreds of hats and caps from all over the United States and the world.

Paul's father, Mr. Raymond DeMoura, served in Company "B" of the 78th Medical Battalion during World War II. The 78th Medical Battalion acquired the reputation for excellence in its assistance and treatment of the wounded during World War II. Members of the 78th Battalion proudly recount that not one life was lost while tending to the injured and evacuating them from the front lines.

The men of Company "B" are the primary source of Paul's hat and cap collection. A very religious individual, Paul says a prayer for each of the men who presents him with a new hat or cap.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Mr. Paul DeMoura for his status as one of the top hat and cap collectors in the United States. I wish Paul and his parents, Raymond and Evelyn DeMoura, all the best the future can bring.

TRIBUTE TO GWENDOLYN BROOKS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to acknowledge the 80th birthday of Ms. Gwendolyn Brooks, Poet Laureate of Illinois. Poet Laureate of Illinois; a communicator with the world, a song to be sung, a lesson to be learned, a life to be lived.

Gwendolyn Brooks, a master of using the written word, is the author of more than 20 books. The highly acclaimed "A Street in Bronzeville" was the first, published in 1945. For three decades, her works were published by Harper & Row. However, for economic reasons, she switched to the black-owned Broadside Press in 1969 and in 1974, to the Third World Press.

Gwendolyn Brooks was named Poet Laureate in 1968 and has continued to be relevant, fresh, and vibrant for all of these years. Therefore, our hats are off to a great American, a profound and prolific writer, a great humanitarian—Ms. Gwendolyn Brooks, Poet Laureate of Illinois.

PARTICIPANTS IN CONGRESS-BUNDESTAG YOUTH EXCHANGE PROGRAM EXCEED 10,000

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of our colleagues an excerpt from the May 15, 1997 record of the German Bundestag. Vice-President Hans-Ulrich Klose of the Bundestag interrupted proceedings on that day to acknowledge the presence in the visitors' gallery of American participants in the Congress-Bundestag Youth Exchange Program, and noted that the number of participants in this youth exchange program has now exceeded 10,000.

The Congress and the German Bundestag initiated this program in 1983 to strengthen ties between young people in our two countries, and I believe it is playing an important role in building strong United States-Germany relations for the future. The text of the Bundestag transcript follows:

GERMAN BUNDESTAG—13TH ELECTORAL TERM—175TH SITTING BONN, THURSDAY, MAY 15, 1997, EXCERPT FROM THE STENOGRAPHIC RECORD, FULL PLENARY SESSION (APPROX. 670 MEMBERS PRESENT)

Vice-President Hans-Ulrich Klose: I now close the debate.

Before we proceed to the vote may I ask for your attention for a moment. Three young Americans are sitting in the distinguished visitors' gallery. They belong to the group of 400 American students and young professionals who have spent a year in Germany as participants in the Congress-Bundestag Youth Exchange Program. (Applause in the entire House)

Why am I mentioning this today by way of exception? I am mentioning it, my dear Colleagues, because with this group the number of participants has reached and exceeded 10,000. (Sustained applause in the entire House)

I should like to welcome, on behalf of all this year's participants in the Congress-Bundestag Youth Exchange Program, the 9,999th participant, Kristina Bass from California, (Applause in the entire House) the 10,000th participant, Nicole Myers from Pennsylvania, (Applause in the entire House) and the 10,001st participant, Brian Blake from Connecticut. (Applause in the entire House)

The Congress-Bundestag Youth Exchange Program, which was inaugurated in 1983 by the U.S. Congress and the German Bundestag, contributes with its special emphasis on young people to strengthening the close relationship between our two countries in the future—our common future.

We all know that both countries, the United States of America and the Federal Republic of Germany, face major challenges. There are substantial budgetary problems in both countries. However, I would like to take this special opportunity to appeal to our colleagues in the U.S. Congress and to the Members of this House to definitely continue this program on the present scale. (Lively applause in the entire House)

I would also like to take this opportunity to thank my colleagues in the Bundestag very warmly for their willingness to sponsor German and American participants year after year.

I hope that the participants will have a good time tomorrow. May you retain many pleasant memories of this exchange year in Germany, which is soon coming to an end: may it inspire you to make the good relationship between our two countries your personal concern. Welcome! (Applause in the entire House)

A PROMISE KEPT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BEREUTER. Mr. Speaker, this Member highly commends to his colleagues this editorial which appeared in the Norfolk Daily News on July 5, 1997.

A PROMISE KEPT—HONG KONG REVERTS TO CHINA; REASON FOR PRIDE IN WHAT HAS BEEN ACHIEVED

Hong Kong residents have been promised a capitalist economy and a relatively free society for at least 50 years. People now alive will be able to see whether the government of China, which continues to be governed by Communists, keeps its word as the British did in turning back this rich, small and independent enclave after their 99-year lease expired June 30.

A contract was honored; no gunfire exchanged.

That has not been the way of international relations; rather, it is an exception.

In farewell remarks, the last British governor of the territory, Chris Patten, said of Hong Kong: "It is a great Chinese success story written—to be fair—within a system of values and British institutions which have encouraged, not threatened, that success."

It is an example of what can be achieved when industrious people are free to profit from their hard work and enterprise, and able to live their lives without an oppressive government.

Britishers should be proud of what they accomplished as they relinquish control of this remnant of a once huge empire.

The future benefits to mankind might turn out to be as significant as those which followed the grim days when they stood virtually alone against Adolf Hitler's aggression.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1997

Mr. STOKES. Mr. Speaker, I rise today to express my strong support for House Joint Resolution 79, a bill to disapprove most-favored-nation [MFN] trade status for China. House Joint Resolution 79 is targeted to send a strong message to the Chinese Government that continues suppression of human rights, flaunting of international agreements on nuclear nonproliferation, and engaging in unfair trade practices cannot be tolerated, ignored, or rewarded.

Denying most-favored-nation status for China is a reasonable response to the continuing controversy over trade and human rights policy with regard to China. It is absolutely imperative that the House of Representatives and the United States Government not reward the Chinese regime which brutally massacred pro-democracy demonstrators in Tiananmen Square. Granting most-favored-nation status for all Chinese products rewards the Chinese regime for its intransigence on human rights, and its refusal to engage in fair trade.

Mr. Speaker, despite the arguments of those who support unfettered trade with China, the fact remains that trade and human rights are inextricably linked. A nation that suppresses its citizens' human rights also suppresses their wages. This, in turn, leads to an unnatural advantage in trade, which adversely impacts American businesses and workers, and causes the loss of American jobs.

In fact, the United States receives more than 30 percent of China's exports, accounting for a significant portion of the Chinese GDP. While on the other hand, less than 2 percent of American exports go to China. China's extensive use of prison and child labor over the past decade has resulted in a staggering 1,000 percent increase in the China-United States trade deficit. This imbalance is projected to top $40 billion this year.

The United States trade deficit with China is second only to our trade deficit with Japan. Yet, despite the freedom we grant to Chinese imports to the United States, China does not grant most-favored-nation status to United States goods, and continues to bar certain United States goods from the Chinese market. For those who advocate free trade, it seems rather illogical and inconsistent to grant free access to our market to a country which denies free access to their market for our goods.

Most-favored-nation status is perhaps the most effective tool for influencing the Chinese Government to improve their record on human rights. If the United States continues to grant most-favored-nation status to Chinese goods, without requiring improvements in human rights, there is no incentive for the Chinese regime to alter their policies.

Mr. Speaker, I strongly urge all of my colleagues to insist that the United States stand up for the principles of human rights, and for the freedom of the Chinese people. Vote for House Joint Resolution 79 and send a clear, unmistakable message to the dictators in Beijing, and your consistuents, that you believe in freedom and democracy for people all over the world.

TRIBUTE TO MARK S. LEVENSON

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Mark S. Levenson of Clifton, NJ.

Mark was born and raised in Boston, MA and graduated from Maimonides Day School. He is a cum laude graduate of Brandeis University where he majored in economics and political science and was a recipient of the William Mazur Scholarship. During and after college, Mark worked in Washington, DC, completing a tenure with Congressman Robert F. Drinan; the late Speaker of the House, Thomas P. "Tip" O'Neill, Jr.; Senator EDWARD M. KENNEDY's Energy subcommittee of the Joint Economic Committee; and the Urban Institute think tank.

Mark received his J.D. from New York University School of Law in 1982 where he served as research editor on the "Annual Survey of American Law." He has been a practicing attorney in New York for the last 15 years, specializing in domestic and international real estate transactions and corporate advisory matters. Mark has worked on major projects in the United Kingdom, India, the Czech Republic, Canada, Australia, Latin America, and throughout the United States. He is currently a partner with the firm of Kronish, Lieb, Weiner and Hellman, L.L.P. in New York City and is a member of the board of directors of the New York Chapter of the National Association of Corporate Real Estate Executives and the American Bar Association's Real Estate, Probate and Trust Law Section's Environmental Aspects of Corporation Subcommittee.

Mark is the honorary president of Congregation Adas Israel Synagogue having served as president for the previous 3 years. He is recording secretary of the Jewish Federation of Greater Clifton-Passaic and is a member of the executive committee; he chairs the Federation's young leadership development program and serves on the YM–YWHA Program Services Committee. Mark also is a member of the executive committee of the New York Regional Board of the Anti-Defamation League. He was a recipient of the 1994 Young Leadership Award of the Federation and has received several other awards for his charitable and volunteer work.

Mark has always been involved in giving back to the community. Prior to moving to the Passaic-Clifton area, Mark served as treasurer and then vice-president of the Young Israel of the West Side, New York, as co-chair of the UJA-Federation of Jewish Philanthropies of New York, Young Lawyer's Division, and as founding chair of the UJA Lawyer's Division Specialty Task Force Subcommittee on Corporations. He was also a member of the UJA Lawyer's Division Steering Committee.

Mark is a pro bono arbitrator in the New York City Civil Court System and serves on the U.S. District Court, Southern District of New York, Mediation Panel. He is married to Eta Krasna Levenson. Professionally, Eta is assistant director of Yachad/The National Council for the Jewish Disabled, but she also serves as vice-president for education of Congregation Adas Israel, chair of the Jewish Family Services Advisory Council, director of the Hand-In-Hand charitable organization, and as trustee of the Federation. Mark and Eta are the proud parents of Eric, Hadassa, and Jessica.

Mr. Speaker, I ask that you join me, our colleagues, Mark's family and friends, and the congregation of Adas Israel in recognizing Mark S. Levenson's outstanding and invaluable service to the community.

A TRIBUTE TO DONALD "CY" WALSH ON 50 YEARS OF SERVICE TO VOLUNTEER FIREFIGHTING IN RIVERHEAD

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to one of the heroes of our Long Island community. Donald "Cy" Walsh has served the Riverhead Fire Department with 50 years of devotion and selflessness on behalf of his neighbors. This small-town hero and World War II veteran has volunteered his time, energy, and leadership to the Riverhead, and community service has been the recurring theme of his life. He will be honored for that lifetime of service by the Riverhead Volunteer Firemen's Association on July 8, 1997.

Cy Walsh joined the Riverhead Fire Department in 1947, where he started as a volunteer member of Fire Police Patrol #1. His hard work, dedication, and perseverance in response to midnight calls and harrowing blazes were rewarded in 1953, when he was elected as the captain of his patrol. By 1955, "Cy" Walsh was quickly moving up the ladder of the Riverhead Fire Department having been elected by his peers as third, second, and first assistant chief. In 1962, Cy's many years of committed volunteerism culminated with his election to chief of the Riverhead Fire Department.

An outstanding fire chief, Cy's work on behalf of Riverhead and the firefighters of Suffolk County was far from complete. He served as sergeant-at-arms of the Riverhead Fireman's Association for 5 years and has been chaplain since 1970. He also served on the Southampton-East Hampton-Shelter Island Chief Council, including a year as president in 1970, and as president of the Suffolk County Volunteer Firemen's Association. Cy reached out

from Long Island's east end and lent his vision and enthusiasm to the people of New York State, serving with the New York State Firemen's Association, and as the chairman of the Fire Police Committee. His many positions of leadership in the firefighting community are a sign of the high esteem that Cy's peers hold him in.

At the age of 85, Cy is still serving the town of Riverhead, as chaplain of the North Fork Volunteer Firemen's Association and as one of the chaplains of the Riverhead Volunteer Firemen's Association. As his 50-year volunteer career shows, Cy Walsh epitomizes the ideals of service and leadership that America was built on. He has touched many lives in the past 50 years—in meeting rooms and firehouses and in the shops and restaurants of his hometown. His wife Kay, along with his 4 children 16 grandchildren, and 5 great grandchildren are also proud of Cy Walsh, as are his fellow firefighters and community members.

Therefore, I ask my colleagues in the U.S. House of Representatives to join me in saluting Donald "Cy" Walsh on the occasion of his 50th anniversary of service to the Riverhead Fire Department. Congratulations, Cy.

TRIBUTE TO JAMES E. WHITE

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. EWING. Mr. Speaker, I rise today in honor of Mr. James E. White, Rural Housing Specialist of the USDA, Rural Development. Mr. White retired on May 31, 1997, after a distinguished 26-year career.

He began his Federal career with Farmers Home Administration in 1971 as an assistant county supervisor in Lincoln, IL. He was promoted to county supervisor in Golconda/Metropolis in 1975. His final career move was to Rural Housing Specialist in the Illinois State Office in 1976. Mr. White remained in that position until his retirement.

Mr. Speaker, today, I would like to bring the achievements of James White to the attention of my colleagues in the House, and ask that they join me in expressing our appreciation and congratulations to Mr. White for his tremendous service to the people of Illinois.

A TRIBUTE TO DENNIS MARTIN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dennis Martin who is retiring as supervisor of the Inyo National Forest after a long and dedicated career in forest management. Dennis will be recognized for his many contributions at a retirement dinner in his honor on July 12.

Dennis Martin was born in 1939 in the small mining town of Cornucopia, OR. He began his forest work at the age of 18 with the Wallowa-Whitman Forest in Washington State. Two years later, he began working as a smoke jumper in the North Cascades in Washington. Following a 2-year stint in the Army and a year working for a private timber company, Dennis returned to the Wallowa-Whitman Forest to begin his permanent career.

Over the years, Dennis has worked in a variety of capacities in forest management in Oregon, Washington, Idaho, and California. After a 3½ year stint as deputy forest supervisor of the Boise National Forest in Idaho, Dennis became forest supervisor of the Inyo Forest in 1986. Dennis has also done critical collaborative work in forest management and has achieved great success through recognizing the value of partnerships in resolving important land use issues.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the many fine achievements of Dennis Martin. We are grateful for his remarkable stewardship of the Inyo National Forest and wish him the very best in the years to come.

CONGRATULATIONS TO RT. REV. MOUSHEGH MARDIROSSIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Rt. Rev. Moushegh Mardirossian for his elevation to the rank of bishop in the Armenian Apostolic Church. Right Reverend Mardirossian's inspiration and leadership is held with the greatest respect.

On June 22, 1997, Right Reverend Mardirossian was elevated to the rank of bishop after a Pontifical High Mass in Antelias, Lebanon, at the St. Gregory the Illuminator Cathedral. This Episcopal ordination by the Catholicos came as a result of an official request presented by the Prelacy's National Representative Assembly, and the joint session of the Religious and Central Executive Councils of the Western Prelacy of the Armenian Apostolic Church.

Right Reverend Mardirossian was born in Beirut, Lebanon. He completed his elementary education in Noubarian Armenian School in October 1969. He immediately entered the Armenian Seminary of the Great House of Cilicia, in Antelias. As a graduate of the Antelias Seminary, Right Reverend Mardirossian was ordained into celibate priesthood in June 1976. Since that time, he has served in various capacities in both Lebanon and California.

Right Reverend Mardirossian has functioned as vicar general and on November 17, 1995, the Joint Session of the Religious and Executive Councils of the Western Prelacy of the Armenian Apostolic Church of America unanimously elected him Locum Tenens of the Prelacy. He has been a member of the national representative assembly and member and chairperson of the religious council. Prior to his election as a prelate in May 1996, Right Reverend Mardirossian was the pastor of the Forty Martyrs Armenian Apostolic Church in Orange County, CA.

Mr. Speaker, it is with great honor that I congratulate Rt. Rev. Moushegh Mardirossian for his elevation to the rank of bishop. His character and wisdom are symbolic of his outstanding service as a religious leader and human being. I ask my colleagues to join me in wishing Rt. Rev. Moushegh Mardirossian continued happiness and inspirational religious leadership.

TRIBUTE TO FRANCIS J. MARELLA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BONIOR. Mr. Speaker, today I would like to congratulate my friend, Mr. Francis J. Marella, upon his retirement from the Macomb County Probate Court on May 30, 1997. His colleagues will honor him with a dinner party at Fern Hill on July 9, 1997.

Since 1961, Frank Marella has been a familiar and friendly face at Macomb County Juvenile Court. As a friend and former coworker of Frank's, I can attest to his strong sense of caring and compassion. For many years I have appreciated the great friendship and support that Frank has given to my family. Frank was the first person I met when I began working at Juvenile Court. I was amazed by his strong commitment to preventing crime and creating a safer community.

Throughout the years, Frank's vision and dedication has resulted in numerous innovative programs designed to help children and their families. As program director, Frank realized the strong need for community support groups to support strong families, drug-free and crime-free lifestyles. Over a span of 37 years, Frank has implemented programs such as the Big Brother program, Family Skills Development, Juvenile Employment Education, Substance Abuse Education, Systematic Training for Effective Parenting, and the Community Restitution program. Frank's programs have encouraged parents and the community to take an active role in improving the welfare of our youth.

Macomb County has been lucky to have a leader like Frank Marella. Few people give to their community with the same time and energy that Frank has given to his. Frank's successful programs have touched the lives of many people. On behalf of the citizens of Macomb County, I would like to thank Frank for all of his hard work and dedication.

TRIBUTE TO JOHN PETROLL, DEPUTY MAYOR OF WEST ORANGE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention John Petroll, deputy mayor of West Orange, NJ.

John has dutifully served the township of West Orange for decades. He began his service to the township of West Orange as a police officer and always was conscious of giving

back to the community. He was a special police officer at Rock Spring Country Club and at Midlantic Bank, and has served as president of New Jersey Special Police Association. John has been the deputy mayor of West Orange for the past 19 years, celebrating his 20th year at townhall this month. At 87 years of age, he walks to and from work every day, arriving as early as 6 a.m., to begin working for the citizens of West Orange. John sorts through the mail, organizes schedules and gets the offices ready for the late-comers.

John, together with the clerks in the administration office, put together the "West Orange Outlook," a monthly informational packet outlining special activities and events. The township's recycling center relies on John to field telephone calls from residents with questions and problems, and municipal officials depend on him to arrange special weekend meetings. His favorite duty by his own admission is community advertising—maintaining the announcement sign in front of the township hall. John is also the township's resident historian.

According to Murray Palent, council president of the West Orange Town Council, "John is a permanent fixture in West Orange" and "is always there when you need him, always willing to lend anyone a hand." West Orange Mayor Sam Spina has stated that John, "is a loyal, dedicated, trustworthy friend, someone this entire town can count on. He takes care of so much for us, and we are very lucky to have him." His generosity to people, organizations, and causes is well known, as well.

Throughout the years, John has been a good friend of Mr. and Mrs. Thomas Alva Edison, Charles Edison, and former Governor Brendan Byrne. John has two children, John and Robert, three grandchildren, Karen, Bryan and Kevin, and four great-grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, John's family and friends, and the township of West Orange in recognizing John Petroll's outstanding and invaluable service to the community of West Orange.

CARDOZO SENIOR HIGH SCHOOL'S CONSTITUTIONAL SCHOLARS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Ms. NORTON. Mr. Speaker, students from Cardozo Senior High School gave an outstanding performance in the national finals competition "We the People . . . The Citizens and the Constitution National Academic Program" which is administered by the Center for Civic Education.

These talented young students competed against 50 other classes from throughout the Nation and demonstrated a working knowledge of the fundamental ideas and values of the American constitutional government. The national finals competition simulated a congressional hearing where students testified as constitutional experts before a panel of judges.

I want to encourage these promising Cardozo Senior High School constitutional scholars Davida Baldwin, Ta Hoang, Andrea Jones. Thomas Richardson, Suleimon Shifaw, Tiffany Simms, Antoinette Stephenson, Zerai Kifle, Quana Teleferro, Levi Ruffin, Veronica Nguyen, and Toan Vu. I want to also salute Mr. Bruce Pendleton for utilizing strong learning patterns in teaching American Government.

I ask that this body join me in congratulating these young people, Mr. Bruce Pendleton, and the District of Columbia Coordinator, Sharon Yohannes-Bocar on this worthy accomplishment.

IN RECOGNITION OF THE YORKTOWN HIGH SCHOOL GIRLS LACROSSE TEAM—NEW YORK STATE'S 1997 STATE CHAMPIONS

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mrs. KELLY. Mr. Speaker, for the second year in a row, the members of Yorktown High School's girls lacrosse team have won the New York State Public High School Athletic Association's [NYSPHSAA] girls lacrosse State championship, and I would like to take a few moments to recognize these young women from my district, each of whom has exhibited great dedication, outstanding teamwork, and extraordinary perseverance.

In 1996, the Yorktown Cornhuskers won the NYSPHSAA girls lacrosse competition in Division B. Over the past year, increasing student enrollment at Yorktown High School placed the girls lacrosse team in Division A.

Mr. Speaker, any sports fan would be inspired by the manner in which the Yorktown High School girls lacrosse team responded to their placement in the highly competitive Division A. The Cornhuskers found themselves competing against teams representing schools with student bodies as much as four times larger than Yorktown's. In spite of the odds, the Yorktown High School girls lacrosse team played a remarkable season, decisively winning the NYSPHSAA Division A championship. In doing so, the Yorktown Cornhuskers became the first girls' lacrosse team in the State of New York to first win a championship in one division and then win in a higher division the immediate following year.

Mr. Speaker, I wish to congratulate each of these motivated young women, as well as their parents and coaches, for the Yorktown Cornhuskers' repeated success. High school varsity athletes are expected to commit a great deal of time to their sport. For the members of the Yorktown High School girls lacrosse team initiative and hard work are the norm.

However, the coaches and parents of these young women also deserve recognition, because without their devotion, these young women would have had trouble reaching the goals that they have. So by supporting their children, the parents of these young women have profoundly nurtured their daughters' ambitions. And certainly no less significant than their parents' guidance, a sound coach who positively motivates the members of a team—such as their's surely does, by constantly pushing them to fulfill their potential, also played a significant role in their success.

Mr. Speaker, I ask all my colleagues to join me in paying tribute to the young women of the Yorktown High School girls lacrosse team. Their hard work, commitment, and teamwork should serve as a model for us all. I congratulate the Cornhuskers for their hard-fought and well-deserved victory, and I wish them continued success in all their future seasons.

PRESERVE OUR NATION'S FARMLAND

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PITTS. Mr. Speaker, the family farms of Lancaster and Chester Counties are national treasures. Sadly, pristine farmland which has been operated by families in the 16th District of Pennsylvania for generations is at risk due to the Federal estate tax. Many family farms in southeast Pennsylvania and across this National are sold in an effort to pay off huge estates taxes, and others are sold to developers in fear of the impending estate tax. Thanks to excessive taxation, our Nation's farms are slowly being eliminated.

That is why I am introducing the Farm Preservation Act today. This bill will protect our farmland by eliminating estate taxes on a farm which has a covenant ensuring that the land will remain a farm. By eliminating the estate tax on farms, families can be rest assured that their life's work will not be abandoned once the farm is left to a family member who will continue the farming tradition. Further, this bill waives all capital gains taxes on the sale of a farm which will be used only as farmland. This provision provides a real incentive for people who must sell their farm to ensure that it remains in agricultural production in the future.

Mr. Speaker, in order to preserve our precious farmland, we need to end the tax practices which destroy them. We must also provide incentives for people to keep farmland undeveloped. The Farm Preservation Act accomplishes these important goals. As we consider another tax relief bill in 1998, I urge Members to join me in protecting our Nation's farmland and provide real opportunities to keep family farmers in business.

WHY I SUPPORT NORMAL TRADE RELATIONS FOR CHINA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from June 1997 entitled "Why I Support Normal Trade Relations for China."

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

WHY I SUPPORT NORMAL TRADE RELATIONS FOR CHINA

Earlier this month, the House of Representatives voted to extend normal trade

relations, known as "most favored nation" (MFN) status, for China for another year. The MFN debate was hotly contested. Opponents argued that China's record on human rights, trade, proliferation and other issues did not justify extending normal trade relations. I disagree. Engagement—including normal trade relations—is the best means to bring China into the international community and to achieve U.S. political, economic and security objectives.

China matters. China is the world's most populous country, with the largest army and one of the largest economies. Its actions directly affect peace and stability throughout East and Southeast Asia. As a permanent member of the UN Security Council, China has a say in many decisions affecting U.S. interests. How China evolves will profoundly affect our economic, political and security interests. If China becomes a threat, the U.S. defense budget will go up, tensions in Asia will rise, and Asia's prosperity will be at risk. If we keep U.S.-China relations on track, peace and security in Asia will be strengthened, prospects for human rights will be enhanced, and Asia's remarkable economic growth will continue.

A policy of engagement. By extending normal trade relations for another year, the House chose a policy of engagement over a policy of isolation. I agree. Engagement has been the policy of every President, Democratic and Republican, for twenty-five years. Engagement is not appeasement. It does not mean ignoring our differences with China. It means actively engaging China to resolve our differences. It means hard bargaining in pursuit of American objectives.

Engagement works. It has produced results, such as Chinese adherence to the Non-Proliferation Treaty, the Comprehensive Test Ban Treaty, and the Chemical Weapons Convention. Because of engagement, China helped persuade North Korea to sign the pact freezing that country's nuclear weapons program. China's cooperation in the UN Security Council helped create the coalition that defeated Iraq in the Gulf War.

Engagement with China has changed the lives of hundreds of millions of Chinese for the better. The exchange of goods, ideas, and people has brought increased openness, social mobility, and personal opportunities for the Chinese people.

Because we are engaged with China, we can use our trade laws to attack Chinese trade barriers and to help American firms export to China. Because we are engaged with China, we can work together to combat terrorism, alien smuggling, and illegal narcotics. China also cooperates on environmental and public health issues—matters with a direct impact on our well-being.

Key issues. Engagement has not solved all problems. We still have many concerns about Chinese behavior. China continues to fall far short on human rights, for example. China today remains an oppressive society. Political expression is limited, and the rights of the individual are subordinated to the interests of the state—as defined by a self-selected party elite.

But China is light years ahead of where it was 25 years ago. Personal freedoms for the average Chinese—choice of employment, place of residence, freedom of movement—are greater than ever before. The lesson of China since President Nixon's visit in 1972—and the lessons of South Korea, Taiwan, and other former dictatorships that are now democracies—is that U.S. engagement is the best way to promote human rights.

The $38 billion U.S. trade deficit with China is another source of tension. Yet revoking normal trading status will not significantly reduce this deficit or bring back lost jobs. Other countries that, like China, can produce labor-intensive goods more cheaply than we can will simply pick up the slack. The best way to reduce the trade deficit is not to revoke MFN—which might even increase the deficit—but to bring China into the World Trade Organization, so that we can reduce Chinese trade barriers and help American exporters compete on a level playing field.

On non-proliferation, China has moved in the right direction. Despite this progress, I remain concerned about Chinese transfers of missile and chemical weapons technology and advanced conventional weapons to Iran, about Chinese nuclear cooperation with Iran and Pakistan, and about Chinese missile sales to Pakistan. But, as the recent record shows, we are more likely to persuade China to accept international norms if we engage China than if we isolate it.

Revoking MFN. If Congress had revoked MFN, it would have damaged U.S. interests at home, in China and around the world. Revoking MFN would likely make the human rights situation in China worse, not better. It would undermine our stature throughout Asia. Our allies in the region, who support U.S. engagement and benefit from U.S.-China trade, would lose confidence in our judgment and ability to play a constructive role in East Asia. Hong Kong and Taiwan, which support engagement, would be worse off if we revoked MFN. We would also be losing the support of one of five permanent members of the UN Security Council, which would hurt U.S. interests globally.

Revoking MFN would hurt the United States at home. We would lose markets for $12 billion worth of U.S. exports, which support 170,000 high-paying U.S. jobs. It would raise prices here on low-cost imports. It would deny us access to China's huge market.

Conclusion. The United States could not isolate China even if we wanted to—China is too big, and too important. We can disengage from China, but no one would follow us and we would only hurt our interests. If we treat China as an enemy, it will become one. Engagement offers a proven record of moving China toward international norms, and a better prospect for achieving U.S. objectives than a policy of isolation.

CHARLES STITH DISCUSSES RACIAL PROGRESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, people often call for dialog on difficult issues, but rarely engage in it beyond talking about what a nice idea it would be if we had some. In the June 29 issue of the Boston Globe, Charles R. Stith of Boston, President of the Organization for a New Equality made a genuinely useful contribution to the dialog on race that we should be having. I have known Charles Stith for many years and I am an admirer of the work he has done on many fronts to further the cause of racial justice—and indeed social justice for all people—in greater Boston and in America. I believe his short essay is a wise and useful contribution to the national conversation and given the importance of this topic and his credentials to speak out on it, I ask that it be printed here.

President Clinton has challenged Americans to resume our efforts on racial reconciliation and plans to lead us in a national dialogue toward that end. After listening to the pundits, pontificators, and prognosticators muse about the virtues and failings of the president's effort, I will add my view to the discussion. It can be summarized in one word—hope.

There is cause for hope when it comes to racial justice and racial reconciliation in this country. The naysayers are not credible arbiters of history. If the past 30 years mean anything, they are a testament to the possibility of change.

I am of that generation of African-Americans born on the cusp of discriminatory laws, customs, and change. I remember integrating the Fox movie theater during my adolescent years in St. Louis. I remember my brother and me getting dressed on that fateful day in our "Sunday-go-to-meeting clothes" and being admonished by our mother not to do "anything to embarrass the race."

America has come a long way since those days. Not only are we beyond the embarrassment and inconvenience of petty apartheid American-style, but we have made some equally important advances in other areas.

For example, in 1960 approximately 18 percent of African-American families were middle class; by 1990 there were 42 percent. About 30 years ago there were 1,400 black elected officials; today there are close to 10,000. In that group are black mayors of predominantly white cities and a US senator.

In addition, minority-owned businesses are one of the fastest growing segments of the economy. The number of businesses owned by minorities in the United States increased 60 percent between 1987 and 1992. This compares to an increase of 26 percent for all US firms over the same period.

On the social front, there is a broader acceptance in both the black and white communities of interracial marriage and interracial adoption.

Are we as a nation where we ought to be regarding racial justice and reconciliation? Obviously not; ergo the necessity of the national dialogue. But having acknowledged that, the past 30 years provide a demonstration of what can be accomplished if there is a will.

The other reason that hope ought to be the first word in this national dialogue on race relations is the flip side of the first. The progress achieved over the past 30 years was possible because people believed that we should not live as a "house divided against itself" and that we could do something individually and societally to make a difference. If we are to finish the unfinished business of racial reconciliation in this country, then people have to believe that things can change. The reason is simple: unless people believe that there is a way, there is no will.

Those on the left must go beyond bashing Clinton for what they see as his inadequacies of perspective and policy. We must stop contributing to the cynicism that grips the nation. If we don't, then just as we lost political power at the national level in '92, we will also lose our moral authority to challenge the nation to pursue the high ground of racial justice and racial reconciliation. If we are not in the vanguard of trying to lead this nation to believing again that the quest to bring people together across color, class, and community lines is worthwhile, then who will?

We might do well to reflect on Martin Luther King Jr.'s essay "A Testament of Hope:"

"I am an optimist," he wrote, because while "it is possible for me to falter, I am profoundly secure in my knowledge that God loves us; he has not worked out a design for our failure. Man has the capacity to do right as well as wrong, and his history is a path upward, not downward. The past is strewn with the ruins of empires of tyranny, and each is a monument not merely to man's blunders but to his capacity to overcome them."

TRIBUTE TO LINDA ANN ALIMI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Linda Ann Alimi of West Essex, NJ.

Linda received her bachelor of science from Boston University in 1965 and received her master of arts from Montclair State University in 1977. She graduated summa cum laude and was elected to Phi Kappa Phi, the National Honor Society.

Ms. Alimi has coached the women's field hockey team of West Essex High School for 32 years. She clinched conference titles 25 out of 27 years—1970–79, 1981, 1983–95, and 1996, Essex County titles 5 times—1974, 1975, 1987, 1990, 1991, and North Jersey sectional titles 19 times—1971–76, 1978, 1981, 1983, 1984, 1987, 1989, 1991–93, and 1996. West Essex has been ranked the No. 1 women's field hockey team in New Jersey 3 times—1984, 1992, 1993, and the No. 2 team in the State 4 times—1987, 1989, 1991, and 1996. She also coached the women's junior Olympic field hockey team to a gold medal in 1992. Such a dynasty can only be explained by tremendous coaching.

Linda is the recipient of many prestigious awards including the 1987 Merit Award from the Governor's Council on Fitness and Sport; the 1987 Gold Award, Franklin Life Insurance and Scholastic Coach magazine, Select Circle Coaching Award; the 1989 Garden State All Sports Foundation Award; the 1989 NJSIAA Executive Award; the 1989 Coca-Cola and Madison Square Garden Network Spotlight Award; the 1990 Outstanding Coaches Award for Field Hockey from the National Federation Interscholastic Coaches Association for the State of New Jersey; and the 1990 Boston College Sargent College Special Merit Award for Coaching Excellence. Linda was also the recipient of the 1994 Women's Sports Foundation Budget Car Coaches Award.

Linda was inducted into the New Jersey Interscholastic Athletic Association's Hall of Fame in 1985 and received the Boston University Harry Clevarly Award for Coaches Excellence that same year. She was inducted into the West Essex Regional High School Hall of Fame in 1991 and was named New Jersey's Winningest Field Hockey Coach in 1994 with an unprecedented 422 victories, 53 losses and 40 ties. Ms. Alimi was also named the Winningest Field Hockey Coach in the U.S.A. in 1996 for her amazing 457 victories. Linda received the Honor Award for Outstanding Leadership in Sports from the New Jersey Association for Girls and Women in Sports in 1996, and was the recipient of the 1996 Pathfinder Award presented by the National Association for Girls and Women in Sports. She was inducted into the NJSIAA Hall of Fame on December 2, 1996, placed in the National Federation High School Sports Record Book in 1997 and previewed in Sports Illustrated's Faces in the Crowd on March 17, 1997.

On top of being an exceptional coach, Linda Alimi is a member of numerous committees and involved in a number of activities. She has served as vice president of the West Essex Education Association 1987–88; been liaison committee chairperson to the board of education 1987–88; and was the originator and president of the North Jersey Field Hockey Coaches Association from 1974–85 and county representative from 1985–96. Linda was certified as an instructor in 1982 under the American Coaches Effectiveness Program, Level I and is presently the clinician and chairperson for the New Jersey Interscholastic Athletic Association. Ms. Alimi was a member of the New Jersey Governor's Council on Fitness and Sport from 1986–88, and the winner of the Garden State All Sports Foundation Award in 1988. She served as a member of the U.S. Field Hockey Association board of directors from 1988–92, on the NJSIAA Field Hockey Committee from 1989–96, and on the USFHA Futures Committee in 1994. Linda presently serves on the National Federation Field Hockey rules committee.

Mr. Speaker, I ask you to join me, our colleagues, Linda's family, friends and teammates in recognizing Linda Ann Alimi's outstanding and invaluable service to the community.

DISAPPROVAL OF MOST-FAVORED-NATION TREATMENT FOR CHINA

SPEECH OF

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to discuss whether the United States should continue normal trade relations with China. If I believed for one moment that revoking our current trade status with China would improve the human rights situation there and benefit American workers, I would oppose renewal of most-favored-nation [MFN] status. However, revoking MFN would only serve to make matters worse.

To begin with, MFN is not a special privilege. It would be more accurate to call it "normal trade status" because it is the trade relationship our country has with 184 nations.

If the United States were to revoke this normal trade status, China is likely to retaliate against United States exports by increasing tariffs on these products. Such retaliation would put a large number of U.S. workers at a disadvantage. China is the United States' fifth largest trading partner, with our annual exports to that country having quadrupled to $12 billion over the past decade. An estimated 170,000 Americans work in jobs that produce United States exports to China.

In my district, a number of companies, including ABB Drives and Rockwell [Allen-Bradley], have penetrated Chinese markets, expanding trade and job opportunities. In 1995, Wisconsin companies exported products worth $142 million to that nation, an increase of 29 percent over the previous year. If the United States unilaterally denies normal trade status to China, other countries like Japan and the members of the European Union will immediately replace United States exports to that country.

Since none of our allies would be willing to join us in sanctioning China our sanctions would do the most damage to ourselves. In 1979, we made a similar mistake when we imposed a grain embargo upon the Soviet Union as punishment for the invasion of Afghanistan. What happened? The embargo cut off an important market for United States farmers while Canadian, Argentine, and European growers rushed in to fill the gap. We lifted the embargo in 1981 with a realization that it had had little impact on the Soviets. The Soviets did not get out of Afghanistan until years later, when the Afghans threw them out. This recent historical case illustrates that our unilateral sanctions wreak most of its punishment on one nation: ours.

When we placed sanctions upon South Africa several years ago, they were effective because we had the cooperation of all our major trading partners. If we revoke normal trading status with China, we will be doing it alone—and the Europeans and Japanese will take the business opportunities that United States companies will now be forced to forego.

Opponents of MFN renewal note that over the last several years we have had a growing trade deficit with China. However, the deficit figures show that while our trade deficit with China has increased, our deficit with other major Asian exporters has decreased. In other words, according to the Institute for International Economics, Chinese imports of labor-intensive consumer goods have simply replaced the imports we used to get from Japan, Korea, Taiwan, and Hong Kong. Chinese production has largely displaced imports from other third-party nations, not United States domestic producers.

While I continue to be concerned about the human rights situation in China, is there any reason to believe that we can work to improve human rights by severing our normal trade relations with China? Historically, China's treatment of its own people has always been at its worst when it is most isolated, like their repressive Cultural Revolution from 1966 to 1976. By contrast, today reform in China has a tenuous foothold, thanks partly to our close economic engagement with that country. In the 2 previous years, over 39,000 Chinese students studied at United States universities, who will eventually return to their homeland having experienced American ideas of pluralism and democracy. In 1995, over 164,000 Chinese residents visited this country on business, and thousands more who do not visit here are supervised by American managers and work with American counterparts via

phone and e-mail on a daily basis, and thereby get a sense of our politics, our economy, and our personal freedoms.

Regarding religious freedoms, a number of the missionary groups working on the ground in China have expressed their fears that revocation of MFN would hinder, not help, the cause of human rights there. The China Service Coordinating Office, an organization serving over 100 Christian organizations in service and witness there, fears that ending MFN would close doors in China through educational, cultural, and other exchanges, and cause harm to burgeoning social and political reforms. Similarly, Dr. Samuel Ling of the Billy Graham Center has called on "evangelical Christians to think twice before supporting efforts aimed at revoking China's MFN trade status."

Our engagement has led to a number of significant human rights advances over the last several years. Village elections have given millions of rural citizens access to a more democratic process for choosing local officials. Exposure to international norms and legal systems has played a role in China's legal reform effort to broaden citizens' rights. Reforms include the 1997 amendments to the criminal procedure law which impose limits on police detention of suspected criminals, and the 1994 state compensation law, which allows Chinese citizens to sue government officials and collect damages. By withdrawing economically, we jeopardize future reforms by reducing the positive influence we can continue to have on China.

A vote to continue MFN is not a vote in favor of the policies of the Chinese Government. A vote to continue our normal trade relations with China is a vote for an ongoing engagement which not only supports thousands of American jobs, but allows us to promote reform and democracy among the people of China.

IN HONOR OF WMZQ

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to one of the top rated radio stations in the Washington area, WMZQ. June 22 marks their 20th anniversary on air as a country music station, serving the musical and community needs of our region.

On June 22, 1977, WMZQ 98.7 FM signed on the air with the song "Are You Ready for the Country?" Since that time, the Washington Metropolitan area has benefited from the talent and commitment of their staff. The Country Music Association [CMA] has honored WMZQ's contribution to country music by naming WMZQ the CMA Station of the Year in 1989. The radio industry has also recognized WMZQ's programming excellence with several Achievement in Radio [AIR] Awards.

WMZQ's staff is intertwined with the greater Washington community. WMZQ has supported many charitable organizations like the American Heart Association, the March of Dimes, Children's Hospital, the American Red Cross, and Toys for Tots through event participation and public affairs programming. WMZQ's loyal listeners' generous response to the Annual St. Jude Children's Research Hospital Radiothon has raised over $2 million in just 5 years. Listener's contributions during the Coats for Kids campaigns has kept thousands of children warm during the winter months. WMZQ's Christmas in April home renovation projects has provided many elderly, low-income, and handicapped neighbors with safer living conditions.

On June 22, the WMZQ staff and 15,000 of their most loyal fans celebrated the radio station's 20th anniversary at the Bull Run Country Jamboree. This year they were proud to host Paul Brantly, LeAnne Rimes, Neil McCoy, and Wynonna. Over the last 7 years this annual event has raised over $600,000 for the Northern Virginia Park Authority. This year, WMZQ general manager, Charlie Ochs, rededicated the efforts of the WMZQ staff to better serve the country music listener and to continue to work to make the Washington area a better place to live.

Mr. Speaker, I know my colleagues join me in celebrating the special anniversary of WMZQ. Not only do they provide the region with good country music, but they have supported our community through many volunteer programs. They have enriched the lives of their listeners, have enhanced the quality of life in our region and have grown to be one of the top rated country stations in the Nation.

TAXPAYER RELIEF ACT OF 1997

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 26, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2014) to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998:

Ms. MINK of Hawaii. Mr. Chairman, I rise to oppose H.R. 2014, the Republican tax bill, which shifts the burden of achieving a balanced budget by 2002 to those least able to pay.

Mr. Chairman, H.R. 2014 directs 70 percent of the tax cuts to the top 20 percent of the Nation's taxpayers. H.R. 2014 further limits the new $500-per-child tax credit so that the working poor would not be eligible. H.R. 2014 also allows investors to reduce the taxable value of their capital assets by the rate of inflation, beginning in 2001. H.R. 2014 disproportionately benefits the very wealthy since 62 percent of all capital gains are realized by people with incomes of $200,000.

With respect to education, H.R. 2014 provides $31 billion in tax cuts to pay for higher education costs over the first 5 years, although the GOP congressional leadership and the White House had agreed earlier on a $35 billion cut. In addition to reducing the allocation for education tax cuts, H.R. 2014 changes how these tax cuts would be applied.

For example, under H.R. 2014, a tuition tax credit replaces the HOPE tax credit. The new tuition credit provides for 50 percent of the first $3,000 of tuition paid, and not a full tuition credit of up to $1,500. Accordingly, those students who attend community colleges and other low-tuition schools where costs total, say, $2,000 will receive only $1,000—that is, 50 percent of $2,000—and not the full credit of up to $1,500 proposed by President Clinton. And, by applying the Pell grant offset to the new tuition tax credit, H.R. 2014 further reduces the credit that will be available to low-income students attending low-tuition community colleges.

H.R. 2014 provides for education saving accounts as a way to minimize taxes. But these accounts are also skewed against low-income families. Why? Because the tax education is taken when tuition is paid rather when deposits are made to the accounts. Only high-income families will be able to save enough to take advantage of this tax deduction.

H.R. 2014 provides for a child tax credit which will, however, be effectively denied to lower-income working families who have the greatest need for it. While H.R. 2014 phases out the child tax credit at $75,000—single returns—and $110,00—joint returns—the tax bill provides that any earned income tax credit received by lower-income working families will be used to offset the child tax credit, thereby ensuring that the child tax credit will be denied to lower-income working families.

Single parents who need child care, and use the dependent care tax credit will also be effectively denied the new child tax credit. Why? Because the tax bill provides that any dependent care tax credit claimed by single parents will be used to offset the new child tax credit.

The capital gains provisions in H.R. 2014 disproportionately benefits the richest Americans. Aside from the fact that 62 percent of capital gains are realized by people with incomes over $200,000, investors will be able to index their capital gains for inflation—that is, reduce the taxable value of their capital assets by the rate of inflation—beginning in 2001. The longer an asset is held, the greater the inflation indexing will be. This will result in very large tax cuts for the very rich.

In addition, the indexing of captial gains for inflation, beginning in 2001, means that the projected $3 billion in capital gains-related revenue gains of the first 5 years will be offset by huge revenue losses in the second 5 years. Indeed, the capital gains provisions of the tax bill are expected to contribute about $33 billion to the deficit over 10 years.

H.R. 2014 is fundamentally unfair. This bill, like last year's egregious welfare legislation, punishes the most vulnerable of our citizens: the working poor. The tax bill offers the working poor no relief, and ensures that the gap between the working poor and the rich will widen even more.

I strongly urge my colleagues to oppose H.R. 2014.

HONORING LAWRENCE COUNTY CANCER SOCIETY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KLINK. Mr. Speaker, I rise today in recognition of the Lawrence County Cancer Society and their efforts to combat breast cancer. On July 12, 1997 they will be holding their First Pink Ribbon Golf Classic to raise money for cancer research and increase the public's awareness about this deadly disease.

Sadly, breast cancer is the second leading cause of death among women today. The American Cancer Society predicts that this year 180,200 new cases of breast cancer will be diagnosed, and nearly 46,000 women will die of this deadly disease. Research shows that breast cancer will affect 1 out of every 9 women in America. Today, according to the American Cancer Society, two-thirds of all women over the age of 65 are not receiving mammograms, even though doctors recommend that they get one every other year. Early detection of this disease is vital. By doing so, we can save lives.

The Lawrence County Cancer Society is doing all they can to change these terrible statistics by encouraging women to get checked for this disease as early and as often as possible. Research shows that if breast cancer is detected early, a woman has a 40-percent greater chance to survive this disease. By spreading the word about the benefits of early detection, the Lawrence County Cancer Society is helping to save the lives of the women of America.

Mr. Speaker, I again want to applaud the Lawrence County Cancer Society for their courageous efforts. I hope my colleagues will join me in recognizing their efforts to combat this lethal killer.

IN HONOR OF GOLDEN AGERS OF SS. CYRIL AND METHODIOUS CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the Golden Agers of SS. Cyril and Methodious Church in Lakewood, OH on the 25th anniversary of their senior group on July 13, 1997.

The Golden Agers were formed in July 1972 by Father Humensky and Abbott Theodore Kojis for seniors of the parish. Approximately 59 members of the church attended the first meeting at which Lucy Misencik was appointed the first president of the Golden Agers by Father Humensky. Lucy served as president for 2 years until her death in 1974. At this time Helen and John Kolesar were appointed copresidents. By 1975 there were 270 members of the Golden Agers.

Marie Vaxman was appointed president of the organization in 1980 by Father Onderjka, the current priest of the parish. Marie presided over the organization until 1990. During this time card parties were instituted to defray expenses for pilgrimages and other trips taken by members.

After Vaxman's term, Mary Jacko served as president until 1992, at which time Lenore Steve filled the position. Clara Zbin took over the duties of head of the organization until February 1996. Irene Tomcik is the current president of the Golden Agers. Members of this nonprofit organization enjoy social get-togethers on the third Wednesday of each month.

My fellow colleagues, please assist me in extending congratulations to the Golden Agers of SS. Cyril and Methodious Church on the 25th anniversary of their valuable organization.

BAN ON SMOKING IN FEDERAL BUILDINGS ACT

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation to prohibit smoking in any indoor portion of a Federal building. The Ban on Smoking in Federal Buildings Act covers all federally-owned and leased buildings, including those used by the Federal judiciary and the U.S. House of Representatives and U.S. Senate. The bill defines the term "Federal building" as any building or other structure owned and leased for use by a Federal agency. The bill exempts U.S. military installations and health care facilities run by the Department of Veterans Affairs, as well as any area of a Federal building used primarily as living quarters.

As chairman of the House Public Works and Transportation Subcommittee on Public Buildings and Grounds in the 103d Congress, I introduced similar legislation in 1993. That legislation would have limited smoking in Federal buildings to separately ventilated smoking areas. The bill was approved by the House in 1993 but was not considered in the other body.

Smoking in buildings used by executive branch agencies is limited to designated areas that are separately ventilated, although many Federal agencies have already imposed total bans. Smoking is also prohibited in Federal courtrooms. Smoking is permitted in some rooms of the U.S. Capitol, and Members of Congress can set their own smoking policies for their offices. In my view, there should be a uniform smoking policy for the entire Federal Government—one that protects the health and safety of nonsmokers. In light of what is being done in the private sector, a total ban on smoking in Federal buildings makes good sense.

In studies conducted by the U.S. Environmental Protection Agency, indoor air pollution was identified as one of the top five environmental risks to public health. Environmental tobacco smoke [ETS] has been determined to be a major indoor air pollutant. Although there are other harmful pollutants in the air of most workplaces, very few of those pollutants are capable of being isolated and removed from the workplace environment. ETS is a known health hazard that can easily be removed from the Federal workplace.

In addition to the known health hazards posed by ETS, in 1993, officials from the U.S. Department of Labor testified before the Subcommittee on Public Buildings and Grounds that the Federal Government has paid out hundreds of thousands of dollars in workers' compensation claims to nonsmoking Federal employees who have been disabled or impaired due to workplace exposure to ETS. Unless a uniform ban on smoking in Federal buildings is imposed, the U.S. taxpayer will continue to pay workers' compensation claims to Federal employees disabled or impaired by ETS.

Mr. Speaker, I would note that a number of States have imposed a total ban on smoking in State buildings. In addition, numerous localities have passed ordinances banning smoking in restaurants and other facilities. Many privately owned and operated facilities—from sports arenas to shopping malls to movie theaters—have banned smoking. My legislation is a logical and commonsense measure that will protect the public health of all those who work in, use or visit Federal buildings. The bill will also save taxpayer dollars by eliminating the cause of costly workers' compensation payments to Federal employees impaired or disabled by workplace exposure to ETS. Finally, the Ban on Smoking in Federal Buildings Act will, for the first time, put in place a uniform smoking policy for all three branches of the Federal Government. I urge all of my colleagues to cosponsor this legislation.

H.R. —

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 "Ban on Smoking in Federal Buildings Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) environmental tobacco smoke is a cause of lung cancer in healthy nonsmokers and is responsible for acute and chronic respiratory problems and other health impacts among sensitive populations;

(2) environmental tobacco smoke comes from secondhand smoke exhaled by smokers and sidestream smoke emitted from the burning of cigarettes, cigars, and pipes;

(3) citizens of the United States spend up to 90 percent of a day indoors and, consequently, there is a significant potential for exposure to environmental tobacco smoke from indoor air;

(4) exposure to environmental tobacco smoke occurs in public buildings and other indoor facilities; and

(5) the health risks posed by environmental tobacco smoke exceed the risks posed by many environmental pollutants regulated by the Environmental Protection Agency.

SEC. 3. SMOKING PROHIBITION IN FEDERAL BUILDINGS.

(a) SMOKE PROHIBITION.—On and after the 180th day after the date of the enactment of this Act, smoking shall be prohibited in any indoor portion of a Federal building.

(b) ENFORCEMENT.—

(1) EXECUTIVE BRANCH BUILDINGS.—The Administrator of General Services shall issue regulations, and take such other actions as may be necessary, to institute and enforce the prohibition contained in subsection (a) as such prohibitions applies to Federal buildings owned or leased for use by an Executive Agency.

(2) JUDICIAL BRANCH BUILDINGS.—The Director of the Administrative Office of the United States Courts shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the judicial branch of the Government.

(3) LEGISLATIVE BRANCH BUILDINGS.—

(A) HOUSE OF REPRESENTATIVES.—The House Office Building Commission shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the House of Representatives.

(B) SENATE.—The Committee on Rules and Administration of the Senate shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by the Senate.

(C) OTHER ESTABLISHMENTS.—The Architect of the Capitol shall take such actions as may be necessary to institute and enforce the prohibition contained in subsection (a) as such prohibition applies to Federal buildings owned or leased for use by an establishment in the legislative branch of the Government (other than the House of Representatives and the Senate).

SEC. 4. PREEMPTION.

Nothing in this Act is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this Act.

SEC. 5. DEFINITIONS.

For the purposes of this Act, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term "Executive agency" has the same meaning such term has under section 105 of title 5, United States Code.

(2) FEDERAL AGENCY.—The term "Federal agency" means any Executive agency and any establishment in the legislative or judicial branches of the Government.

(3) FEDERAL BUILDING.—The term "Federal building" means any building or other structure (or portion thereof) owned or leased for use by a Federal agency; except that such term does not include any building or other structure on a military installation, any health care facility under the jurisdiction of the Secretary of Veterans Affairs, or any area of a building that is used primarily as living quarters.

(4) MILITARY INSTALLATION.—The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other facility under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works (including any rivers and harbors project or flood control project).

IN MEMORY OF BILL CLEAVINGER

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. COMBEST. Mr. Speaker, the family farm lost one of its very own when Bill Cleavinger passed away after a generation of working the soil, tending to his family, and nurturing his community.

Bill remained most at home on the family farm and at his best when he spoke up for farming families. First as Texas Sugar Beet Growers Association president and later executive director, he rose to the position of national spokesman as American Sugarbeet Growers Association president. Because he always lived his life close to farming, folks could readily understand and count on what Bill Cleavinger had to say about production agriculture.

As a boy, he helped his father with farm chores, then after college and service in the military, Bill returned to the family farm to work alongside his father. In the rural Panhandle community of Wildorado, Bill and his wife June raised their family on down-to-earth values while they worked the good earth to raise each year's crop.

In his life, Bill Cleavinger was father, farmer, school board member, director of church music, and director of a local bank. To those of us who knew him, Bill was much more than those titles could possibly suggest.

Even with his passing, there will be a next generation of family farmers who will come to know about men like Bill Cleavinger through an internship established in his name to honor personal leadership, persistence, creativity, patience, and integrity.

TRIBUTE TO JOSEPH ROSENBERG

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. SHAYS. Mr. Speaker, I rise today to honor Joseph Rosenberg of Bridgeport, CT, as he celebrates 50 years of living in the United States.

For nearly a half-century Joseph has been an outstanding American citizen and role model for his peers.

As a survivor of several World War II Nazi concentration camps including Auschwitz, he is a living testament of courage, bravery, and the desire for freedom.

Upon Joseph's arrival in the United States, he joined the Army and served his new country proudly. We are deeply grateful for his contributions to the Bridgeport community and our Nation.

We should all be proud to have a fellow American as patriotic as Joseph Rosenberg. As he often says, "There is no place like the United States. People don't know what freedom really is. It's great."

TRIBUTE TO MR. AND MRS. EUGENE C. BERCHIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. and Mrs. Eugene C. Berchin, who will celebrate their 50th wedding anniversary on July 20, 1997.

The Berchins are an extraordinary couple whose love and support for one another has continued to grow over the past 50 years. Though they have celebrated many happy events and milestones throughout their marriage, they were faced with an overwhelming challenge when Marjorie Helene suffered an unfortunate and disabling stroke a few years ago. Fully facing this challenge, Eugene has devoted himself to caring for Marjorie Helene in every way, seeing that she is comfortable and receiving the best care possible.

Eugene and Marjorie Helene met shortly after Eugene's discharge from the U.S. Army, where he was a captain stationed overseas with the 89th Infantry Division. After their marriage, Marjorie Helene graduated from UCLA obtained her teaching credential, and taught life sciences at Polytechnic High School. During that time, she was the primary source of income as Eugene attended dental school at USC and later attended law school.

The Berchins have two children, a son, Joel Mitchell, and a daughter, Sondra Ellen. Joel is a physician who practices in the San Diego area and Sondra is a lawyer who attended UCLA School of Law. She was a law clerk for both Justice Thurgood Marshall and Second Federal District Justice Oaks. The Berchins are also the proud grandparents of Kyle Taylor and Caitalin Lee.

Eugene and Marjorie Helene Berchin are a living tribute of the greatest strengths of the institution of marriage and the American family. They having continually loved and supported one another, their children, and their grandchildren in each event of their lives, whether joyous or sorrowful.

Eugene very proudly expresses that Marjorie Helene is a beautiful today as the day he met her and that she still enjoys the music of the Big Band Era.

I ask my colleagues to join me in congratulating the Berchins as they celebrate their 50th wedding anniversary and in wishing them and their family every happiness in the years to come.

TRIBUTE TO THE STAFF OF THE IRWIN BANK

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. KLINK. Mr. Speaker, I rise today to extend my warmest congratulations to 170 people celebrating a 75th birthday—the staff of the Irwin Bank & Trust Co. in Pennsylvania.

Its central strength has been to observe a good rule of thumb for politicians: Never forget those you serve. As it has grown, Irwin Bank has stayed loyal to its customers and loyal to the community.

In particular, I heartily commend the bank's commitment to re-invest in the area it serves. Playgrounds, libraries, and concerts have been funded through its grant program; local people affected by natural disasters have been helped by the bank's low-interest community loan scheme. Companies have a responsibility to society just as individuals do, and Irwin Bank deserves recognition for its exceptional work in Pennsylvania.

Over the past 20 years, I have grown accustomed to the bank's friendly neighborhood service. The staff do indeed treat their customers as the friends they are. I invite all Members of this House to join with me in congratulating Irwin Bank on 75 years of community service, and wishing all the staff the best of luck for the future.

INTERNATIONAL DEVELOPMENT LAW INSTITUTE

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I wanted to bring to the attention of my colleagues a fascinating program that I recently learned about since I joined the International Affairs Committee. The International Development Law Institute was founded in Rome in 1983 and has operated as a public international organization since 1991.

The Institute's mission is an intriguing one. Its founders, Michael Hager, William Loris, and Gilles Blanchi, all recognized that one of the impediments to development for many countries was the lack of trained lawyers and legal advisors who could provide the essential services required to foster private sector development, governance, and economic law reform.

To overcome these barriers, the Institute offers, both in Rome and onsite in individual countries, practical training in lawyering—how to negotiate and draft an agreement; how to resolve disputes—international commercial law—how to set up a joint venture, how to foster technology transfer—and economic law reform—how to deal with issues of corporate governance and bankruptcy—as well as courses addressing public law issues like environmental laws. The Institute has trained more than 4,600 lawyers from 153 countries preparing them to meet the evermore challenging demands of modern international trade.

I am proud, Mr. Speaker, that one of the member states of IDLI is the United States. I have met Mr. Hager and was impressed with IDLI's commitment to its mission. It is my hope that our country will continue its support of this valuable Institute to provide critical resources to those countries which so very much need them.

ELECTIONS IN MEXICO

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. GALLEGLY. Mr. Speaker, 2 days ago, the United States and all the nations of the Americas witnessed one of the most dramatic expressions of democracy ever held in this hemisphere in modern times.

The recent national elections in Mexico represented the clearest sign yet that the principles of democracy, freedom of expression, and the turn to true multiparty representation has taken a strong hold in the hemisphere and promises to serve as a model for the rest of the Americas.

The people of Mexico should be very proud of themselves for effecting what was apparently the fairest and freest election in Mexican history. The people of Mexico should also be proud of the government of President Ernesto Zedillo, who despite the fact that the voters threw his party into serious election defeat, was bold enough to initiate and to enact the significant election law reforms which resulted in these elections being so transparent.

The people of Mexico should be congratulated for overcoming what surely was a healthy amount of skepticism of the reforms and for going to the polls to express their will in support of change for truly representative government. Without their faith, their cooperation, and their participation, the changes proposed by President Zedillo would not have mattered.

The political parties of Mexico and their successful candidates should also be commended for their participation and for conducting such clean and apparently corruption-free campaigns. Through these elections, Mexico has truly turned the corner and has seriously committed itself to real democracy.

Now, however, comes the hard part. Can the PRI accept the will of the people and relinquish some of the decisionmaking authority it has so long held. Can the Chamber of Deputies work together to forge coalitions to fashion policies which will benefit all of the people of Mexico. Can the Zedillo government work with the Chamber to provide economic growth and social justice. Can the PAN governors of some of Mexico's wealthiest states work with the Federal Government for a greater Mexico. Can the PDR mayor-elect of Mexico City work cooperatively with the Federal Government to govern an unruly city which needs help in so many facets of everyday life.

Whatever the outcomes of these questions, there can be no doubt that what happened on July 6 was a tremendous boost to democracy not only in Mexico but throughout all of the Americas.

As chairman of the Western Hemisphere Subcommittee, I want to offer my congratulations to the government of President Zedillo, to all of the successful candidates, and most especially to the people of Mexico for making this election a benchmark in Mexican history and a shining example of how democracy should work for the rest of the hemisphere.

HONORING MR. TONY CURTIS TOTTEN

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BURR of North Carolina. Mr. Speaker, I rise today to honor a man who has overcome several obstacles to lead a fulfilling life. Tony Curtis Totten is a talented artist, a hard worker, and a well-respected citizen. He also has Usher's Syndrome, an inherited condition that causes both hearing loss and loss of peripheral vision.

Despite this disability, Mr. Totten was recently named Employee of the Year by Winston-Salem Industries for the Blind. He has also been nominated for the Peter J. Salmon National Blind Employee of the Year award. I applaud Mr. Totten for his determination to succeed and his dedication to his work. I believe he is an excellent candidate for this honor.

By day, Mr. Totten works to produce mattresses. He has been with Winston-Salem Industries for the Blind for 6 years. According to his coworkers, he has a good attitude about work, does whatever jobs he is asked to do, and is quick to help others when they need assistance. Tony is usually "the first person in the department to go to work, and the last one to stop."

By night, however, Mr. Totten is a gifted and devoted artist. Drawing is his passion, and he is able to create remarkable portraits from photographs. Art has been an important part of his life for many years. Tony has won art awards in the area, and one day hopes to operate his own graphic arts business.

It is people like Tony Totten who exemplify the idea of the American dream. His initiative and display of personal responsibility inspires the people around him. Tony has already opened many doors that were previously closed to him and others with similar disabilities. For myself, for my colleagues in this House, and for our Nation, I say thank you Mr. Totten for showing us that nothing is impossible.

A SESQUICENTENNIAL TRIBUTE TO MILWAUKEE'S ST. JOHN'S CATHEDRAL

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, it is with pride today that I celebrate an important event in the city of Milwaukee's history. The summer of 1997 marks the sesquicentennial of Milwaukee's St. John's Cathedral. I ask my colleagues to join me in saluting this parish's remarkable achievements and invaluable contributions to a great community.

In May 1844 Milwaukee's first bishop, John Martin Henni, arrived in Wisconsin. As Ordinary of the Milwaukee See, Bishop Henni devoted 37 years to the betterment of the Milwaukee area. In an era of expansion, Bishop Henni looked to the future. Perhaps his most impressive accomplishment was overseeing the construction of St. John's Cathedral.

Bishop Henni's purchase of nearly an acre of ground on which to erect his new cathedral proved to be an ambitious endeavor. While many people felt the Bishop was too zealous, his energy and vision resulted in the successful construction of one of the most majestic structures in Milwaukee. In addition to its physical beauty, St. John's Cathedral contributed to the community's rich culture enjoyed by its first settlers. It is in the spirit of Milwaukee's first immigrants that St. John's Cathedral continues to add to Milwaukee's community.

The dedication of the men and women of St. John's parish makes our community a better place to live. Throughout its 150 years of

existence, the people of St. John's have persevered. In January 1935, St. John's Cathedral suffered a devastating fire. It was the unselfish work of the entire Archdiocese that allowed St. John's to be reconstructed. Today, St. John's Cathedral remains one of the most prominent structures in the city.

Mr. Speaker, I ask my colleagues to join me in paying tribute to St. John's Cathedral. I join with the city of Milwaukee in wishing this outstanding parish a happy sesquicentennial and continued success in our community.

TRIBUTE TO THE MICHIGAN APPAREL CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. LEVIN. Mr. Speaker, I rise to honor the Michigan Apparel Club [MAC] on the occasion of their 80th anniversary.

Eighty years ago, this club began as just a social gathering between manufacturers' representatives of men's apparel and the Michigan retailers they serviced. In the 1920's, their informal relationship took on a closer association with the introduction of "The Sprinkler," and trade shows. "The Sprinkler" was, and still is today, the publication that informs retailers of the trade shows and provides advertising opportunities for the manufacturers' representatives and their merchandise.

With the advent of the Depression, apparel clubs in other States suffered, and only the Michigan club remained.

MAC's most successful years came as a result of World War II. Shortages of merchandise resulted in strict allocation of supplies to retailers, and with the return of servicemen the club took on a new spirit and camaraderie that is unmatched even today. Indeed, those were their glory days.

The Detroit trade shows were first held in the Statler and Book Cadillac Hotels, and shortly expanded from the two hotels, to three with the addition of the Tuller. Their next move was to Cobo Hall, and later to the Southfield Civic Center. Today the Michigan Apparel Club holds their trade shows at the Burton Manor in Livonia, and serves as the regional show for all the Midwest.

Mr. Speaker, I ask my colleagues to join me in congratulating the Michigan Apparel Club for its 80 years of dedicated service, and I wish the current members continued success in promoting the goodwill and prosperity in our business community.

TRIBUTE TO THE LATE JAMES MAITLAND STEWART

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise to celebrate the life of one of America's most cherished heroes, James Maitland Stewart, known to beloved fans worldwide as Jimmy Stewart. He was not only a World War II hero, but he was the quintessential American—honest, moral, and decent.

Jimmy Stewart was born on May 20, 1908, in Indiana, PA. He graduated from Princeton University in 1932 and soon traveled to Broadway. After a string of hits, he went to Hollywood and appeared in his first movie, "Murder Man," with Spencer Tracy. He portrayed characters in nearly 80 films, spanning the film genres of westerns, dramas, thrillers, and comedies. He starred with the greats of the Silver Screen: Grace Kelly, Katherine Hepburn, Cary Grant, and John Wayne.

In 1941, Stewart enlisted in the U.S. Army. His military career was as successful as his acting career. He flew 25 successful missions over enemy territory and was promoted to the rank of colonel. Due to his bravery and valor he was awarded the Air Medal and the Distinguished Flying Cross. He retired in 1968 with the rank of brigadier general, making him the highest-ranking entertainer in the United States Military.

After the war, he appeared in "It's A Wonderful Life," one of the most celebrated movies in American history. In 1940, he won his first Academy Award for the "Philadelphia Story." Always known as a humble man, he sent the award home to his parents. He went on to be nominated four more times. He won the lifetime achievement award from the American Film Institute in 1980, the Kennedy Center in 1983, and the Film Society of Lincoln Center in 1990.

Jimmy Stewart, a true renaissance man, served as a role model for many Americans during his 89 years. Several generations have already enjoyed his movies and their influence is sure to continue to posterity.

Mr. Speaker, I respectfully urge my colleagues to take a moment to remember Jimmy Stewart—a man who embodied the spirit of America.

TRIBUTE TO CHARLIE HARVILLE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. COBLE. Mr. Speaker, the Piedmont Triad of North Carolina has a rich sports heritage and a man who has reported on much of it for more than half a century has been honored as one of the best ever produced by our State. I am referring to sports broadcasting legend Charlie Harville of Greensboro, NC. Harville, the first television sports anchor in the Greensboro-High Point market, has been inducted into the North Carolina Sports Hall of Fame.

As a student at High Point College, now University, Charlie Harville began his broadcasting career at WMFR–AM as a substitute baseball announcer for the Class D North Carolina State League Thomasville Tommies. After he worked his first game on April 28, 1938, the radio station hired him permanently. Harville's budding broadcasting career was suspended by 4½ year tour of duty in the Army Air Corps during World War II. Following his discharge, he landed radio jobs in Martinsville, VA, Goldsboro, NC, and LaSalle, IL, before he returned to Greensboro for a job at WFMY Radio. In 1949, WMFY–TV went on the air and Charlie Harville became the station's first sports anchor.

Harville remained at WFMY until 1963 when WGHP, channel 8 in High Point, hired him away. He was replaced at WFMY–TV by Woody Durham, better known these days as the voice of the University of North Carolina Tar Heels. Charlie left WGHP in 1975, and after 2 years of free-lance sports announcing, he was rehired by WFMY in 1977 to replace the departing Woody Durham. Charlie retired from full-time reporting and channel 2 in 1988. In 42 years of broadcasting, WFMY had known only two sports directors, both legends in North Carolina, Charlie Harville and Woody Durham.

Now 78, Charlie Harville, shows no signs of slowing down. We are sure that his 9 children and 22 grandchildren will make sure of that. He continues to tape a 4-minute daily interview show for Greensboro Bats baseball games on WKEW–AM. He attends most Bats games at War Memorial Stadium, and he remains an active member of Society of American Baseball Research. His close friend and president of the Greensboro Sports Commission Tom Ward told the Greensboro News & Record that Charlie Harville is a "walking encyclopedia with a photographic mind who can recite batting averages from 1944." Retired News & Record sports editor Irwin Smallwood said that Charlie Harville "was an authentic pioneer in regional television. He set a standard to which others still aspire."

His colleagues share that opinion and that is why he was elected to our State's Sports Hall of Fame. We can think of no better place for Charlie to be except maybe at a baseball game, on the golf course, or at the race track. We always knew that Charlie Harville was an All Star, but we were particularly pleased to learn that now he is a Hall of Famer, too.

On behalf of the citizens of the Sixth District of North Carolina, we salute Charlie Harville on his induction into the North Carolina Sports Hall of Fame. To borrow Charlie's signature closing line—"That's the best in sports today.'