SENATE—*Tuesday, July 15, 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:

Almighty God, who has given us the gift of life, bless us this day in the work we will do. We praise You for work that can be done as an expression of worship of You. We bring the meaning of our faith to our work rather than making our work the ultimate meaning of our lives. With that perspective, we seek to do everything to Your glory. We pray for mental alertness, emotional stability, and physical strength to achieve excellence in all that we do. Thank You for Your companionship in tasks great and small. It is awesome to contemplate that You who are in control of the universe have placed us in charge of what You want us to accomplish.

Fill us with Your joy and make us cheerful people who make others happier because we are with them. Make us a blessing and not a burden, a lift and not a load, a delight and not a drag. It is great to be alive. Help us make a difference because of the difference You have made for us. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the Senator from Alaska, is recognized.

Mr. MURKOWSKI. I thank the Chair and wish the President pro tempore a good morning and a good day.

Let me also welcome my good friend, the Senator from the State of Oregon. I wish him a good morning, and our staffs as well.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the majority leader, I announce that today the Senate will be in a period of morning business until the hour of 11 a.m. By consent, at 11 a.m., the Senate will resume consideration of S. 1005, the Department of Defense appropriations bill, with only those amendments listed in last evening's unanimous-consent agreement being in order. Following the disposition of those amendments, the Senate will proceed to a vote on final passage of the Department of Defense appropriations bill, hopefully, by early afternoon.

Further, by previous consent, the Senate will recess from 12:30 to 2:15 p.m. for the weekly policy luncheons to meet. Following that recess, the Senate will complete action on the Department of Defense authorization bill, if not earlier disposed of, or will begin consideration of the energy and water appropriations bill.

The majority leader wishes to remind all Members that the Senate is working to complete action on three or four major appropriations bills this week. Therefore, late sessions can be expected and votes should be anticipated throughout each day of the Senate session.

On behalf of the majority leader, I thank our colleagues for their attention.

Mr. President, I am going to speak in morning business on the subject of the Land and Water Conservation Fund.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). If the Senator will withhold for 1 moment, under the previous order, the 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. The Senator from Alaska is recognized to speak for up to 15 minutes.

Mr. MURKOWSKI. I thank the Chair.

LAND AND WATER CONSERVATION FUND

Mr. MURKOWSKI. Mr. President, I like to talk today about the stateside portion of the Land and Water Conservation Fund which doubles both the pleasure of those who use outdoor recreation facilities as well as the money. The stateside matching grant program of the Land and Water Conservation Fund basically provides two for the price of one, and I will explain that a little further. The Land and Water Conservation Fund grant program, or the LWCF as it is known, has had a substantial long-term effect on our overall attitudes and policies toward outdoor recreation. The land and water stateside program has truly a unique legacy in the history of American conservation and recreation.

When I say stateside program, I am talking about a State/Federal matching grant. What better way for the Federal Government to participate than matching local funds for public parks and recreation facilities. Local funds provide an opportunity for involvement and pride and responsibility by the communities at hand.

The first legacy of this kind is the notion basic to the Land and Water Conservation Fund Act that States must assume the leadership role as provider of recreation opportunities. It should not be left to an indifferent Federal Government headquartered in Washington, DC. It should start in the communities where the people recreate.

From a historic perspective, the Land and Water Conservation Fund has contributed significantly to outdoor recreation. Through fiscal year 1995, a total of 37,300 projects had been approved to support the acquisition of open space for park land and the development of outdoor recreation facilities. The Federal share of $3.2 billion has been matched by State and local contributions, for a total investment of over $6.5 billion in local park and recreation. So when you take Federal matching with the State matching, you get two for the price of one.

I think it also important to note from where the Federal share comes. It comes from OCS revenues; that is, offshore oil and gas revenues. As a consequence, for those who are very sensitive about OCS drilling, I should point out that the revenue stream to provide the matching grants for the Federal share for land and water conservation comes specifically from OCS. If we do not have offshore oil and gas exploration, we are not going to have the money to fund the Land and Water Conservation Fund. Last year, OCS revenues totaled over $3 billion.

I believe, with advanced technology, we can safely pursue OCS activities off our shores and also provide a revenue stream for recreation through the Land and Water Conservation Act. The facts should not be lost on this body, the realization of just where these funds come from.

Further, States have received over the years about 8,200 grants and counties some 4,800, while cities, towns, and other local agencies matched more than 24,000 grants. The facilities that the $6.5 billion investment has bought are those that are down your street, across your town, in the inner city, and virtually every nook and cranny of our country. The parks and facilities serve virtually every segment of the public. Millions of Americans have walked and jogged and picnicked, hiked, biked,

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

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fished, hunted, golfed, or played ball in at least one of these areas. These are the destination parks and facilities for families, campers, and hikers, areas where kids learn to play baseball, learn to swim, and really get an appreciation of nature. And those are the facilities in their neighborhoods and near their homes.

Further, the statewide program is unquestionably one of the most successful programs established by Congress. The Americans for our Heritage and Recreation Coalition, consisting of a number of groups which banded together to seek reliable funding sources, concluded that the Land and Water Conservation Fund is "arguably the most important environmental program of this century" and that a reliable source of funding should be restored.

I had the pleasure of recently addressing the Conference of Mayors in San Francisco. There were over 400 mayors there led by Mayor Daley of Chicago and Victor Ashe of Knoxville. They unanimously passed a resolution strongly urging the Congress and President to restore funding to the statewide LWCF program. The Western Governors Association passed a similar resolution. I ask unanimous consent that copies of both of these resolutions be printed in the RECORD for the benefit of my colleagues.

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

65TH ANNUAL CONFERENCE OF MAYORS, SAN FRANCISCO, JUNE 20–24

Adopted

LAND AND WATER CONSERVATION FUND

1. Whereas, the Land and Water Conservation Fund (LWCF) was established by Congress over thirty years ago to provide quality recreation for the American public; and

2. Whereas, in the past LWCF has provided federal matching assistance to states and their localities for acquiring land and developing quality public outdoor recreation facilities for the benefit of present and future generations of Americans; and

3. Whereas, the results of the program are evident in nearly every community in the nation through projects ranging from inner city playgrounds to suburban baseball fields to state natural areas; and

4. Whereas, over the past couple of years there has been no funding for state and local parks projects under LWCF despite availability of royalties from Outer Continental Shelf Oil and Gas payments pledged to the Fund; and

5. Whereas, it is the local park which is the most used and visited of any parks in our national parks system,

6. Now, therefore, be it *Resolved*, That the United States Conference of Mayors urges the President and Congress to recognize the outstanding legacy of the Land and Water Conservation Fund and the continuing unmet need for local public outdoor parks and recreation facilities by increasing the appropriations in the next fiscal year budget for the state and local grants portion of LWCF; and

7. Be it further *Resolved*, That the United States Conference of Mayors urges the President and Congress to strongly consider the parks and recreation needs of state and local governments at the same time it considers national park priorities as outlined in the 1997 budget agreement; and

8. Be it further *Resolved*, the United States Conference of Mayors reaffirms its support for the 1994 report by the National Park Service's Land and Water Conservation Fund Review Committee which recommended a 30 percent allocation of LWCF to local governments; and

9. Be it further *Resolved*, That a copy of this resolution be forwarded to the bipartisan leadership of Congress.

Project Cost: Unknown.

WESTERN GOVERNORS' ASSOCIATION, MEDORA, ND, JUNE 24, 1997

Policy Resolution 97–012

Sponsors: Governors Bush and Geringer.

Subject: Allocation of Land and Water Conservation Fund Appropriations.

A. BACKGROUND

1. In 1964, the President and Congress enacted one of the most successful and far-reaching pieces of conservation and recreation legislation in America's history, the Land and Water Conservation Fund.

2. The Act emphasizes a leadership role for the states in achieving a national outdoor recreation system which requires commitments to planning, establishment and expansion, and funding of projects on a coordinated basis at the local, state, and national level.

3. The Fund has provided more than $5.6 billion to acquire new federal park and recreation lands and has provided matching grants to state and local governments which have resulted in the establishment of over 27,000 basic recreation facilities in every state and territory of the nation (or 37,300 new or improved basic recreation facilities).

4. The Fund receives deposits from three sources:

a. Outer Continental Shelf (OCS) revenues derived from leasing oil and gas sites in coastal waters (approximately 90% of total deposits).

b. Sale of Federal surplus real properties.

c. A portion of Federal motorboat fuel taxes.

5. In 1995, a National Recreation & Park Society survey indicated that state and local recreation agencies needed $27.7 billion in capital investment for rehabilitation, land acquisition, and construction for the next five years. The survey additionally estimated that state and local agencies would have only half of these necessary funds.

6. These estimates indicate a long-term deficit of public recreation investment nationally.

7. In 1976, the Act was amended by:

a. raising the Appropriation ceiling from $600 million to $900 million; and

b. changing the allocation formula, which had given 40 percent to federal agencies, to read that "not less than 40 percent of any appropriation would go to Federal agencies."

8. While states received approximately sixty percent of the allocated grant money before 1976, during the last ten years they received, on average, only 7.5% of the allocated grant money from the LWCF.

During Fiscal Year 1996 and 1997, states received zero funding from the LWCF, despite a large increase in OCS revenues.

B. GOVERNORS' POLICY STATEMENT

1. A true partnership to "Build a Nationwide System of Parks" can only be achieved by increasing LWCF appropriations and by balancing the funding between federal, state and local agencies.

2. To rebuild this partnership and revive the true intent of the LWCF Act, Congress should increase LWCF appropriations and amend the LWCF to increase the percentage of LWCF funds allocated to the states to 50 percent.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. Western Governors' Association shall survey this resolution to the President of the United States, the Secretary of the Interior, western congressional delegations, and appropriate House and Senate committee chairmen and ranking minority members.

2. Western Governors' Association staff and Natural Resource Group shall continue to monitor and study this issue and recommend specific action items for the Governors.

Mr. MURKOWSKI. Mr. President, in campaigning for the Presidency of the United States, candidate Bill Clinton at the time stated:

> I will acquire new park lands and recreation areas with funds now available in the Federal Land and Water Conservation Fund to increase opportunities for hunting, fishing and other outdoor recreation activities.

Candidate Clinton said:

> I would increase funding for several programs. . . and reinvigorate the Land and Water Conservation Fund to make more funds available for the acquisition of public outdoor open spaces.

And he also said:

> I would also make funds available from the Land and Water Conservation Fund to help address critical infrastructure needs in State and local facilities.

Unfortunately, I guess our President has overlooked it or was kidding because if you look at the administration's proposal for the stateside funding for the Land and Water Conservation Act which would address the critical needs in State and local facilities, there is a large zero.

Secretary Babbitt, in May 1996, in an interview with the San Jose Mercury News, is credited with stating that he is working on a proposal to take the Land and Water Conservation Fund off budget, so a full $1 billion a year can be spent on the parks. Reportedly, the Secretary said that the effort would not occur until the next year, meaning that it would be contingent on President Clinton's reelection. Well, it is now next year. President Clinton has been reelected. The administration, however, has been silent vis-a-vis the proposal for the Land and Water Conservation Fund.

We have instead a proposal to use $315 million of the $700 million contained in the budget agreement for the purchase of the Headwaters Forest in California and a mine in Montana. We do not know an awful lot about the Headwaters Forest acquisition. We do know that the Headwaters Forest is 40 air miles from the nearest national forest. We know that access to the Headwaters Forest is extremely limited. We know that the agreement with the current landowner of the Headwaters Forest is contingent on a favorable ruling

by the Internal Revenue Service. Getting a favorable ruling from the Internal Revenue Service is a herculean effort, and I am not sure that the IRS knows how to basically spell the word "favorable," but that is a subject for a statement for another day. The bottom line is that these projects have never ever been authorized by the appropriate committees of jurisdiction. No hearings, none whatsoever. No hearings have been held and no legislation has been introduced. This is from an administration that prides itself in the public process. Public process suggests legislation, suggests hearings, and action by the appropriate House and Senate committees. Neither of these have been proposed in the case of the acquisition of the area known as the Headwaters Forest in California or the area proposed for the mine purchase in Montana.

This is very much like the recent land grab in the State of Utah. There was a process ongoing where the committees were discussing the merits of withdrawing 1.6 million acres of public land in Utah and putting that land in wilderness. While these discussions were occurring, the administration saw fit to invoke the Antiquities Act and, overnight, basically put this 1.6 million acres in Utah into wilderness over the objections of the Utah congressional delegation and Utah's Governor. The President's action occurred without any hearings, without any public process. And, ironically, the announcement came not in Utah but in front of the Grand Canyon in Arizona.

Well, the media saw fit to not make an issue of it so not too many people in the United States reflected on the inconsistency between the President's promises and his actions.

But, again, this is what is proposed in the budget agreement: the purchase of the Headwaters Forest in California and a mine in Montana—no hearings, no public participation in the process, simply an outright purchase. This is not the purpose of the Land and Water Conservation Fund.

We do not know just what is their objection, relative to the procedure, but as the Senator who is chairman of the Energy and Natural Resources Committee, the fact that the administration is circumventing the public process is certainly, in my opinion, inappropriate.

What we do know is that the benefits derived from funding the stateside Land and Water Conservation Fund program are great. That is why we should take the $315 million and invest it in the State matching grant program because it will return over $630 million in benefits.

Roger Kennedy, former Director of the National Park Service, perhaps put it best when he said,

> Without a doubt, the Land and Water Conservation Fund ranks highest among the most successful and significant conservation/recreation movements ever experienced in these United States. This State-driven program has resulted in much needed and highly beneficial public outdoor recreation opportunities for the benefits of all the people. More accessible park and recreation facilities have become a reality.

and continue to become even a greater use and benefit to the Nation.

Mr. President, it is very difficult to compare the relative value of expanding a wildlife refuge, say, in the Florida Keys, with the addition of acreage to a unique urban park such as the Presidio in San Francisco. It is difficult to compare the value of supplementing Federal holdings in Glacier National Park with a purchase of land, say, next to Gettysburg National Battlefield. But those are the types of decisions that are faced day-in and day-out by the Congress in determining priorities for funding under the Land and Water Conservation Fund.

I, therefore, urge my colleagues on the Appropriations Committee and those in the Senate to provide funding for the stateside Land and Water Conservation Fund Grant Program. In the absence of these grants, I fear local park and recreation services will fail to meet the ever-growing demands of the American public and the Federal Government will be asked to fill the void. It is a role the Federal Government cannot and should not play. The answer to this dilemma is simply the stateside matching grant of the Land and Water Conservation Fund.

Mr. President, I have already noted the action taken by the mayors of the Conference of Mayors in San Francisco relative to support of this program because it is so significant relative to community involvement and community responsibility. I urge my colleagues to reflect on that, as well as, again, on the statement from the Western Governors Council in support of this program.

There is one other item I want to bring to the attention of my colleagues relative to action before this body. I ask unanimous consent, since no other Senator is seeking recognition, that I may speak for another 5 minutes on chemical weapons disposal.

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

CHEMICAL WEAPONS DISPOSAL

Mr. MURKOWSKI. Mr. President, I intended to offer an amendment to the defense appropriations bill that would have stricken the language that made it impossible for the Department to study alternatives to the methods we currently employ for disposing of chemical weapons. During the consideration of the Defense authorization bill last week, I offered an amendment to provide for a study. This amendment was readily accepted by the floor managers and was included in the final bill which the Senate passed overwhelmingly last Friday. Depending on the conclusions of the study, the taxpayers of this country could save somewhere between $3 and $5 billion. This is real money. Perhaps they could save much more in the cost of disposing of these chemical weapons.

This was just a study. It did not mandate changes in the program at this time. It merely provided Congress with an opportunity to responsibly evaluate alternatives in the future. I think it is clear we need to take a fresh look at this program so we can responsibly evaluate whether safer and cheaper alternatives to the present system exist.

In 1985, the Congress directed the Army to destroy our stockpile of obsolete chemical weapons. These are the nerve gases and the various other agents that are so deadly. The Senate took action and reiterated this commitment by ratifying the Chemical Weapons Treaty earlier this year, and we are in the process of disposing of those weapons. But the present system, I suggest, is not working the way it should. The present system is increasingly expensive, and a timeline for completion of the program is increasingly uncertain.

If we look at the figures, according to the GAO, the program faces dramatically increasing costs. I am going to describe where these weapons are in a moment. The stockpile disposal program went from an initial estimate of $1.7 billion as the cost of disposing of these chemical weapons in 1985 to a current estimate of about $12.4 billion. So, as we begin to look at the cost of disposing of these weapons, why, the cost just simply goes out of sight. The nonstockpile program could cost an additional $15.1 billion and it is estimated now to take 40 years to complete.

We have these weapons stored in various locations around the country. Clearly, we want to dispose of the weapons. But now they are telling us it is going to take 40 years to dispose of them. It is a hole out there we are going to pour money into for 40 years. The estimate is a minimum cost of over $27.5 billion. But, remember, that is up from what the original estimate was in 1985 of $1.7 billion. So we go from $1.7 to $12.4 to $15.1 to $27.5. And now we are talking about 40 years.

These stockpiled munitions are, obviously, highly deadly. Their long-term viability is questionable. We simply cannot continue to postpone our responsibility to act on this program at this time. We have stockpiled munitions at nine sites, and here they are, Mr. President, with disposal facilities up and running at only two. The only two we have running are one out in the Hawaiian Islands, Johnston Atoll, out there, about 600 miles south of Hawaii, and recently, Tooele in Utah is up and running. These facilities are costing

well over $1 billion in Tooele, and the Johnston Island site is somewhere around $1.3 billion or thereabouts.

It is interesting to note where we are. We are in Alabama, we are in Arkansas, we are in Colorado, we are in Maryland, we are in Kentucky, we are up here in Indiana, and, of course, we are in Umatilla, OR. Every State is sensitive, including the State of my friend, the Senator from Oregon. The reality is they want this removed from these various States where they exist. So the Department of Defense and the Pentagon and the appropriate committees have determined the best way to get rid of it is to build individual sites at each of the seven or eight—or actually potentially nine—sites, at a cost of over $1 billion, and, once the material is disposed of, that terminates the facility because it is not beneficial for anything else.

However, it is interesting to note a couple of facts. In the Johnston Atoll, most of the material that is being incinerated there and disposed of came from NATO. It came from Europe. It was shipped across the ocean. Some of it came from Guam. That facility is functioning. It is underway. There is a prohibition about it taking any more. I can understand the sensitivity of the delegation from Hawaii, but, again, as we look at this catch-22 that we are in, I am just wondering, is it necessary that we build six new plants? Or, can we somehow look at some other alternatives? Is there a way to incinerate this at sea? We have built incinerating barges and facilities before quite successfully. Is there an advanced technology? What the Senator from Alaska has proposed is a study, a study to see if there is another and more beneficial return for the taxpayers of this country for the disposal of this weaponry.

In Oregon we have the adjacent coastline. In Aberdeen—in several of these areas we are not too far from the water. But each is very concerned about shipping this material across another State to get it to a place where you can dispose of it. So we are in this round-robin here. Nobody wants the stuff. Everybody wants to get rid of it. Nobody wants it to cross their State line. Nobody wants to take any more. Nobody wants to accumulate it and reduce the cost. So we simply sit here and watch the costs go up to $27 billion, we watch the time extended to up to 40 years, and we are being irresponsible by not allowing a study.

That is what my amendment would have done. It would have been to allow a study. However, because there is a prohibition even against a study, the conference and/or the committee itself is refusing to accept my amendment, which I can understand, given the sensitivity. I can understand how the process works around here. But I think we need to highlight how irresponsible we are in just ducking this issue and hoping that it will be resolved on somebody else's watch.

We have stockpiled these munitions at nine sites. We cannot, by laws that we passed, transport these munitions. So, you know, the alternative is to build these sites at more than $1 billion each at the same time we continue to face permitting problems at every Federal site, every local level at the other seven sites, and a start date for construction seems to be extended on and on and on. The logic of the present disposal system really escapes me, and, as a consequence, I offered the amendment so we could take a rational look at what we are trying to accomplish with regard to this problem.

This again, Mr. President, is just a study. But in order to take a rational look at the program, it is imperative that all aspects of the program be considered so we can best evaluate how to proceed.

I hope the conferees on this bill will consider their responsibility and reconsider the Senate language which permits us an opportunity to take a second look. It does not demand that we do anything. It is not that we ship anything, not that we do not build these, it simply says, "Is there another, a better, a more efficient, cost-savings way?" I think there is. To suggest we are going to eliminate even the ability to take a look at this program, I think is terribly irresponsible on the part of those who bear the responsibility of addressing this, because this is just a study. What is the harm in looking at the problem?

I had proposed striking the prohibition against the study. We could always ask the inspector general for a study, and probably will. But I did want to take an opportunity to present before the Members the reality. This is something we cannot hide. We cannot overlook this. We have a responsibility to address it. We are spending huge amounts of money, and the public should recognize just what our alternatives are and face up to the fact that this was created as a consequence of decisions made in the national defense interests of our Nation. We created this terrible nerve gas. I have seen the canisters it is in. I have seen how they dispose of it at Johnston Island and the manner in which it is taken into chambers where the explosive charge is removed, the gas is incinerated in one chamber in a closed cycle and the explosive material is taken in another chamber and incinerated. This was the development prototype.

But, here we are today faced with the inability to even look at a better way of disposal because of the sensitivity of this issue and the concern, if you do a study and you find a better way, it might suggest you might have to move it, and, therefore, you would have to move it across another State, and they don't want that to happen. So leave it where it is, simply build the plants and get on with it and spend God knows how many billions of dollars in the process.

So, you might say the Senator from Alaska is a little sensitive to the prohibition to even allow a study and an evaluation of a better way to meet our obligations to dispose of our chemical weapons.

You might say, "What in the world is the Senator from Alaska doing in this area?" Under the responsibility as chairman of the Energy and Natural Resources Committee, I have spent an awful lot of time on the merits of moving high-level nuclear waste across the United States at various sites over an extended period of time. Hundreds and hundreds of shipments have moved safely without incident. I am suggesting that we have the technology to move this lethal material to a place to dispose of it that is appropriate, even perhaps in a self-contained facility offshore that could contain the physical process of disposal at a much less cost.

With that, Mr. President, I simply make an appeal to my colleagues to recognize the extent of our responsibility to successfully dispose of our chemical weapons that have accumulated over a long period of time in a manner that is most responsible to the taxpayers, as well as safe, by using American ingenuity and technology.

Seeing no other Member on the floor, 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. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Mr. President, I ask unanimous consent that a member of my staff, Dan Senor, be granted floor privileges as I make the brief remarks I am about to embark on.

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

DISASTER AREAS IN MICHIGAN

Mr. ABRAHAM. Mr. President, on July 2, a series of high-wind storms raged through my State of Michigan. They struck in numerous communities ranging from Chesaning, a small city in Saginaw County, to Thetford and Vienna Townships in Genesee County to Holly, MI, and Oakland County, to parts of the city of Detroit to the small communities of Highland Park and Hamtramck in Wayne County, and then ultimately across to Lake St.

Clair passing through several of the communities on the east side of our State, including Grosse Pointe Farms and Grosse Pointe.

In their wake, they left enormous damage, destruction and the loss of human life. Already—and I give great compliment to both our State as well as our Federal emergency services—we have had great assistance in trying to address the problems left behind by this storm. The folks from FEMA, the Federal Emergency Management Agency, were quickly on the scene to give advice and counsel to our State authorities, and then to assess the damage for purposes of determining what Federal assistance might be provided.

Our own State government, under the leadership of John Engler, was quick to act through its emergency services to assist the various communities affected. And I am happy to report that by and large we have had a remarkable public response, not just through the government agencies, but also through the volunteer efforts of people in communities throughout our State who have risen to the challenge of addressing this serious disaster and crisis.

In the aftermath, we have moved forward in seeking the designation of a disaster area for a number of the communities that were struck by these storms. Just last Friday afternoon, the President declared parts of Wayne, Oakland, and Macomb Counties as disaster areas, as well as part of Saginaw County. And we are delighted by that news.

At the same time, I just yesterday morning visited an area that has not yet had such a designation made regarding it. That is the area outside of the city of Flint, MI, Thetford Township. And in visiting Thetford Township yesterday, I could not help but immediately conclude that we need to expand the designation of disaster areas to include this township and the neighboring township of Vienna Township in Genesee County.

According to the National Weather Service, three tornadoes hit this area during the storm. These communities are small. The population of Thetford Township is roughly 8,000 to 9,000 people. Almost all of them are in one form or another in the business of agriculture. Many of them are family farmers.

This township—approximately 36 square miles—is almost exclusively farmland north of the city of Flint. Just to put it in perspective what transpired there, one individual was killed, a variety of livestock were likewise lost, two huge steel power lines were down, feed bins were overturned, barns were obliterated, silos were decapitated.

I visited a number of these farms yesterday and was amazed that more people weren't hurt, because the devastation and damage was incredible. It looked, as I reported in my last remarks about the storms, like a Hollywood movie set, except this was not acting, this was real, and families affected were not actors and actresses, but real people in our State.

So I pledged yesterday that I would come back today and not only talk about this, but work to try to secure for these tiny communities the designation as disaster areas that has been afforded much larger communities throughout the State who likewise are deserving of such designation being affected by the storms.

Again, I want to thank the President. I want to thank FEMA for their rapid response to our requests last week. And I say that I do not think there is going to be any cost involved in expanding the designation to include Thetford and Vienna Townships, but the injuries and the damage done there are every bit as real and every bit as serious to those tiny communities as was the case in larger ones.

Interestingly, although wholly unconnected with my visit yesterday, in the Detroit Free Press a story about these communities ran entitled "Hardy Farmers Weather the Storm; Despite Damage, They're Rebounding." I ask unanimous consent that that article be printed in the RECORD.

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

[From the Detroit Free Press, July 14, 1997]

HARDY FARMERS WEATHER THE STORM—DESPITE DAMAGE, THEY'RE REBOUNDING

(By Bill McGraw)

THETFORD TOWNSHIP.—Don Rasmussen took refuge in a big cow barn on the dairy farm he manages when the sky turned black and the wind began to howl.

Parts of other buildings began blowing through the air. The rain fell sideways. The noise grew into a constant roar.

Then it really got crazy.

"The cows just freaked," Rasmussen recalled Friday, while a newborn calf nearby was taking its first steps. "All around me, they were stampeding. They aren't the most intelligent animals, and they had no idea what was happening. They just ran."

Rasmussen remained safe, both from the tornado and the stampeding Holsteins, and guided a reporter Friday around the battered farm near Clio in Genesee County.

Tornadoes don't usually hit big cities, so the impact of the July 2 storm on Detroit and its suburbs has dominated news coverage. But the National Weather Service identified three twisters in the rolling farmland outside Flint, and at least one passed through the 1,000-acres owned by Larry Niec. The result: six dead cows and heavy damage.

Because of storm damage estimated at $2.3 million to this and other sites in southern Michigan, the U.S. Department of Agriculture's Farm Service Agency last week asked that federal low-interest loans be made available to Michigan farmers like Niec. This assistance would be separate from the federal funds President Bill Clinton approved Friday.

Niec (pronounced NEESE), who looks younger than his 51 years, said: "We have insurance. It covers a lot, but not everything."

His farm looks like a giant worked it over with a sledgehammer.

"It's so sad," said Rasmussen, 47, who lives across the street from Niec's 300-cow dairy operation.

The gusts decapitated silos, obliterated barns, overturned heavy feed bins, toyed with a semi-trailer, scattered calf hutches and downed two huge steel towers that carry several power lines. The storm thoroughly spooked the cows, but Rasmussen said most of them appear to have returned to normal.

The winds spared some things, such as the manure lagoon and an old red barn. But there is so much damage that the insurance adjuster has yet to complete his estimate.

As the storm moved away, friends and relatives arrived to help round up the cows, calm them, take them to the milking parlor and ship the daily output of 1,750 gallons of milk.

Rasmussen and Niec are sanguine about the future.

Niec notes that the tornado damage, while spectacular, is no more harmful than the droughts, fluctuating milk prices and bad crops that have made dairy farming a tough way to earn a living.

When friends asked Niec how he stood the stress, he told them it isn't much different from any other day.

Said Niec: "We're going to suffer, but we know how to suffer."

Mr. ABRAHAM. Featured in the story is discussion of a gentleman named Larry Niec. Larry's 1,000-acre farm is depicted here with a caption that reads in part: "strewn with pieces of once-sturdy buildings, like his roofless dairy barn and severed silo. Six of his cows were killed during the storm."

Obviously, a very difficult time in the farm season for him and for his neighbors. And I do not want to read from the entire article now. It is included in the RECORD.

As I say, the devastation was incredible. Mr. Niec, of course, being a hardy soul, as depicted in the headline of the story, noted that the tornado damage, while spectacular, is no more harmful than the droughts, fluctuating milk prices, bad crops, and so on, which the farmers learn to live with in their day-in and day-out existence. When friends asked Larry how he stood the stress, he told them that it isn't much different from any other day. He said, "We're going to suffer, but we know how to suffer."

I met Larry yesterday and he, indeed, is somebody who will persevere. As I said, the cost and the damage is so considerable that we need some help for these folks as well. Of course, under the current system, they will be entitled to the assistance of the U.S. Department of Agriculture and through the Small Business Administration. But it is my fervent view that the communities of Thetford and Vienna Townships deserve to be designated, as some of the others have, as an official disaster, to receive a broader range of support that they deserve and should be available to them.

Without going into all of the details, I can only say, if you drive down any of the roads, whether it is Center Road or Genesee Road or Bray Road in Thetford Township, as I did yesterday, and you see the decapitated silos with huge chunks of cement strewn everywhere and trees in which semitruck trailers ended up after they were hurled into the air, and if you see the huge openings that have been driven through the fields and the forest lands, you know if this area doesn't qualify as a disaster area, I don't know what would, Mr. President.

The damage was not just of public property; it is to private property, also. Happily, it wasn't more serious, but definitely it deserves our attention. For that reason, today I will be writing our Governor, as well as the Federal Emergency Management Agency authorities, to ask that the designation be expanded to include this community. I hope they will respond as they have responded already. I wish to make it clear that I don't know of any reason not to, nor in any way am I criticizing actions today. We are moving piece by piece through the process. I hope they will respond to this as well and help us to make sure that these people—they may be small in numbers, as I say, but the people who live there are just as real as the folks in all the other communities. So I intend to work very hard to make sure all the relief possible is made available to them.

Mr. President, I thank you and yield the floor at this time.

CHATHAM STUDENTS EXCELL

Mr. KENNEDY. Mr. President, it is a privilege to take this opportunity to recognize the impressive accomplishments of students at Chatham High School in Massachusetts. A team of these students excelled recently against other teams representing schools in all 50 States and the District of Columbia in the nationwide finals of the "We the People.* * * The Citizen and the Constitution" competition. This talented and knowledgeable group of students demonstrated their expertise on the Constitution and the Bill of Rights, and were recognized above other teams for their superior knowledge on this topic.

These issues are at the heart of our democracy and our constitutional system of government. It is gratifying that so many students across the country are learning about these issues at an early age.

The Bill of Rights, in particular, teaches important values about individual freedom and responsibility, and is the basis for our most precious liberties.

The students at Chatham High School deserve great credit for their achievement. I commend them for their skill and dedication. Massachusetts is so proud of them all—Heather Baker, Taylor Brown, Jonathan Buck, Lauren D'Elia, Hannah Farnham, Casey Jordan, Joshua Lamoureux, Jill Matteson, Nathan Miller, Allison Morris, Nalinee Murphy, Douglas Smith-Elion, Rebecca Spencer, and Joseph Thonus. Also, I commend the superb leadership of their teacher, Tom Flaherty.

CONGRATULATIONS TO CLARENCE VERNON WOODSIDE CELEBRATING HIS 100TH BIRTHDAY

Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Clarence Vernon Woodside of Excelsior Springs, MO, who will celebrate his 100th birthday on August 11, 1997. Clarence is a truly remarkable individual. He has witnessed many of the events that have shaped our Nation into the greatest the world has ever known. The longevity of Clarence's life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 100 years.

Clarence's celebration of 100 years of life is a testament to me and all Missourians. His achievements are significant and deserve to be recognized. I would like to join his many friends and relatives in wishing Clarence health and happiness in the future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 14, 1997, the Federal debt stood at $5,355,393,906,769.08. (Five trillion, three hundred fifty-five billion, three hundred ninety-three million, nine hundred and six thousand, seven hundred and sixty-nine dollars and eight cents.)

Twenty-five years ago, July 14, 1972, the Federal debt stood at $430,417,000,000 (Four hundred thirty billion, four hundred and seventeen million dollars).

Fifteen years ago, July 14, 1982, the Federal debt stood at $1,079,571,000,000 (One trillion, seventy-nine billion, and five hundred and seventy-one million dollars).

Ten years ago, July 14, 1987, the Federal debt stood at $2,317,949,000,000 (Two trillion, three hundred and seventeen billion and nine hundred and forty-nine million dollars).

Five years ago, July 14, 1992, the Federal debt stood at $3,972,195,000,000 (Three trillion, nine hundred and seventy-two billion and one hundred and ninety-five million dollars) which reflects a debt increase of nearly $5 trillion—$4,924,976,906,769 (Four trillion, nine hundred twenty-four billion, nine hundred seventy-six million, nine hundred and six thousand, seven hundred and sixty-nine dollars) during the past 25 years.

RETURN THE EMERGING BUDGET SURPLUS TO THE TAXPAYER

Mr. ABRAHAM. Mr. President, I rise today to talk about the emerging budget surplus and what Congress should do about it. According to recent Congressional Budget Office and Office of Management and Budget estimates, the fiscal 1997 budget deficit could be smaller than $50 billion. The reason: Robust economic growth continues to boost tax receipts beyond projections. As a result, the deficit is declining rapidly and the budget could be balanced by the year 2000 or earlier.

Further, if the President signs a tax bill that includes a deep cut in the capital gains tax, a budget surplus could emerge next year. Economist Larry Kudlow predicts that cutting the top capital gains tax rate to 20 percent could produce a $90 billion revenue windfall next year, assuming only 15 percent of investors realize their stock market gains from 3 years ago.

The question we face is this: Should future budget surpluses—if they materialize—be used to retire the national debt, increase Government spending, or further reduce taxes?

Our colleague, Representative MARK NEUMANN of Wisconsin, has offered The National Debt Repayment Act which proposes to use budget surpluses primarily to retire the national debt. This legislation would earmark two-thirds of any surpluses to debt reduction and only one-third to tax reduction. The plan attempts to build budget surpluses in future years by limiting the growth of Government spending at 1 percentage point lower than the growth of tax revenues.

Although well-intentioned, the bill contains several problems. First, it would have the practical effect of locking-in high tax rates on the American people. Under the plan, Congress would have to maintain a tax burden that is higher than is necessary to pay for current Government spending. In fact, as economist Bruce Bartlett points out, "(the Neumann) plan actually implies a stiff tax increase. Revenues as a share of gross domestic product would rise from 19.9 percent next year to 20.8 percent in 2002," producing one of the highest tax burdens in U.S. history. Further, because the plan calls for revenue growth to outrace spending growth, Congress will have the perverse incentive to keep taxes high.

Second, the bill does nothing to reduce the size of the Federal Government. It is designed to generate budget surpluses, but does nothing about the actual levels of either Government spending or revenues. As long as tax revenues are growing, Government spending can grow too.

Third, the bill would preclude significant tax rate reductions and fundamental tax reforms in the future. In my view, any budget surplus would be

far better spent by cutting taxes that are most burdensome and stifling to economic growth. Enacting pro-growth tax reforms and increasing the size of the economy would make it easier to carry the debt burden.

Fourth, in effect, the bill would keep taxes on Americans unnecessarily high primarily to retire debt held by foreign interests. According to the Treasury Department, foreign and international investors owned $1,199.1 billion of the total $3,451.7 billion in privately held public debt in 1997. In contrast, U.S. individuals owned only $355.4 billion. By my lights, we ought to use any budget surpluses to provide relief to American taxpayers before making advanced debt payments to foreign central bankers and other investors in China, Japan and Germany.

Overall, the bill is based on misconceptions of the true economic impact of the debt. According to most economists, the figure that really counts is not the total debt per se, but rather debt's size relative to the overall economy. As the Wall Street Journal recently noted, the debt as a share of GDP "was as high as 111 percent in 1946, after we'd run up a debt to defeat Hitler—a cause worth some debt." But because of the post-war economic boom—boosted in the 1960's by President John F. Kennedy's tax rate reductions—the debt fell back to 24 percent of GDP in 1974. The Journal goes on to note that the debt "rose again with the great inflation and spendthrift Congresses of the past two decades, but it stabilized at 50 percent of GDP in 1995 and is projected to decline slowly . . ."

Furthermore, the economic benefits of running budget surplus are not at all clear. It is worth nothing that Great Britain ran budget surpluses in 1988, 1989, and 1990 equivalent to 1.5 percent of GDP—equivalent to a U.S. surplus of $100 billion—yet British interest rates increased.

Mr. President, to ensure that we return higher-than-expected revenues to the taxpayer, I have introduced the Economic Growth Dividend Protection Act (S. 800). Under my bill, if tax revenues received by the Treasury in the next 5 years exceed those projected under the budget agreement, the revenues will be made available for tax cuts first. If the Congress fails to pass tax cuts, then the surplus is reserved for deficit reduction—not new Government spending.

In summary, Mr. President, we should reduce the burden of the national debt. But setting in stone today a policy to run huge budget surpluses well into the next century is a recipe for higher taxes and slower economic growth. In my view, the best way to reduce the debt burden is to run a balanced Federal budget with firm controls on Government spending and to cut taxes that hinder economic growth. In the event that Congress does cut tax rates and overhaul the tax system, we could then decide to use any resulting tax revenue surplus to pay down the debt.

I ask unanimous consent that several articles on this subject that appeared in the Wall Street Journal, Washington Post, and Washington Times be printed in the RECORD.

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

[From the Washington Post, July 15, 1997]

WHY PAY OFF THE NATIONAL DEBT?

(By James K. Glassman)

A balanced federal budget is not even law, much less reality, but already a Republican congressman is proposing legislation to deal with the surpluses he thinks will follow.

A surplus happens when the government raises more than it spends. The last time was 1969, but we're getting closer. The deficit for the fiscal year that ends on Sept. 30 will be about $45 billion.

What to do with the extra revenues flowing into Washington? Rep. Mark Neumann (R-Wis.), in a plan that's been embraced by Speaker Newt Gingrich and become the hot fiscal topic of the summer in conservative circles, wants to use the money to pay off the national debt.

On its face, this sounds like a reasonable idea. It's actually dangerous and distracting. First, it just won't happen: If we start running surpluses, politicians will spend them. That's not just a guess. Just look at this year's budget. With pressure from a burgeoning deficit relaxed, Congress and the White House devised a budget in May that sharply increases the growth of spending.

But let's pretend that Congress and the president can muster the discipline to enforce the Neumann plan. If spending grows at 4 percent (which is, indeed, the rate in the new budget) and if revenues grow at 5 percent (they've been rising at 7 percent since 1992), then the entire national debt can be wiped out by the year 2026 if we use the excess cash to pay off Treasury bonds.

Isn't this an admirable goal? Not really. The federal debt, which is the total of all the deficits we've piled up over the years, isn't such a terrible thing—especially if it remains at current levels. Right now it's about 50 percent of our gross domestic product, but if we run balanced budgets through 2026, it will fall to less than 25 percent of GDP—or back to 1960's levels.

The argument about the evil of the federal debt is based on a fallacy, which is that it's a burden on future generations of Americans. This is what Neumann himself, a former math teacher and real estate developer, means when he says he wants children to "inherit a debt-free nation."

But this popular analysis misses half the equation. If we simply balance budgets, then today's $5.4 trillion debt will perpetually be on the Treasury's books. But that debt will be balanced by $5.4 trillion in assets. Roughly four-fifths of those assets—beautiful T-bonds—are held by Americans. Thus, our children won't merely inherit debt, they'll inherit bonds.

Neumann gripes about the $300 billion or so in interest on that debt. But this money, in fact, is one of the few benign federal spending programs. Private bondholders who earn interest are likely to invest that money more productively than Washington does.

And the interest earners aren't merely fat cats. A 1984 Treasury study concluded, "We find no basis for the belief that interest payments on the public debt lead to greater inequality in the distribution of income." Remember, the top 10 percent of Americans pay 59 percent of all income taxes, so, in a worst case, interest is being paid by the rich to the rich.

The point is that Americans, at the very same time, are both borrowers and lenders, as Francis X. Cavanaugh, a former Treasury Department official, explains in "The Truth About the National Debt." He also notes that Abraham Lincoln "may have been the only president to recognize both sides of the ledger."

In 1864, Lincoln told Congress, "The great advantage of citizens being creditors as well as debtors, with relation to the public debt, is obvious. Men can readily perceive that they cannot be much oppressed by a debt which they owe to themselves."

Lincoln was urging Congress to go into debt to pay military expenses. Debt, in other words, is simply a way to get the dollars to pay for what we want government to do. The other way is taxes.

Debt and taxes are simply matters of financing. The truly important public policy question is: What should government do? Fight a war against slavery and on behalf of union? Certainly. Fund railroads, corporate welfare and collective health care systems? I don't think so.

But Congress keeps spending more and more. Total spending will rise from $1.6 trillion in 1997 to $1.9 trillion in 2002—a rate well in excess of inflation.

Milton Friedman once said that he would rather have a $1 trillion budget that is way out of balance than a $2 trillion budget that is in balance. He's right. The true goal is to reduce government spending. The aim of balancing the budget (or running a surplus) is merely a tactic to secure the prize: a smaller government that takes fewer resources and limits fewer liberties.

Alas, Neumann, like so many Republicans, has been blinded by balanced-budget rhetoric and missed this true goal. Under his plan, for example, an incredible $33 billion out of the surplus would go to replenish the highway trust fund, which would mean more spending on pork. At a meeting last week, Gingrich argued for appeasing big-spending Republicans like the notorious Transportation Chairman Bud Shuster since they represent one leg of the GOP "three-legged stool."

It's a stool that ought to be knocked over. Believers in smaller government have a very simple job to do: Make it smaller. When that happens, Americans will be able to keep more of what they earn and the federal debt will simply wither away.

[From the Washington Times, July 2, 1997]

MISGUIDED STRATEGY TO TRIM DEBT

(By Bruce Bartlett)

Last week, columnist Robert Novak reported that House Speaker Newt Gingrich has "enthusiastically embraced" a proposal by freshman GOP Rep. Mark Neumann of Wisconsin to begin paying off the national debt. Upon hearing this news, Jack Kemp quickly shot a memo off to Mr. Gingrich strongly urging him not to endorse the Neumann plan, saying it would impose unnecessary austerity on American taxpayers. Instead of paying off the debt, we should cut taxes, Mr. Kemp said.

The basis of the Neumann plan is that revenues probably will rise faster than assumed in the budget agreement, providing budget surpluses in future years. Based on past experience, Mr. Neumann believes that revenues will rise closer to 6 percent per year,

rather than the 4 percent growth assumed in the budget agreement. If spending is no higher than projected by the agreement, this theoretically would provide a budget surplus of almost $200 billion by 2002.

Mr. Neumann believes that if a surplus emerges it should largely be used to retire public debt. His legislation would earmark two-thirds of any surpluses to debt reduction and only one-third to tax reduction. Furthermore, Mr. Neumann believes that by holding the growth of spending to 1 percent less than the growth of revenues, the entire national debt can be paid off by 2026. This, he says, would save a family of five $600 per month that they are now paying in taxes for interest on the debt.

In truth, Mr. Neumann's plan isn't so much a bad one as a misguided one. The likelihood of budget surpluses emerging under any revenue assumption is absurd. The money will all be spent long before any surplus arises. Moreover, his notion that Congress can simply pass a law that will hold spending to less than the growth of revenue is extraordinarily naive. We tried that with Gramm-Rudman, and the first time the spending cap began to pinch, Congress promptly repealed it.

Moreover, Mr. Neumann seems not to realize that his plan actually implies a stiff tax increase. Revenues as a share of gross domestic product would rise from 19.9 percent next year to 20.8 percent in 2002, using his numbers and the Congressional Budget Office's GDP forecast. Also, he made a mathematical error in computing the cost of interest on the debt. With net interest at $248 billion and a population of 268 million, the actual cost of interest for a family of five is $385 per month, not $600.

But the major problem with Mr. Neumann's proposal is a misconception about the burden of debt. Interest on the debt is no more a "burden" than the interest homeowners pay on their mortgages each month. To think otherwise is to believe that everyone who owns a home would be better off selling it and renting instead, just so they can be debt-free. The reason people don't do this is because they believe they are better off with the house and the debt.

Of course, taxes are higher than they would be if there were no debt. And if the debt could magically be extinguished it would certainly be worth doing so. But maintaining a higher tax burden than necessary to pay for current spending just to reduce the debt is a terrible misuse of tax revenue. The money would be far better spent eliminating the worst federal taxes, those that are hindering growth and making it harder to carry the debt.

In 1848, John Stuart Mill attacked a proposal similar to Mr. Neumann's in England. "I conceive that the increase of revenue should rather be disposed of by taking off taxes, than by liquidating debt," Mill wrote. Cutting taxes removes a real burden on people, reducing debt does not.

[From the Wall Street Journal, July 2, 1997]

INVINCIBLE IGNORANCE

Democrats who want to retake Congress have found the issue they've been looking for: It's the plan now being offered by Republican Mark Neumann of Wisconsin and supported by Speaker Newt Gingrich to run federal budget surpluses. If Republicans embrace this idea, Dick Gephardt will be Speaker in no time.

Now that Republicans can at least claim to have balanced the budget, if only in five years, they're looking for something else to do. You might think tax reform or securing pensions for the Baby Boomers would be in order. Mr. Neumann wants to do nothing so tangible. Instead he wants Republicans to stand for the abstraction of paying down the national debt by the year 2026, even if it means taxing Americans at higher rates than are needed to balance the federal books.

Both the economics and politics of this proposal make it nutty even by Beltway standards. Mr. Neumann is like many businessmen-turned-politicians who hold the mercantilist view that debt is the worst economic evil. Adam Smith pointed out the folly of this 200 years ago when he observed that the point of economics isn't to collect gold in a nation's vault; it is to improve the living standards of everyone.

Mr. Neumann would amass a modern-day gold hoard, which he imagines would accumulate to pay Social Security for Baby Boom retirees. This assumes politicians won't tap this surplus in the meantime, despite 70 years of recent political history. But even if the pols left the money alone, the government would in essence merely be using that surplus to buy back its own bonds. It wouldn't change Social Security's actuarial problem one iota.

When the Baby Boomers begin to retire in 2012, the government would still be faced with a choice of raising taxes, cutting Social Security benefits or reissuing bonds (i.e., reborrowing). Social Security benefits will always have to be paid out of payroll taxes at the time or with future borrowing. The best way to ensure higher tax revenues is to grow a bigger economy in the meantime, but Mr. Neumann would maintain higher tax rates that would reduce the economy's growth potential. Mr. Neumann's proposal assumes the federal government can create more wealth than private Americans.

In any event, he misjudges the history and menace of debt. Economists the economy, or GDP. This was as high as 111% in 1946, after we'd run up a debt to defeat Hitler—a cause worth some debt. But it gradually fell back down again as the economy expanded—to about 24% of GDP in 1974. It rose again with the great inflation and spendthrift Congresses of the past two decades, but it stabilized at 50% of GDP in 1995 and is projected to decline slowly if Congress shows any spending discipline.

Of course, Mr. Neumann also frets with other pols about having to pay $250 billion in interest each year on the national debt. But interest payments are the least destructive spending the federal government does. At least it doesn't subsidize lawsuits, dubious art or liberal lobbies.

The silver lining here, we suppose, is that this idea is so politically dumb it would never really happen. Democrats could campaign as balanced-budget liberals, proposing to spend the new tax revenues on health care and children. In response, Neumann Republicans would become the Debt Retirement Party. This is the castor-oil path that has ruined parties of the right in Europe and Canada. While Mr. Neumann does propose to return one-third of any year's surplus in tax relief, that message would be swamped by the two-thirds going into the national vault.

In sum, the Neumann plan would return Republicans to their historic role as "tax collector for the welfare state." That's what Mr. Gingrich once called Bob Dole, but with his support for Mr. Neumann (Budget Chairman John Kasich is also a co-sponsor) he owes Mr. Dole an apology. The Neumann plan puts Mr. Gingrich squarely in the Hoover-Ford-Bush austerity tradition of the GOP. The last Republican we heard such a proposal from was none other than George Bush's budget director, Dick Darman.

It's possible this New Darmanomics is a poll-driven continuation of the GOP's balanced-budget myopia. But it may also be a matter of simple ignorance. We can therefore hope that economically literate Republicans—Majority Leader Dick Armey, Senator Phil Gramm—will be able to educate their colleagues. Short of that, we recommended to Mr. Neumann and his allies Adam Smith's "Wealth of Nations," or for a shorter read, "Hamilton's Blessing" by John Steele Gordon. They might learn something.

* * * * *

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The Senate will resume consideration of S. 1005, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1005) making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Stevens-Inouye Amendment No. 846, to require a report to Congress on all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to NATO.

Harkin Amendment No. 848, to prohibit the use of taxpayer funds to underwrite restructuring costs associated with a business merger.

AMENDMENT NO. 849

Mr. STEVENS. 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 Alaska [Mr. STEVENS], for Mrs. HUTCHISON, for herself, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. WARNER, Mr. SMITH of Oregon, Mr. LUGAR, and Mr. LEVIN, proposes an amendment numbered 849.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Senate that—

(1) International efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) The Administration should consult closely with the Congress on all efforts to

bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicated war criminals, including any changes in the mission which could affect American forces.

Mr. STEVENS. Mr. President, this amendment has been cleared on both sides and is now acceptable to the managers of the bill. I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 849) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. 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. STEVENS. 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. 850

(Purpose: To make available funds for the payment of claims for loss and damage to personal property suffered by military personnel due to flooding in the Red River Basin)

Mr. STEVENS. 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 Alaska [Mr. STEVENS] for Mr. DORGAN, for himself, and Mr. CONRAD, proposes an amendment numbered 850.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . Up to $4.5 million of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

Mr. CONRAD. Mr. President, I offer today with my colleague from North Dakota, Senator DORGAN, an amendment that would prevent unintended discrimination against Grand Forks AFB personnel as the Defense Department provides compensation for personal property losses incurred as a result of this spring's unprecedented flooding in the Red River Valley. This legislation has been requested by Air Force Secretary Sheila E. Widnall, Air Force Chief of Staff Gen. Ronald R. Fogleman, and the Commander in Chief of the U.S. Transportation Command, Gen. Walter Kross, with the support of Gen. Howell Estes, Commander in Chief of the U.S. Space Command.

As my colleagues are aware, last week I offered this amendment to the fiscal year 1998 Defense authorization bill with Senators DORGAN, WELLSTONE, JOHNSON, and DASCHLE. It was accepted by the Armed Services Committee, but I look forward to its inclusion in the fiscal year 1998 Defense appropriations bill before us as well. This will ensure that both defense measures passed by the Senate this year are in agreement that disaster relief must be provided to personnel on an equitable basis.

As I have discussed on the Senate floor on several occasions, Mr. President, this winter and spring were the most severe in my State's history, culminating in a 500-year flood. Damages to property stretched into the billions, and the disruption to families and the community was incalculable.

Confronted with a disaster of almost Biblical proportions, the able men and women of Grand Forks AFB helped fight the flood. They manned "sandbag central," helped evacuate the city of Grand Forks, and provided shelter, food, and comfort to thousands of flood refugees. Many Air Force officers and enlisted personnel worked tirelessly, even as their homes were washed away, resulting in almost total personal property losses.

Fortunately, current law allows the Defense Department to provide personal property compensation to personnel once personal insurance and any other Federal assistance has been exhausted. Separate compensation from the military is appropriate, Mr. President, in light of the fact that servicemembers, their families, and their property have been put in harm's way as a result of assignment orders. Those residing in Grand Forks AFB housing are currently able to benefit from this assistance.

Unfortunately, Mr. President, we have a catch 22 problem. The families that suffered the most—those living off-base in the city of Grand Forks because of on-base housing shortages—are getting no help. This is because existing law prevents "Federal agencies from paying claims for losses incident to service which occurs at residences not provided by the United States," to quote an Air Force analysis.

Mr. President, the men and women of Grand Forks AFB were there when their country needed them. The amendment I have offered here again today would ensure that their country does not allow them to endure unfair and unintended discrimination in their hour of need. It would waive the provision that prevents them from receiving assistance. This action would be consistent with earlier legislation passed in 1992 on behalf of Homestead AFB personnel living off-base who had suffered as a result of Hurricane Andrew.

On behalf of the more than 700 Air Force families living in the city of Grand Forks when the levees broke, I would like to extend my thanks again to the Senate and the able leadership of the Armed Services Committee for passing this amendment last week. Today, sincere thanks should also go to the distinguished leadership of the Defense Appropriations Subcommittee, to Chairman STEVENS and Senator INOUYE, for their willingness to work with Senator DORGAN and myself to bring the authorization and appropriations measures into agreement on this important matter.

Before closing, Mr. President, I would like to recognize again the exemplary work of everyone at Grand Forks AFB during this spring's flooding. In accepting thousands of flood refugees at the worst of the disaster, the base provided warm, safe housing for countless families. They also provided something else, something even more important—a sense of hope that has helped preserve Grand Forks' sense of community. At a time when nearly the entire city was submerged by the rising floodwaters and its most historic areas burned, the importance of this cannot be overstated.

Again, Mr. President, let me thank the committee and the Senate for their careful consideration of this amendment, which will ensure that all Air Force personnel in the flooded area are treated equitably. I look forward to its approval as part of the fiscal year 1998 Defense appropriations bill, retention in conference, and passage into law.

Mr. DORGAN. Mr. President, I rise to comment briefly on my flood relief amendment, which is now pending to the defense appropriations bill.

As my colleagues know, this spring the Red River Valley suffered its worst flooding in recorded history. Personnel at Grand Forks Air Force Base pitched in to fight the flooding that everyone knew would come—they helped operate "Sandbag Central" to enable volunteers to go to the front lines on the dikes.

When the water finally won, a 500-year flood emptied Grand Forks, ND, a city of 50,000 people, and sent 4,000 residents to the Grand Forks Air Force Base for shelter. Many of my colleagues saw on television the base hangar that was converted to a shelter and that provided refuge for those citizens.

What my colleagues may not know is that many of the base personnel who fought the flood for weeks were themselves victims of the flood when it came. Over 700 military personnel were forced to evacuate during this disaster. And 406 servicemembers have suffered losses to personal property, including 95 families whose homes were inside the diked area near the Red River and were extensively damaged.

However, without the flood relief authority my amendment would provide, these servicemembers will be victims of unintended discrimination.

If these servicemembers had lived on base, they would be eligible to file a claim with the Department of Defense for losses incident to service. The Air Force pays such claims pursuant to section 3721 of title 31 of the United States Code. But as the law now stands, military personnel living off base are not eligible to file such claims, even though they are stationed at Grand Forks Air Force Base as a result of their military service.

My amendment would simply permit the Air Force to reimburse these servicemembers for their losses despite the fact that they lived off base. It makes available up to $4.5 million of the funds already available to the Department of Defense for paying claims.

Let me assure my colleagues that this amendment supplements private insurance and benefits provided by the Federal Emergency Management Agency. Air Force claims practices and FEMA regulations prohibit duplicative benefits. Military members who have private insurance will be required to file claims against that insurance before the Air Force will pay claims under this amendment.

I understand that this amendment is acceptable to the Chairman, Senator STEVENS, and to the ranking member, Senator INOUYE. I thank them very much for their support of this amendment, and for the work of their staffs in clearing this amendment.

I look forward to this amendment's approval by the Senate, and I yield the floor.

Mr. STEVENS. Mr. President, this amendment is supported by the Department of the Air Force, and we are prepared to accept it.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 850) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, in the order pertaining to this bill that was agreed to last evening, there is a second Dorgan amendment that I am authorized to withdraw. I ask that it be withdrawn.

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

Mr. STEVENS. Parliamentary inquiry. Is the amendment I have offered together with my friend from Hawaii, No. 846, still the pending amendment?

The PRESIDING OFFICER. The Chair would observe that the amendment pending before the body is amendment No. 848 offered by the Senator from Iowa.

Mr. STEVENS. Mr. President, is there also pending behind that 846?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 851

(Purpose: To set aside $36,000,000 of O&M funds for an authorized Navy program to demonstrate expanded use of multi-technology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore worked load/off load program)

Mr. STEVENS. I send an amendment to the desk on behalf of Senator ROBB of Virginia.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ROBB, proposes an amendment numbered 851.

Mr. STEVENS. 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 VIII, add the following:

SEC. 8099. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

Mr. STEVENS. Mr. President, last evening the Senator from Hawaii and I discussed this amendment with the Senator from Virginia. We are convinced that it will bring about savings of taxpayer funds and that it should be adopted at this time.

Mr. INOUYE. No objection.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 851) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 846

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate my amendment No. 846.

The PRESIDING OFFICER. The clerk will report

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself, and Mr. INOUYE, proposes an amendment numbered 846.

Mr. STEVENS. Mr. President, I ask unanimous consent that the yeas and nays be withdrawn.

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

Mr. STEVENS. I ask for adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 846) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have now pending, under the orders agreed to last evening, the Feinstein amendment on land transfer, a Feinstein amendment on NATO expansion cost caps, the Graham amendment on electronic combat testing, the pending Harkin merger cost amendment No. 848, a managers' amendment from Senator INOUYE, and one for myself, which we will join together, and two McCain amendments, one dealing with foreign flag vessels, and one "Buy America" amendment.

I urge Members of the Senate to come and offer their amendments. We are asked by leadership to see if it is possible to finish this bill before the recess for the Tuesday meetings of both parties. The Senator from Hawaii and I are prepared to try to do that if Members would come and offer their amendments.

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.

AMENDMENT NO. 852

(Purpose: To strike out section 8097)

Mr. McCAIN. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 852.

Strike out section 8097.

Mr. McCAIN. Mr. President, this amendment strikes section 8097 from the Defense appropriations bill in its entirety.

This provision has nothing to do with national security issues. It is purely and simply an example of pork-barrel spending that has nothing to do with defense.

The provision earmarks $250,000 for the maritime technology program. Do not be deceived by the amount of money. The $250,000 is the beginning of what could turn into a multimillion-dollar bailout for a cruise ship line and ships to be constructed in a certain shipyard.

The money would be used to establish a pilot project to transfer commercial cruise shipbuilding technology to U.S. shipyards—on its face it is an innocuous idea, even though it doesn't have a lot to do with national defense or anything—utilizing the experience of U.S. flag cruise ship operators, and protecting the operation of a foreign-built U.S. flag cruise ship and two newly constructed U.S. flag cruise ships around the Hawaiian Islands.

The last goal of the pilot project is, I suspect, the most important and most disturbing aspect of the program.

As I mentioned, this provision only earmarks $250,000. I also mentioned that money has nothing to do with defense.

The Maritech Program is a very limited program, and this $250,000 earmarked represents a large portion of available Maritech funds.

I suspect very strongly that this is not the end of the drain on defense dollars for this cruise ship program. I fully expect to see millions of dollars set aside to build these cruise ships and subsequent bills, whether it is the Commerce, State, Justice appropriations bill this year or in next year's defense appropriations bill.

If the past is any indicator, this is just the beginning of a multimillion-dollar waste of defense dollars.

Was the Commerce Committee asked to review this proposal? No.

Should the Commerce Committee have been asked to review this program? Yes.

This provision waives three established laws:

One, it bypasses the established process for reviewing the Jones Act, Passenger Service Vessel Act, and coastwise endorsement waivers.

Ordinarily, the Commerce Committee considers action on each requested waiver. This legislation did not come before the Commerce Committee and effectively waives these laws for an unidentified foreign-built cruise ship.

In my view, should the Commerce Committee approve this proposal as written? No.

Frankly, that is the precise reason this provision is in this bill and not in the Commerce Committee bill.

I wonder if anyone can tell me exactly how many cruise ship operators can meet the exact criteria spelled out in the provision of the bill.

I quote:

$250,000 should be made available to assist with a pilot project that will facilitate the transfer of commercial cruise shipbuilding technology and expertise, and enable the operation of a U.S. flag foreign-built cruise ship and two newly constructed U.S. flagships.

That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. Section 801, may not operate a U.S. flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy . . . of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person that is . . . operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii.

Provided further, That for purposes of this section, the term "cruise ship" means a vessel that is at least 10,000 gross tons . . . and the berth or stateroom accommodations for at least 275 passengers.

Mr. President, the list goes on and on.

This is really unacceptable. This is really unacceptable.

In my view, I understand there is only one cruise ship operator in Hawaii that can meet this criteria. Only one. And that operator is being handed a 30-year to 40-year monopoly for his existing business.

How many times has the U.S. Senate so blatantly set up a monopoly set aside for any individual or business? Why would we want to start now? On the very rare occasions that Congress has permitted a monopoly operation, such as Conrail, it was to ensure availability of adequate domestic transportation in the absence of any other possible viable alternative.

I personally know of no other monopoly operation other than the Conrail example.

Many of my colleagues in this Chamber profess to be concerned about the growing consolidation in the defense industry, expressing worry that over-consolidation will lead to monopolies in the defense industry.

I have long been a free trade advocate, and I believe in our existing review. Why wouldn't that same concern about unfair anticompetitive restrictions apply in this case? Why is this legislative monopoly necessary?

The current operator of this cruise ship operation in Hawaii has operated for many years without this legislative protection. He is protected from foreign competition under existing laws and does not need the protection of Congress to replace his existing ship with new ships.

What is the urgency of including this language in this defense appropriations bill, or, for that matter, in any other bill?

Mr. President, I am deeply disappointed that this provision was inserted in this bill. But it is not necessary. It wastes defense dollars, and it sets up an ill-considered monopoly for one single entity.

Mr. President, if this amendment is not stricken from the bill and it survives conference with the House, I would strongly recommend that the President of the United States, in the exercise of his line-item veto authority, eliminate this egregious example of pork-barrel spending.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, 40 years ago the United States shipping interests controlled the Mediterranean. Most of the cruise ships in the Mediterranean, if I may remind my colleagues, were made in the United States. They had crews of American sailors, and we carried passengers not only from the United States but all over the world.

At the same time, we also dominated and controlled the cruise ship industry in the Caribbean. The same is true in the Pacific. For that matter, 40 years ago the United States shipping interests sailed the seven seas and controlled the seven seas.

Today, we have one company that has one cruise ship. No shipyard has ever made a cruise ship since 1956. That is 40 years. For 40 years, our shipyards have not built a cruise ship. Today, we have one, an old ship.

And what is the situation? The fastest growing part of the tourist industry of the world is cruise ships. We see that on television every night, every 30 minutes on just about every channel—love boats, holiday boats, and most of the passengers are American. These cruise ships are built in foreign shipyards, and they are manned by foreign sailors.

It may interest you to know that just last week the Wall Street Journal reported that cruise ship workers on foreign flag vessels work between 16 to 18 hours a day and get paid by the cruise lines about $1.50 a day before tips—$1.50 a day before tips. That is their take-home pay because the cruise ship owner says, well, he has a free bunk; we give him three meals a day. This is gravy for him, $1.50 a day.

That is why we cannot compete with them. We insist that all of our ships maintain the highest health standards. Wage and hour provisions that apply here in the Nation's Capital will apply on cruise ships manned by Americans. The cruise ships operating in the Hawaiian waters today pay not minimum wage but union declared wages. They are much, much higher than union wage, and they get paid more than $1.50 an hour.

Many of us felt that the time had come to stop this, to reinvigorate the industry, and we came up with this plan. This plan reminds us of what happened to the United States in World War II—for that matter in World War I—the Korean conflict, and even in Vietnam. Since we do not have a fleet of troop carriers, we have always had to call upon private shipowners to come forth with their passenger vessels, convert them into troop carriers, and sail the seven seas.

Mr. President, as a young man of 18, I crossed the Pacific on a luxury cruise ship which was converted into a troop carrier. Going across the Atlantic, I am sorry to say, it was not a cruise ship; it was a tanker, but there were many other cruise ships in operation at that time.

This program, the Meritech Program, has been authorized. It has been operational. And up until now they have come up with plans on how to bring about the construction by private industry of passenger vessels that can be converted for defense purposes if the need should arise. This provision in this bill is to implement those plans.

I can assure you, if the Senator from Arizona wishes, we will put in clear language that says this ship will be built with private funds. I can assure one and all that if this will satisfy my friend from Arizona, I would like this language put in the appropriate place: "Provided further, that none of the funds provided in this or any other act may be obligated for the construction of vessels addressed by this section."

If it is appropriate, I ask that this provision be made part of the bill before us.

The PRESIDING OFFICER. The Chair will ask, does the Senator ask unanimous consent——

Mr. INOUYE. I ask unanimous consent.

The PRESIDING OFFICER. To place the appropriate language in the legislation?

Is there objection?

Mr. McCAIN. Mr. President, reserving the right to object, and I will not object, I just want to clarify, I understand that——

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. My reservation is as follows. My understanding is that the Senator from Alaska and the Senator from Hawaii are willing to modify the language of the bill that states that no Federal money will be spent for the construction of a cruise ship or the tooling up of a shipyard for that construction. If that is correct, then I appreciate the agreement of the Senator from Hawaii and the Senator from Alaska and we will make that change and propose that change shortly.

Is that the intent of the Senator from Hawaii?

Mr. INOUYE. That is the intent of the language. I believe the language is clear.

Mr. McCAIN. I ask unanimous consent to set aside my amendment at this time and we will revisit it when the language, modifying language is made up, and I will at that time make a motion to modify my amendment.

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

Mr. McCAIN. Mr. President, I have another amendment at the desk.

Mr. INOUYE. Mr. President, parliamentary inquiry. Does it mean that the McCain amendment is set aside?

The PRESIDING OFFICER. That is correct.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Is it the intention of the Senator from Hawaii under the UC agreement that his legislation has been modified under the previous UC request?

Mr. INOUYE. The Presiding Officer is correct.

The PRESIDING OFFICER. Then without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, there is a little bit of a parliamentary situation here. It is not clear to me whether the language of the legislation will be modified—and then I would ask unanimous consent to drop my amendment—or is it language that will be added to the amendment which would then be acceptable? I would ask the President as to what the parliamentary situation is.

The PRESIDING OFFICER. If the Senator will suspend for a moment.

If there is no objection, the unanimous consent request by the Senator from Hawaii will be considered as an amendment to the bill by the Senator from Alaska. Upon passage, then the Senator from Arizona could be recognized to withdraw his amendment.

AMENDMENT NO. 854

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 854.

The amendment is as follows:

At the appropriate place, insert: "*: Provided further*, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section".

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

The amendment (No. 854) was agreed to.

AMENDMENT NO. 852, WITHDRAWN

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I ask unanimous consent to withdraw my amendment, the pending McCain amendment.

The PRESIDING OFFICER. Then the amendment No. 852 is withdrawn.

The amendment (No. 852) was withdrawn.

AMENDMENT NO. 853

(Purpose: To require the Secretary of Defense to waive limitations applicable to uses of funds for procurements from foreign sources as necessary to protect cooperative programs)

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I have another amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows.

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 853.

Mr. McCAIN. 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 VIII, add the following:

SEC. 8099. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

Mr. McCAIN. Mr. President, this is a simple and straightforward amendment that simply levels the playing field between U.S. and foreign manufacturers. This amendment promotes U.S. products, not by enforcing restrictive barriers on open competition and free

trade, but by promoting sound and beneficial economic principles.

This amendment waives restrictions on the procurement of certain defense items with respect to a foreign country if the Secretary of Defense determines they would impede cooperative programs entered into between a foreign country and the Department of Defense. Additionally, it would waive protectionist practices if it is determined it would impede the reciprocal procurement of defense items in that foreign country and that foreign country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items in that country. This amendment would apply to all contracts and subcontracts entered into on or after the date of enactment, including any option for the procurement of items that are entered into before the date of enactment if those option prices are adjusted for any other reason.

I have spoken of this issue before in this Chamber and the potential impact on our bilateral trade relations with our allies because of our policy toward Buy America. From a philosophical point of view, I oppose these type of protectionist trade policies because I believe free trade is an important component of improved relations among all nations and a key to major U.S. economic growth.

From a practical standpoint, adherence to Buy America restrictions seriously impairs our ability to compete freely in international markets for the best price on needed military equipment and could also result in a loss of existing business from longstanding international trading partners. While I fully understand the arguments by some to maintain certain critical industrial base capabilities, I find no reason to support domestic source restrictions for products which are widely available from many U.S. companies, that is, pumps produced by no less than 25 U.S. companies. I believe that competition and open markets among our allies on a reciprocal basis provide the best equipment at the best price for U.S. and allied militaries alike.

There are many examples of trade imbalances resulting from unnecessary Buy America restrictions. Let me cite one case in point. Between 1991 and 1994, the Netherlands purchased $508 million in defense equipment from United States companies, including air-refueling planes, Chinook helicopters, Apache helicopters, F-16 fighter equipment, missiles, combat radios, and training equipment. During the same period, the United States purchased only $40 million of Dutch-made military equipment. In recent meetings, the Defense Ministers of the United Kingdom and Sweden have apprised me of similar situations. In every meeting, they tell me how difficult it is becoming to persuade their governments to buy American defense products, because of our protectionist policies and the growing Buy European sentiment.

Mr. President, it is my sincere hope that this amendment will end once and for all the anticompetitive, antifree trade practices that encumber our Government. I only look forward to the day when my trips to the floor to highlight Buy America provisions are no longer necessary.

Mr. President, I ask unanimous consent that an editorial by Secretary Weinberger and Dr. Schweizer that appeared in today's USA Today be printed in the RECORD.

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

[From USA Today, July 15, 1997]

PENTAGON LOPPING OFF MILITARY MUSCLE IN FAVOR OF PORK

(By Caspar W. Weinberger and Peter Schweizer)

In 1938, the British Royal Navy counted 308 ships on its active roster, and Great Britain ruled the waves. This massive armada required 11,270 admiralty officials and clerical staff for its management. Thirty years later, the British Navy was down to just 114 ships, a decline of more than 60%. However, the number of brass hats and administrators had increased to 33,574. At its peak, the British Navy required 37 desk sailors per ship. At its low point, 295.

C. Northcote Parkinson tracked these trends and proclaimed what eventually became known as one of Parkinson's famous laws: The number of subordinates increases at a fixed rate regardless of the amount of work produced. What was true for a declining Britain is applicable to present-day America. Fat in the military bureaucracy continues to expand at the expense of military muscle. Congressional action to limit further base closings last week and the recently released Quadrennial Defense Review does nothing to correct this dangerous reality. The Pentagon is putting the best possible light on further reductions of 60,000 active-duty troops, arguing that cuts are necessary in order to procure more advanced weapons. But choosing between force size and weaponry is a lose-lose situation. We need both large forces and advanced weapons to maintain our battlefield edge and minimize U.S. casualties. What we need to cut is fat.

Just how badly has our military "muscle" been affected? The stated policy of the United States is to be able to fight two wars at once. But as Professors Frederick Kagan and David Fautua of the United States Military Academy point out, we would have trouble fighting and winning one war today. Consider our victory in Desert Storm. The United States committed seven active Army divisions, three Marine Corps divisions and two additional combat brigades from other units to the ground war. Of the seven Army divisions, five were "heavy" units—mechanized and armor. We were able to build this force from a total of 18 Army divisions. Now we have but 10 Army divisions, and only six are "heavy." Many are already committed to other overseas assignments such as Korea and, therefore, would be unavailable for a regional conflict.

Since Desert Storm, defense spending has declined 24% in constant dollars, and manpower has been cut 27%. The Navy has lost 34% of its ships. Air Force tactical squadrons have been cut by 28%. Budget cuts also have led to a reduction in our overseas presence. By 2000, about 90% of our combat power will be based in the continental United States. Lack of funds means we may not even reach the battlefield. The Army's capability to deploy forces has dropped 44% and the Navy's support ships, critical for overseas operations, have been slashed 61% since 1991.

But budget cuts not only have led to force reductions. Existing units have been dramatically hurt by serious training deficiencies. At Camp Pendleton, Marines have trekked 17 miles to training ranges to conserve truck fuel and tires. Air Force personnel are now regularly deployed overseas well beyond the recommended 120-day maximum, causing serious psychological and training problems. Some tank crews have been forced to park their tanks and conduct training dismounted, walking around pretending to be tanks, in order to cut costs.

The great paradox is that this small and grossly underfunded military has been called on to increase its overseas operations. Our two post-Cold War commanders-in-chief—Presidents George Bush and Bill Clinton—have dispatched troops abroad more often than the United States did in the previous 20 years. The military has conducted expensive operations in Haiti, Rwanda, Liberia, Cuba, Panama, Southwest Asia, Iraq and Somalia. Rather than deal with this squeeze, the defense review calls for further reductions.

The military has already borne a disproportionate share of cuts and now accounts for less than 20% of the federal budget. Of the federal jobs lost since fiscal 1992, more than 89% have come from the Department of Defense. Rather than cutting forces as the defense review recommends, troop levels should be maintained at present levels. Savings should come from cuts in civilian personnel and nondefense programs, not out of the military's core competence of fighting wars. Today the Pentagon spends more than 40% of this budget on infrastructure, running cafeterias and day-care centers and paying accountants. The only portions of the budget that have grown since the end of the Cold War have been for the Defense Logistics Agency, which handles warehousing, inventory control and the transport of supplies, and the Defense Finance and Accounting Service, which manages payroll and budget. Many of these functions could be privatized. The Pentagon estimates privatization could save $14 billion. Others put the savings at $30 billion.

Reductions also could come from programs that have been foisted on the Pentagon that have nothing to do with defense. About $28 billion is being spent on environmental compliance and cleanup. Millions are going to a jobs program that updates the Bay Area Rapid Transit System. These programs may be worthwhile, but they shouldn't be funded with scarce defense resources.

The defense review fails to deal with the underlying resource problems that plagues the military. Let's prove Parkinson wrong by preserving our military capability and lopping off the fat.

Mr. MCCAIN. Mr. President, I believe that this amendment is acceptable to the managers of S. 1005. I have discussed this with the Senators from Alaska and Hawaii and both staffs. Basically, as I said, it gives discretion to the Secretary of Defense as far as restrictive Buy America provisions are

concerned. This amendment gives the Secretary of Defense the kind of latitude that is necessary in order to make sure that our national security and warfighting capability is protected.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. We find no objection to the amendment.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It is my understanding this is quite similar to a provision that is already in the armed services bill. And under those circumstances we have no objection.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 853) was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from Hawaii and the Senator from Alaska for their cooperation and assistance on both amendments.

I yield the floor.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Parliamentary inquiry. It is my understanding the Harkin amendment is ready to go to a vote at any time?

The PRESIDING OFFICER. That is the pending question before the Senate.

Mr. STEVENS. We still have three amendments that could be offered before the lunch hour, and that is the Feinstein amendments and the Graham amendment.

Mr. President, there is in the order a managers' package that enables me to offer an amendment. I do offer the amendment. It is the only item in this managers' package. It is the amendment of the Senator from Indiana [Mr. COATS].

AMENDMENT NO. 855

(Purpose: To set aside for the Information System Security Program $15,708,000 of the amount provided for the Army for other procurement)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. COATS, proposes an amendment numbered 855.

The amendment is as follows:

On page 24, line 6, after "2000" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY-100 devices".

Mr. STEVENS. Mr. President, this conforms this bill to an authorized account that was added to the authorization bill when it passed the Senate, and I urge its immediate adoption.

Mr. INOUYE. We concur.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 855) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I implore Senators FEINSTEIN and GRAHAM to offer their amendments. We are ready to proceed. I think we could finish the bill before the lunch hour. I see the Senator from Texas is on the floor, and I yield the floor to her in the hope she will yield the floor to the others if they arrive.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 849

Mrs. HUTCHISON. Mr. President, I assure the distinguished chairman, if the other two pending amendments' authors come to the floor, I will yield.

I wanted to speak about an amendment that has just been agreed to. The chairman offered the Hutchison-Lott-Lieberman-McCain-Warner amendment earlier. It is something we have been working on, actually, for the last few days, trying to come up with language that everyone could support. In fact, everyone has now agreed to support it, so it is a sense of the Senate with 100 percent approval of language that says we are very concerned about the situation in Bosnia, we are concerned about the indicted war criminals not being brought to justice. All of us are concerned about that, because, under the Dayton accords, the three parties to the agreement, the Bosnian Serbs, the Bosnian Muslims, and the Croats, were supposed to do that and it has not happened.

At the same time, our amendment states that the administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces. I think this is a very responsible statement for the Senate to make because it is very important if there is a change in mission with regard to the apprehension of war criminals and if American forces are going to be involved, that the Congress understand that fully because that is not our understanding today nor is it part of the Dayton accords.

So, having been burned in Somalia when there was mission creep without the complete accord of Congress, I think it is important that we learn from history and take the responsible role that Congress should take.

I am concerned that we do this in a very, very clear thinking, responsible way. I look at the Washington Times from this morning where the headline is, "Serbs Threaten End Of Dayton Pact." It has a quote from an ex-teacher—an ex-teacher. He says: "I used to wave to them, the NATO troops, and had my little daughter wave when they pass by. But now I told her to spit at them."

I think we have to understand that what we do has consequences. I hope NATO will carefully look at how we go about changing any kind of mission. Certainly we expect, in Congress, to have a role in that. But I also think it is important that we go back to the Dayton accords. The Dayton accords provide the three parties will apprehend war criminals. I hope that is what happens, because there were heinous crimes committed—heinous crimes. No civilized nation, no civilized person could look at what happened in Srebrenica—it was clearly an assassination of men and boys. It was ethnic cleansing. That's what it actually was. We ought to stand against that. We do stand against it.

But, let's make sure that as we go forward we do it in a measured, responsible way so what we do is helpful, that we keep the Dayton accords, and that we do not have mission creep with American troops that would put them in harm's way, or in a combat situation if they are not prepared—if we are not prepared—for that eventuality.

So I think we have taken a responsible step. I appreciate the work of the chairman. I appreciate the work of the Democrats and Republicans on this issue where we do want to speak with a unified voice. It is important that we do. That is what we have done today.

PASSENGER SAFETY MODIFICATIONS

Mr. GORTON. Mr. President, I want to commend the chairman and the committee for adding funds for passenger safety modifications for the Air Force. The committee's initiative is both timely and appropriate and recognizes the need to provide the most up-to-date available safety equipment to aircraft transporting our military personnel. I would like to clarify a point with the chairman. Mr. Chairman, is

the $75 million added by the committee for aircraft passenger safety modifications to be sent on the acquisition of navigation and safety equipment to initiate phase II of the Defense Department's initiative to modify military passenger aircraft? Is it the intent of the committee that this additional funding be spent on the following equipment and technologies: enhanced Ground Proximity warning Systems [EGPWS] with a digital terrain data base, Traffic Alert and Collision Avoidance Systems [TCAS], predictive windshear radar, cockpit voice recorders, and flight data recorders?

Mr. STEVENS. The Senator is correct. The Air Force has indicated specifically that EGPWS and TCAS for selected aircraft are part of the phase II modifications. The Air Force also has unfunded requirements for flight data recorders and cockpit voice recorders. The committee appreciates the Senator's interest and leadership on this issue.

UH–60L BLACK HAWK IN THE NATIONAL GUARD

Mrs. FEINSTEIN. Mr. President, I would greatly appreciate it if my colleagues, the chairman of the appropriations Committee and the ranking member of the Defense Appropriations Subcommittee would join with me in a colloquy regarding the committee's support for a firefighting demonstrator kit for the UH–60L Black Hawk helicopter for the Army National Guard. It is my understanding that the Army National Guard needs and wants improved capability on its UH–60L Black Hawk helicopter to enable them to more effectively augment the firefighting capabilities of State and local government other Federal agencies.

To this end, the Army is pursuing a cooperative research and development agreement or CRADA with Sikorsky Aircraft to obtain this demonstrator aircraft. Once received, this modified Black Hawk will be used in a 3-month, National Guard, operational suitability test with the Los Angeles County Fire Department.

Mr. STEVENS. I am aware of this firefighting demonstration kit for the Black Hawk helicopter. I agree that this program should be treated as any other item of special interest in the National Guard and Reserve Miscellaneous Equipment account, and am happy to support the Senator regarding this issue.

Mr. INOUYE. I, too, am a strong supporter of this firefighting kit. California is especially hard hit, each year, by wildfires and I fully understand the great resources necessary to battle these fires. I am happy to join with the chairman of the committee in urging that this program be given high priority in the National Guard and Reserve miscellaneous equipment account.

Mrs. FEINSTEIN. I thank both the Chairman and the ranking member for their interest in this program and their support.

AMENDMENT NO. 856

(Purpose: To express the Sense of Congress regarding cost-sharing for NATO enlargement)

Mr. STEVENS. Mr. President, on behalf of Senator FEINSTEIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. FEINSTEIN, proposes an amendment numbered 856:

At the appropriate place, insert:

SEC. . SENSE OF CONGRESS.

It is the Sense of Congress that should the Senate ratify NATO enlargement, current proportional cost-sharing arrangements will remain in place and that the proportional cost of the U.S. share of the NATO common budget should not increase.

Mrs. FEINSTEIN. Mr. President, I rise today to offer an amendment to the Defense appropriations bill which expresses the Sense of Congress that U.S. payment for the cost of NATO enlargement is contingent on our NATO allies' willingness to pay their fair share of the costs of NATO enlargement as well.

I was concerned and surprised to read French President Chirac's statement last week that "France does not intend to raise its contribution to NATO because of the cost of enlargement."

Mr. President, we all know that NATO enlargement will cost money. And those costs must be borne fairly by all members.

If France or Germany or any other member of NATO is unwilling to pay its fair share, then this seems to me to be a faulty foundation for the expansion of NATO.

Indeed, as an article in the July 14–20 issue of Defense News stated:

Its decision to admit new members threatens to tear the Western alliance asunder if the European allies fail to shoulder a larger proportion of NATO's future security costs, according to U.S. and European diplomats and analysts.

The purpose of this amendment is to make clear that the United States is willing to pay its share of the cost of NATO enlargement. No more. No less.

But this amendment also makes clear that if the Europeans are unwilling to pay their share of the costs, then the United States will not pay either.

The bottom line is that the costs should be fairly met and paid for by all Alliance members. The United States can not and should not pick up the share of European countries unwilling to do their part.

This amendment, I believe, sends a strong message to our European allies as we enter into the NATO enlargement process that if we are to enlarge the alliance it must be done fairly, and it must be done right.

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Mr. President, I urge the adoption of the pending Feinstein amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment was agreed to.

RESCINDING ACTION ON AMENDMENT 856

Mr. STEVENS. Mr. President, I find I acted prematurely. I ask the past action be rescinded and the Feinstein amendment remain the pending measure before the Senate.

The PRESIDING OFFICER. The Chair will take that under consideration.

Upon considering the request by the distinguished Senator from Alaska, without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I rise in strong support of S. 1005, the Defense appropriations bill for fiscal year 1998. The pending bill provides $247.2 billion in total budget authority and $244.4 billion in total outlays for the Department of Defense. There are some major elements to this bill that are important programs for the Senate to review.

According to preliminary analysis from the Congressional Budget Office, the bill, as reported, is within the Defense Subcommittee's section 602(b) allocation and, thus, complies with the requirements of the Budget Act.

The bill is fully consistent with the bipartisan balanced budget agreement. Senators may have heard or read statements to the contrary, but I can assure them that the bill in no way transgresses the agreement. I can also assure Senators that any misunderstanding in the administration about this matter is in the process of being clarified.

The bill fully funds certain important initiatives that were requested by the President, including a 2.8 percent pay raise for all military personnel and the end strengths for all of the active and reserve military services. The bill

also funds needed increases in each of the major accounts of the defense budget.

The Chairman of the Defense Subcommittee, Senator STEVENS, and the Subcommittee staff deserve the thanks of the Senate for their extremely skillful crafting of this bill. It makes the best possible use of the defense funds available and sustains our national defense posture consistent with the Defense Department's new roadmap, the Quadrennial Defense Review.

I strongly support this bill, and I urge its adoption.

Mr. President, I ask unanimous consent that a Senate Budget Committee table displaying the budget impact of this bill be placed in the RECORD.

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

S. 1005, DEFENSE APPROPRIATIONS, 1998—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, $ millions]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	246,981	.....	.....	197	247,178
Outlays	244,202	7	.....	197	244,406
Senate 602(b) allocation:					
Budget authority	246,988	.....	.....	197	247,185
Outlays	244,232	7	.....	197	244,436
President's request:					
Budget authority	243,698	27	.....	197	243,922
Outlays	243,409	31	.....	197	243,637
House-passed bill:					
Budget authority	.....	.....	.....	.....	.....
Outlays	.....	.....	.....	.....	.....
SENATE-REPORTED BILL COMPARED TO:					
Senate 602(b) allocation:					
Budget authority	(7)	.....	.....	.....	(7)
Outlays	(30)	.....	.....	.....	(30)
President's request:					
Budget authority	3,283	(27)	.....	.....	3,256
Outlays	793	(24)	.....	.....	769
House-passed bill:					
Budget authority	246,981	.....	.....	197	247,178
Outlays	244,202	7	.....	197	244,406

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PILOT PROGRAM TAGGING HYDROCARBON FUELS

Mrs. HUTCHISON. Mr. President, I would like to take a moment to enter a colloquy with the distinguished chairman of the Appropriations Committee, Senator STEVENS. As the chairman knows, title III, subtitle C, section 339 of the recently adopted Defense authorization bill provides for the Secretary of Defense to conduct a pilot program to determine if hydrocarbon fuels used by the Department of Defense can be tagged for analysis and identification. Mr. President, $5 million was authorized to conduct this program.

Mr. STEVENS. My distinguished colleague from Texas, Senator HUTCHISON, who ably serves on the Defense Appropriations Subcommittee, is correct.

Mrs. HUTCHISON. It is anticipated that this program will deter theft, aid in the investigation of fuel theft, and facilitate determining the source of surface and underground pollution in locations where the Department and civilian companies maintain separate fuel storage facilities.

Mr. STEVENS. The Senator is correct in her description of this program as approved by the authorizing committee and the full Senate.

Mrs. HUTCHISON. It is my understanding that this pilot program could also be funded through title IV of the pending bill, research, development, test, and evaluation, particularly the Defense-wide funding provisions.

Mr. STEVENS. Again, the Senator is correct on the likely source of funding for this pilot program.

Mrs. HUTCHISON. Mr. President, I look forward to learning the results of this pilot program and thank my distinguished chairman for his able assistance. I yield the floor.

VOTE ON AMENDMENT NO. 848

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair place before the Senate the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending question is the Harkin amendment No. 848. It is not necessary for the clerk to report the amendment.

Mr. STEVENS. I ask for the rollcall vote that was agreed to last evening take place now.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 848. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The PRESIDING OFFICER (Mr. SESSIONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 15, nays 83, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—15

Boxer	Feingold	Moynihan
Bumpers	Glenn	Thompson
Byrd	Grassley	Torricelli
Dorgan	Harkin	Wellstone
Durbin	Kohl	Wyden

NAYS—83

Abraham	Ashcroft	Biden
Akaka	Baucus	Bingaman
Allard	Bennett	Bond
Breaux	Gregg	McConnell
Brownback	Hagel	Mikulski
Bryan	Hatch	Moseley-Braun
Campbell	Helms	Murkowski
Cleland	Hollings	Murray
Coats	Hutchinson	Nickles
Cochran	Hutchison	Reed
Collins	Inhofe	Reid
Conrad	Inouye	Robb
Coverdell	Jeffords	Roberts
Craig	Johnson	Rockefeller
D'Amato	Kempthorne	Roth
Daschle	Kennedy	Santorum
DeWine	Kerrey	Sarbanes
Dodd	Kerry	Sessions
Domenici	Kyl	Shelby
Enzi	Landrieu	Smith (NH)
Faircloth	Lautenberg	Smith (OR)
Feinstein	Leahy	Snowe
Ford	Levin	Specter
Frist	Lieberman	Stevens
Gorton	Lott	Thomas
Graham	Lugar	Thurmond
Gramm	Mack	Warner
Grams	McCain	

NOT VOTING—2

Burns	Chafee

The amendment (No. 848) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that we continue for another 5 minutes on a matter of total agreement here and that we then have a vote on final passage on this bill at 2:15.

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

AMENDMENT NO. 857

(Purpose: To limit the use of funds to transfer more than 10 electro-magnetic test environment systems from Eglin Air Force Base, FL)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRAHAM, for himself and Mr. MACK, proposes an amendment numbered 857.

Mr. STEVENS. 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 VIII, add the following:

SEC. 8099. (a) Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Elgin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

Mr. STEVENS. Mr. President, this amendment also has the cosponsorship of Senator MACK. It has our approval.

Mr. INOUYE. We have no objection.

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

The amendment (No. 857) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 856, AS MODIFIED

Mr. STEVENS. Mr. President, I send a modification of amendment No. 856 to the desk.

This is a modification of an amendment by Senator FEINSTEIN that was previously adopted, and that action was rescinded.

The PRESIDING OFFICER. Amendment No. 856 is so modified.

The amendment (No. 856), as modified, is as follows:

At the appropriate place, insert:

"It is the Sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the U.S. share of the NATO common budget should not increase, and that if any NATO Member does not pay its share, the United States shall not either."

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. The amendment now has our approval. It is a sense-of-the-Senate amendment concerning payment of NATO costs.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 856), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 858

(Purpose: To express the sense of the Senate regarding DOD printing costs)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUMPERS, proposes an amendment numbered 858.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . FINDINGS.

(a) the Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

(b) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;

(c) printing in two or more colors generally increases costs;

(d) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant government printing expenses;

(e) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that, "... it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included."

(f) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and

(g) the Department of Defense could save resources for higher priority needs by reducing printing expenses:

Therefore, it is the sense of the Senate that:

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States.

(3) that the Department of Defense budget submission for FY 1999 should reflect the savings that will result from the stricter printing guidelines in (1) and (2).

The PRESIDING OFFICER. Is there further debate on the Bumpers amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 858) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is my understanding that all of the amendments that were ordered to be called up, or had the right to be called up under order 108 entered into last night have now been disposed of. Is that the opinion of the Chair?

The PRESIDING OFFICER. It appears that the amendments on that list have been offered.

Mr. STEVENS. I know of no further amendments.

UNITED STATES MILITARY PRESENCE IN BERMUDA

Mr. DODD. Mr. President, last week I had worked out an amendment with the managers of the national defense authorization bill that provided for the Secretary of Defense to study and report on the status of environmental problems in Bermuda associated with the United States military presence on that island for more than 50 years. Senator INHOFE, the subcommittee chairman was particularly helpful in working with me.

Inadvertently that amendment was not included in the managers en bloc amendment package on Friday afternoon. However, I am very grateful to the chairman and ranking member of the Arms Services Committee that, by unanimous consent, they have agreed to include this amendment in the authorization bill.

Mr. President, for more than 50 years, United States military personnel were deployed to bases on the Island of Bermuda. In fact, United States bases occupied approximately one-tenth of Bermuda's land area. The 1941 Leased Bases Agreement formalized the conditions under which the United States military remained in Bermuda until 1995. The United States was not charged a penny in rent for its use of these properties during all of that period.

I know that the distinguished ranking member of the Defense Appropriations Subcommittee, Mr. INOUYE, is fully aware of the questions that have been raised related to the United States military presence in Bermuda. I would ask him whether he believes that this is something that the Secretary of Defense should look into?

Mr. INOUYE. Mr. President, I say to my distinguished colleague from Connecticut that I am aware of matters related to the bases in Bermuda. I know, for example, that the bases in Bermuda very effectively contributed to United States. national security during World War II and throughout the cold war. I am also aware that with changed world circumstances, it became clear during the 1990's, that it was no longer necessary for the U.S. military to continue to maintain bases there. And, on September 1, 1995, U.S. military forces formally withdrew from the island.

Certainly it seems very logicial for the Secretary of Defense to be asked to look into matters related to our presence there.

Mr. DODD. Mr President, I know that my distinguished colleague from Hawaii knows well that Bermuda is actually a tiny group of islands, 21 square miles in land area. Its environmental situation is unique in many respects—land is obviously scarce, fresh water resources are very limited, and storage capacity for hazardous waste disposal doesn't exist. It is also one of the most northerly coral reef areas, making the marine environment surrounding the island extremely fragile as well.

Mr. President, I call to the attention of my distinguished colleague from Hawaii that it would appear that the formerly United States occupied properties that have now reverted back to Bermudian authorities could pose a number of problems for that Government—problems that they are now seeking our help in ameliorating. These problems include soil and ground water pollution and asbestos hazards

contained in now deserted U.S. military installations on the bases.

For example, most of the buildings on the bases will require demolition, if this property is to be useable again. That means that the hazardous asbestos must also be removed and appropriately stored. In addition, industrial wastes and raw sewage that were disposed of in Bassett's Cave over time will pose a threat to parts of the island's water system unless they are removed. Underground and above-ground petroleum storage tanks—many in poor condition—are leaking into surrounding soils and ground water. Left behind landfills are also causing environmental problems.

Mr. INOUYE. Mr. President, I say to my colleague from Connecticut that I believe that President Clinton, Vice President GORE, and others in this administration care deeply about environmental issues. Clearly the United States cannot resolve every environmental problem that exists in every part of the globe. However, under the circumstances, given the special relationship between the United States and Bermuda, it is particularly appropriate for the Secretary of Defense to study this problem and report back to the relevant committees. I will look forward to reading that report.

Mr. DODD. Mr. President, I thank my colleague from Hawaii for his interest in this matter. I too look forward to being kept informed about progress on this issue.

QDR IMPLEMENTATION

Mr. BENNETT. The Quadrennial Defense Review [QDR] outlined a direction for the Air Force to consolidate force structure and reduce manpower. Included in the QDR is a proposal to transfer one active duty fighter wing to the reserve forces. General Fogleman recently informed me that the Air Force was specifically exploring a number of options to accomplish this directive.

Because of the changes that may occur as the Department of Defense downsizes, I would expect the Air Force to alert Congress as important decisions are made, and will outline the rationale behind their conclusions. Is it the chairman's expectation that this will be the case?

Mr. STEVENS. The Senator raises a good point. I would expect the Air Force to inform Congress of major decisions, such as the one to which the Senator was referring. I would also expect the Air Force to be able to outline sound reasons for their actions.

Mr. BENNETT. Mr. Chairman, as the Air Force determines where fighter units will be located, these decisions will inevitably impact how our test and training ranges are utilized. Consequently, I believe it would also be reasonable for the Air Force to outline how changes in force structure will impact the use of test and training ranges.

Mr. STEVENS. I believe this is a reasonable request, and I expect the Air Force to outline impacts of test and training range utilization as a result of changes in force structure to the Congress.

DEPARTMENT OF DEFENSE LEGACY PROGRAM

Mr. LEAHY. Mr. President, Members of the Senate may have read in the papers a few weeks ago about the discovery of a Revolutionary War gunboat found in the waters of Lake Champlain, bordering my home State of Vermont. There, perfectly preserved in the cold, fresh, dark water, lying upright on the bottom, is a 54-foot gunboat, its mast still standing and its bow cannon in place.

This gunboat is one of eight led by Benedict Arnold against the British in the Battle of Valcour Island on October 11, 1776. Only four vessels survived the battle, but the British were forced to delay their invasion from Canada for an extra year, giving the Americans critical time to prepare defenses.

Mr. President, this historic find led the former curator of naval history at the Smithsonian's American History Museum, Mr. Philip Lundeberg, to say, "This could prove to be the most significant maritime discovery in American history in the last half century."

The exact location of the ship is a secret, and it will not be touched until maritime archeologists, working with the Navy and local authorities, develop a comprehensive management plan to preserve and protect this amazing discovery. The ship may be left as an underwater museum, or it may be feasible to raise and preserve it. We will not know until the management plan is completed.

In the bill before the Senate today, the Appropriations Committee funded a modest program called Legacy, which coordinates cultural resource management efforts among the four military services. I ask my friend from Alaska, will the Senator support my effort in conference with the other body to designate a small amount of Legacy funding to develop the management plan that will preserve and protect this important historical find?

Mr. STEVENS. This discovery is one of the great military history finds in memory, and I believe that we have an obligation to ensure that this ship is properly preserved. This type of discovery is why the committee created the Legacy Program in 1991, under the leadership of the senior Senator from Hawaii. I strongly support the proposal of the Senator from Vermont, and I am hopeful that his view will prevail in conference.

Mr. LEAHY. I thank the Senator for his consideration.

OPERATION AND MAINTENANCE ACCOUNT

Mr. SARBANES. Mr. President, I would like to engage the distinguished manager of this bill, Senator STEVENS, in a colloquy concerning the funding of the operation and maintenance account for the Department of the Army.

For some time, I have been concerned about the deteriorating conditions of the historic buildings at the Walter Reed Army Medical Center Annex at Forest Glen, MD. In response to my amendment to the National Defense Authorization Act last year, the Department of the Army recently submitted a Comprehensive Plan for the Basic Repair and Stabilization for the Historic District of the Forest Glen Annex. This plan identified the need for $9.8 million in fiscal 1998 to take care of the critical needs for stabilization of the historic buildings at the Forest Glen Annex.

I want to inquire whether there is sufficient funding within the Army's real property maintenance account to implement this plan.

Mr. STEVENS. Yes, the committee has provided additional funding in the amount of $87.5 million to address the funding shortfall in the Army's real property mainenance account. Recognizing that the Army has prioritized its real property maintenance shortfalls, I am confident that the Department will work with you to address your concerns regarding the Annex.

Mr. SARBANES. I thank the Senator.

Mr. BYRD. Mr. President, I support the recommendations of the defense subcommittee for the Department of Defense Appropriations measure for FY 1998. The $247.2 billion recommended for the programs under the jurisdiction of the Defense Subcommittee is within the subcommittee's allocation in both budget authority and outlays, and is $1.2 billion below the amount authorized by the Senate for these programs in the Authorization bill which was overwhelmingly approved by the Senate last week. The recommendations have been unanimously supported by all members of the Defense Subcommittee, an event which is noteworthy, and is a reflection on the judgment, experience and abilities of the distinguished leadership of the subcommittee, my friend, the Chairman, the Senator from Alaska, Mr. STEVENS, and the senior Senator from Hawaii, the distinguished ranking member, Mr. INOUYE.

The bill is noteworthy for the consensus that underlies it, and the Senate is fortunate to have these two senior Senators, with vast experience in defense matters, at the helm of our post-war defense spending. Central elements of American leadership in the post-cold-war world are the readiness, capabilities and further development of our military forces, present in all major regions of the world, exercising leadership in Europe, the Middle East, and the Pacific. While the agenda for

American leadership will change, and is changing, we have witnessed, several times in this century, the risk that abdicating such a leadership role can entail. The need for such leadership is a jointly held responsibility of the Administration and the Congress. It is clear that America is not retrenching radically from its commitments and its far-flung presence as a result of the end of the cold war, in some historical variance with the practice of our nation in times of peace in the past.

Mr. President, the quality of life and the need to attract excellent, motivated people for the armed forces is a critical ingredient of our long-term success in carrying out our commitments. I note that the Subcommittee has produced recommendations with a top priority of fully supporting our men and women in uniform, including funding for a 2.8 percent pay raise for military personnel.

Mr. President, this is a good bill, worthy of the strong support of the Senate. It is the product of a truly bipartisan process, and comes with the unanimous support of the members of the Appropriations Committee. I commend the leadership of that Committee, and the capable staff of Chairman STEVENS and Senator INOUYE in putting this bill together.

ALLOWABILITY OF ESOP COSTS

Mr. SPECTER. Mr. President, I would like to engage the distinguished Senator from Alaska in a brief colloquy, not just in his capacity as floor manager of the fiscal year 1998 Defense appropriations bill, but also as a leading proponent of the legislation that created employee stock ownership plans [ESOP's].

Mr. President, the Defense Contract Audit Agency [DCAA] is threatening the viability of ESOP defense contractors by applying different determinations of ESOP costs than the Internal Revenue Service and the Department of Labor. It is my understanding that Congress intended that ESOP cost issues be governed by the tax and pension laws and regulations administered by those offices, not DCAA. If this matter is not resolved when the defense appropriations conference committee meets, would the distinguished chairman be willing to try to assist in resolving it at that point?

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Pennsylvania for recalling that I was an original sponsor of the legislation that encouraged companies to become employee-owned by establishing ESOP's. I will certainly try to do what I can to help solve the situation the Senator has described.

RESEARCH AND DEVELOPMENT

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging my good friend, the distinguished chairman of the Defense Appropriations Subcommittee and the distinguished ranking minority member, in a colloquy regarding support for evolving telemedicine technologies, research and development on an advanced double hull ship design and research and development of the helicopter vectored trust ducted propeller.

Mr. President, we all recognize the need to continue efforts to develop telemedicine services for our Armed Forces. I note in particular, efforts by institutions in the Northeast to design a telemedicine trauma/emergency medical services system to provide necessary diagnostic and treatment interventions and improve medical outcomes.

Advanced research and development for the Navy is vital to ensure force readiness and capability for our Navy well into the future. The Navy is currently facing a technical challenge in design and manufacture of very large and complex structural systems that have historically been made of traditional steel materials but are now incorporating the use of more advanced materials like non-magnetic steels. Currently, there is no comprehensive initiative in the Navy to develop the most promising application of these new materials—a nonmagnetic, stainless steel advanced double hull warship design. The marriage of the advanced double hull concept with nonmagnetic steels offers the potential to reduce acquisition costs and improve survivability. I support a development program for the stainless steel advanced double hull concept that combines numerical analysis techniques with large-scale representative testing.

Mr. President, in another area of military research and development, I point out the survivability and cost-effectiveness benefits from use of vectored ducted propeller helicopter technology. Research and development of this design will ensure that our Armed Forces are prepared for the next century. I look forward to working with my two colleagues during conference to address these programs.

Mr. STEVENS. Mr. President, I thank the distinguished Senator from Pennsylvania. These are three very important and valuable programs for the readiness and capability of our Armed Forces. I have long been a supporter of telemedicine initiatives and its application to military objectives. In addition, I recognize the need to continue research and development of advanced technology for hull and aircraft design. I believe these programs deserve a thorough review and look forward to working with the Senator from Pennsylvania in conference.

Mr. INOUYE. Mr. President, I also thank the distinguished Senator from Pennsylvania. Telemedicine, particularly those initiatives focused on emergency and trauma care are essential for the highest quality medical care for our troops. I too look forward to working with the Senator from Pennsylvania in conference.

PERSIAN GULF WAR ILLNESSES AMENDMENT

Mr. DODD. Mr. President, I rise to commend my colleagues, Senator STEVENS and Senator INOUYE, for their work on this appropriations bill and the bipartisan spirit in which it was crafted.

I wish to speak for a moment on the amendment I offered on Persian Gulf war illnesses that was accepted by the chairman and ranking member.

The amendment will provide $4.5 million for the Department of Defense and the Veterans Administration to determine what treatments are working for those who are afflicted with Persian Gulf war illnesses.

The reasonableness and necessity for action along these lines seem so obvious that many of my colleagues probably find it difficult to believe that such action has not already been taken. To allay their doubts, let me quote directly from a GAO report released just last month: "There is an absence of efforts to measure Gulf War veterans clinical progress. This leaves the government unable to promptly determine the quality and effectiveness of treatments currently being provided to Gulf War veterans."

That's not an angry Senator making unsupported allegations. That's the objective, nonpartisan view of the General Accounting Office.

Mr. President, at this point, it seems to me that we've left our ailing troops on the battlefield. Here we are, 6 years after the end of the Persian Gulf war and it takes an act of Congress to begin an effective examination of which treatments are most effective in caring for our veterans with Persian Gulf war illnesses.

While I am heartened by the fact that we're offering examinations to those who served in the Persian Gulf War, I feel it's important to take the next step to determine what happens after that initial examination. Often I hear stories of families being forced to look outside the government agencies to get the care and compensation their Persian Gulf war veterans deserve.

So those are the reasons that I offered the amendments to the Defense authorization bill and the Defense appropriations bill. Mr. President, nearly 700,000 men and women served in our Armed Forces in the Persian Gulf war. Five thousand of them were constituents of mine. Depending on what reports you read, as many as 10 percent of those who served are today ailing from some form or another of these Persian Gulf war illnesses. That's far too many to be left out on the battlefield. One ailing veteran forgotten by this country is too many. I expect to see some progress now on finding and employing effective treatments for those with Persian Gulf war illnesses.

Let me again express my gratitude to the Senator from Alaska and the Senator from Hawaii for approving of this funding and accepting the amendment. I'm sure they feel equally compelled by the issues raised here.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time.

Mr. STEVENS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The rollcall vote will occur at 2:15.

RECESS

Mr. STEVENS. Mr. President, I now ask that we recess under the previous order.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The question occurs on final passage of S. 1005, the Defense appropriations bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. CHAFEE] are necessarily absent.

The result was announced—yeas 94, nays 4, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—94

Abraham	Domenici	Kerrey
Akaka	Dorgan	Kerry
Allard	Durbin	Kyl
Ashcroft	Enzi	Landrieu
Baucus	Faircloth	Lautenberg
Bennett	Feinstein	Leahy
Biden	Ford	Levin
Bingaman	Frist	Lieberman
Bond	Glenn	Lott
Boxer	Gorton	Lugar
Breaux	Graham	Mack
Brownback	Gramm	McCain
Bryan	Grams	McConnell
Bumpers	Grassley	Mikulski
Byrd	Gregg	Moseley-Braun
Campbell	Hagel	Moynihan
Cleland	Hatch	Murkowski
Coats	Helms	Murray
Cochran	Hollings	Nickles
Collins	Hutchinson	Reed
Conrad	Hutchison	Reid
Coverdell	Inhofe	Robb
Craig	Inouye	Roberts
D'Amato	Jeffords	Rockefeller
Daschle	Johnson	Roth
DeWine	Kempthorne	Santorum
Dodd	Kennedy	Sarbanes
Sessions	Specter	Torricelli
Shelby	Stevens	Warner
Smith (NH)	Thomas	Wyden
Smith (OR)	Thompson	
Snowe	Thurmond	

NAYS—4

Feingold	Kohl
Harkin	Wellstone

NOT VOTING—2

Burns	Chafee

The bill (S. 1005), as amended, was passed, as follows:

S. 1005

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 functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $20,426,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,508,218,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,148,899,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,206,056,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,037,046,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,374,901,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $384,770,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $815,745,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,446,867,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,334,712,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $11,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $8,394,122,000;

Budget Activity 2, Mobilization, $566,444,000;

Budget Activity 3, Training and Recruiting, $3,280,148,000; and

Budget Activity 4, Administration and Servicewide Activities, $5,029,759,000:

Provided, That a reduction of $357,000,000 shall be made to the total of these budget activities; in all; $16,913,473,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,500,000, can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $15,345,257,000, of which not less than $2,040,690,000 shall be obligated for ship depot maintenance;

Budget Activity 2, Mobilization, $1,226,985,000;

Budget Activity 3, Training and Recruiting, $1,681,931,000; and

Budget Activity 4, Administration and Servicewide Activities, $3,568,246,000:

Provided, That a reduction of $246,000,000 shall be made to the total of these budget activities; in all; $21,576,419,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, as follows:

Budget Activity 1, Operating Forces, $1,670,747,000;

Budget Activity 3, Training and Recruiting, $388,282,000; and

Budget Activity 4, Administration and Servicewide Activities, $278,506,000:

Provided, That a reduction of $9,000,000 shall be made to the total of these budget activities; in all; $2,328,535,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,362,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on her certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $9,877,438,000;

Budget Activity 2, Mobilization, $3,122,848,000;

Budget Activity 3, Training and Recruiting, $1,613,047,000; and

Budget Activity 4, Administration and Servicewide Activities, $4,210,052,000:

Provided, That a reduction of $231,000,000 shall be made to the total of these budget activities; in all; $18,592,385,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; and not to exceed $28,850,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes, as follows:

Budget Activity 1, Operating Forces, $454,007,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account;

Budget Activity 2, Mobilization, $27,260,000;

Budget Activity 3, Training and Recruiting, $159,155,000;

Budget Activity 4, Administration and Servicewide Activities, $8,716,689,000; and

Budget Activity 5, Special Operations, $1,123,527,000:

Provided, That a reduction of $81,000,000 shall be made to the total of these budget activities; in all; $10,399,638,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,212,891,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $834,211,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $110,366,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,631,200,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,449,932,000: *Provided*, That not later than March 15, 1998, the Director of the Army National Guard shall provide a report to the congressional defense committees identifying the allocation, by installation and activity, of all base operations funds appropriated under this heading.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from

stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,010,282,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $1,889,000,000: *Provided*, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts within this title: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,952,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $375,337,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That not more than twenty-five per centum of funds provided under this heading may be obligated for environmental remediation by the Corps of Engineers under total environmental remediation contracts.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $275,500,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,900,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Defense, $26,900,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $242,300,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $40,130,000, to remain available until September 30, 1999.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $382,200,000, to remain available until expended: *Provided*, That of the amounts provided under this heading, $35,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

QUALITY OF LIFE ENHANCEMENTS, DEFENSE

For expenses, not otherwise provided for, resulting from unfunded shortfalls in the repair and maintenance of real property of the Department of Defense (including military housing and barracks); $100,000,000, for the maintenance of real property of the Department of Defense (including minor construction and major maintenance and repair), which shall remain available for obligation until September 30, 1998, as follows:

Army, $100,000,000.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,356,959,000, to remain available for obligation until September 30, 2000.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,173,081,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired,

and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,156,506,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,042,602,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,783,735,000, to remain available for obligation until September 30, 2000: *Provided*, That of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY-100 devices.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,312,937,000, to remain available for obligation until September 30, 2000.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,138,393,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $344,797,000, to remain available for obligation until September 30, 2000.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN-21 attack submarine program, $153,440,000;

NSSN, $2,314,903,000;

NSSN (AP), $284,859,000;

CVN-77 (AP), $345,000,000;

CVN Refuelings, $1,615,003,000;

CVN Refuelings (AP), $92,855,000;

DDG-51 destroyer program, $3,385,767,000;

DDG-51 destroyer program (AP), $157,806,000;

Oceanographic ship program, $73,000,000;

LCAC landing craft air cushion program, $17,300,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $83,177,000.

In all: $8,510,458,000, to remain available for obligation until September 30, 2004: *Provided*, That additional obligations may be incurred after September 30, 2004, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction.

None of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 194 passenger motor vehicles for replacement only; and the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,832,800,000, to remain available for obligation until September 30, 2000.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 40 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $440,106,000, to remain available for obligation until September 30, 2000.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $6,390,847,000 to remain available for obligation until September 30, 2000.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,411,741,000, to remain available for obligation until September 30, 2000.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon

prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $400,984,000, to remain available for obligation until September 30, 2000.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,653,053,000, to remain available for obligation until September 30, 2000.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,753,285,000, to remain available for obligation until September 30, 2000.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $653,000,000, to remain available for obligation until September 30, 2000: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,984,083,000 to remain available for obligation until September 30, 1999: *Provided*, That, of the amount appropriated under this heading, $4,500,000 is available for a joint Department of Defense-Department of Veterans Affairs program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $7,532,846,000, to remain available for obligation until September 30, 1999: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $14,127,873,000, to remain available for obligation until September 30, 1999.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,608,689,000, to remain available for obligation until September 30, 1999: *Provided*, That of the funds appropriated under this heading $5,000,000 shall be available for a facial recognition technology program: *Provided further*, That, $2,000,000 shall be made available only for a joint service core research project to develop a prototype hybrid integrated sensor array for chemical and biological point detection: *Provided further*, That of the funds appropriated under this heading, $6,000,000 shall be available for a conventional munitions demilitarization demonstration program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,183,000, to remain available for obligation until September 30, 1999.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $31,384,000, to remain available for obligation until September 30, 1999.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $871,952,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $516,126,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive these restrictions on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,317,675,000, of which $10,043,607,000 shall be for Operation and maintenance, of which not to exceed one per centum shall remain available until September 30, 1999, and of which $274,068,000, to remain available for obligation until September 30, 2000, shall be for Procurement.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $609,700,000, of which $467,200,000 shall be for Operation and maintenance, $73,200,000 shall be for Procurement to remain available until September 30, 2000, and $69,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation;

$691,482,000: *Provided*, That the funds appropriated under this head shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $135,380,000, of which $133,380,000 shall be for Operation and maintenance, of which not to exceed $500,000, is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $2,000,000, to remain available until September 30, 2000, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $196,900,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Intelligence Community Management Account; $122,580,000.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, $2,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during a single fiscal year shall be obligated during the last two months of such fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, 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*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That of the authority provided under this section, not to exceed $20,000,000 shall be available to meet requirements for termination of the Reserve Mobilization Insurance Program, notwithstanding Chapter 1214 of Title 10 of the United States Code.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other non-institutional health care providers in excess of the amounts allowed in fiscal year 1996 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 per centum (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8009. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Apache Longbow radar;

T-45 aircraft; and

AV-8B aircraft.

SEC. 8010. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in

section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8011. (a) During fiscal year 1998, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1999.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8012. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8015. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8019. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8020. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1999 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the

Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8021. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8022. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a state which is not contiguous with another state is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations: *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544: *Provided*, That these payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8025. Notwithstanding any other provision of law, of the revenue collected by the Department of Defense Working Capital Funds, such amounts as may be required shall be made available for obligation and expenditure for indemnification of the leasing entity or entities to accomplish the lease of aircraft for the VC–137 mission: *Provided*, That the funds made available pursuant to this section shall remain available until expended.

SEC. 8026. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M–9 or M–11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: *Provided*, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

SEC. 8027. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8028. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8029. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8030. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8031. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8032. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8033. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and supplies in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8034. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8035. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8036. Of the funds made available in this Act, not less than $27,200,000 shall be available for the Civil Air Patrol, of which $22,600,000 shall be available for Operation and maintenance.

SEC. 8037. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 1998 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 1998, not more than 6,206 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,105 staff years may be funded for the defense studies and analysis FFRDCs.

(e) Notwithstanding any other provision of law, the Secretary of Defense shall control the total number of staff years to be performed by defense FFRDCs during fiscal year 1998 so as to reduce the total amounts appropriated in titles II, III, and IV of this Act by $71,800,000: *Provided*, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $71,800,000 to reflect savings from the use of defense FFRDCs by the department.

(f) Within 60 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report presenting the specific amounts of staff years of technical effort to be allocated by the department for each defense FFRDC during fiscal year 1998: *Provided*, That, after the submission of the report required by this subsection, the department may not reallocate more than five per centum of an FFRDC's staff years among other defense FFRDCs until 30 days after a detailed justification for any such reallocation is submitted to the congressional defense committees.

(g) The Secretary of Defense shall, with the submission of the department's fiscal year 1999 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

(h) The reductions specified in subsection (e) of this section shall be applied only to funds budgeted to purchase defense FFRDC activities and shall be applied on a pro-rata basis to each program, project and activity which included budget funds for defense FFRDC activities.

(i) Not later than 90 days after enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report listing the specific funding reductions allocated to each category listed in subsection (h) above pursuant to this section.

SEC. 8038. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the cost effectiveness or feasibility of removal and transportation of unitary chemical weapons or agents from the eight chemical storage sites within the continental United States to Johnston Atoll: *Provided*, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8039. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8040. For the purposes of this Act, the term "congressional defense committees" means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8041. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8042. The total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $300,000,000 to reflect savings from the use of advisory and assistance services by the Department of Defense: *Provided*, That the savings shall be applied to the following titles in the following amounts:

Title II, Operation and Maintenance, $112,000,000;

Title III, Procurement, $62,000,000; and

Title IV, Research, Development, Test and Evaluation, $126,000,000:

Provided further, That the savings specified shall be applied only to funds budgeted to purchase advisory and assistance services: *Provided further*, That the savings shall be applied on a pro-rata basis to each program, project and activity which included budget funds for advisory and assistance services.

SEC. 8043. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8044. To provide funds for additional required aviation depot level repairables in the Air Force Operation and Maintenance account, the amounts appropriated elsewhere in this Act for the following appropriation accounts are reduced by 1.0 per centum: Aircraft Procurement, Air Force; Missile Procurement, Air Force; Procurement of Ammunition, Air Force; Other Procurement, Air Force; and Research, Development, Test and Evaluation, Air Force. These reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8045. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8046. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8047. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 8048. To provide funds for additional required aviation depot level repairables in the Navy Operation and Maintenance account, the amounts appropriated elsewhere in this Act for the following appropriation accounts are reduced by 1.1 per centum: Aircraft Procurement, Navy; Weapons Procurement, Navy; Procurement of Ammunition, Navy and Marine Corps; Shipbuilding and Conversion, Navy; Other Procurement, Navy; Procurement, Marine Corps; and Research, Development, Test and Evaluation, Navy. These reductions shall be applied on a pro-rata basis to each line item, program element, program, project, subproject, and activity within each appropriation account.

SEC. 8049. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8050. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8051. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8052. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Working Capital Funds during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1999 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1999 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1999 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8053. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8054. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1999.

SEC. 8055. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8056. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8057. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8058. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8059. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8060. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8061. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 8062. None of the funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1998, except for field operating agencies funded within the National Foreign Intelligence Program: *Provided*, That the Secretary of Defense may waive this section by certifying to the House and Senate Committees on Appropriations that the creation of such field operating agencies will reduce either the personnel and/or financial requirements of the Department of Defense.

SEC. 8063. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes.

(RESCISSIONS)

SEC. 8064. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

"Aircraft Procurement, Navy, 1997/1999", $40,000,000;

"Research, Development, Test and Evaluation, Defense-Wide, 1997/1998", $29,700,000;

"Research, Development, Test and Evaluation, Air Force, 1997/1998", $25,000,000.

SEC. 8065. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8066. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8067. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602 (a)(2) and (b)(2) of title 10, United States Code.

SEC. 8068. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8069. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1996 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8070. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8071. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,118,000,000.

(TRANSFER OF FUNDS)

SEC. 8072. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8073. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8074. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: *Provided*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8075. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

(TRANSFER OF FUNDS)

SEC. 8076. In addition to amounts appropriated or otherwise made available by this Act, $300,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard.

SEC. 8077. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8078. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8079. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—(1) This section applies to—

(A) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(B) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8080. To the extent authorized by subchapter VI of Chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of Chapter 148 of title 10.

SEC. 8081. None of the funds available to the Department of Defense shall be obligated or expended to make a financial contribution to the United Nations for the cost of an United Nations peacekeeping activity (whether pursuant to assessment or a voluntary contribution) or for payment of any United States arrearage to the United Nations.

SEC. 8082. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8083. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8084. None of the funds provided in title II of this Act for "Former Soviet Union Threat Reduction" may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

SEC. 8085. During the current fiscal year, no more than $15,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8086. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior year, and the one per centum limitation shall apply to the total amount of the appropriation.

SEC. 8087. Notwithstanding 31 U.S.C. 1552(a), not more than $14,000,000 appropriated under the heading "Aircraft Procurement, Air Force" in Public Law 102-396 which was available and obligated for the B-2 Aircraft Program shall remain available for expenditure and for adjusting obligations for such program until September 30, 2003.

SEC. 8088. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to one per centum of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8089. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy 1989/2000":

SSN-688 attack submarine program, $3,000,000;

DDG-51 destroyer program, $1,500,000;

LHD-1 amphibious assault ship program, $8,000,000;

T-AO fleet oiler program, $3,453,000;

AOE combat support ship program, $3,600,000;

For craft, outfitting, and post delivery, $2,019,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1989/2000":

SSN-21 attack submarine program, $21,572;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1991/2001":

DDG-51 destroyer program, $1,060,000;

LHD-1 amphibious assault ship program, $1,600,000;

LSD-41 cargo variant ship program, $2,666,000;

AOE combat support ship program, $7,307,000;

For craft, outfitting, and post delivery, $12,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1991/2001":

SSN-21 attack submarine program, $24,633,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

LHD-1 amphibious assault ship program, $10,654,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

SSN-21 attack submarine program, $6,907,000;

DDG-51 destroyer program, $3,747,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1994/1998":

LHD-1 amphibious assault ship program, $400,000;

DDG-51 destroyer program, $1,054,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1995/1999":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $715,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1996/2000":

LHD-1 amphibious assault ship program, $12,451,000;

LPD amphibious transport dock ship program, $5,062,000;

For craft, outfitting, and post delivery, conversions, and first destination transportation, $878,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy 1997/2001":

For craft, outfitting, and post delivery, conversions, and first destination transportation, $3,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy 1997/2001":

DDG-51 destroyer program, $24,160,000.

SEC. 8090. None of the funds available to the Department of Defense under this Act may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after the date of enactment of this Act unless—

(1) the auditable savings for the Department of Defense resulting from the restructuring will exceed the costs allowed by a factor of at least two to one, or

(2) the savings for the Department of Defense resulting from the restructuring will exceed the costs allowed and the Secretary of Defense determines that the business combination will result in the preservation of a critical capability that might otherwise be lost to the Department, and

(3) the report required by Section 818(e) of Public Law 103-337 to be submitted to Congress in 1996 is submitted.

SEC. 8091. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF-L-2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: *Provided*, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8092. Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8093. The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8094. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8095. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8096. The Secretary of the Army may exchange or sell one Army C-20 aircraft and may apply the exchange allowance or sale proceeds in whole or in part payment for the acquisition of one C-37 aircraft: *Provided*, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1998 for Aircraft Procurement, Air Force, not more than $6,000,000 shall be made available for acquisition of the C-37 for the United States Army: *Provided further*, That in addition to such exchange allowance or sale proceeds, of the amount appropriated for fiscal year 1997 for Aircraft Procurement, Air Force, not more than $27,100,000 shall be made available for acquisition of the C-37 for the United States Army.

SEC. 8097. From funds made available by this Act for the Maritime Technology Program up to $250,000 shall be made available to assist with a pilot project that will facilitate the transfer of commercial cruise ship shipbuilding technology and expertise to U.S. yards, utilize the experience and expertise of existing U.S.-flag cruise ship operators, and enable the operation of a U.S.-flag foreign-built cruise ship, and two newly-constructed U.S.-flag cruise ships: *Provided*, That a person (including a related person with respect to that person) who, within 18 months after the date of enactment, enters into a binding contract for construction in the United States of two cruise ships, which contract shall provide for the construction of two cruise ships of equal or greater size than the cruise ship being operated by such person on the date of enactment and shall require the delivery of the first cruise ship no later than January 1, 2005 and the second cruise

ship no later than January 1, 2008, may document with a coastwise endorsement a foreign-built cruise ship otherwise in compliance with 46 U.S.C. Sections 289, 883 and 12106 until such date which is twenty-four (24) months after the delivery of the second cruise ship or any subsequently delivered cruise ship: *Provided further*, That a person (including a related person with respect to that person) within the meaning of 46 U.S.C. Section 801 may not operate a U.S.-flag foreign-built cruise ship, or any other cruise ship, in coastwise trade between or among the islands of Hawaii, upon execution of the contract referred to in this section and continuing throughout the life expectancy (as that term is used in 46 U.S.C. App 1125) of a newly constructed U.S. flag cruise ship referred to in this section, unless the cruise ship is operated by a person (including a related person with respect to that person) that is operating a cruise ship in coastwise trade between or among the islands of Hawaii on the date of enactment, except if any cruise ship constructed pursuant to this section operates in regular service other than between or among the islands of Hawaii: *Provided further*, That for purposes of this section the term "cruise ship" means a vessel that is at least 10,000 gross tons (as measured under Chapter 143 of Title 46, United States Code) and has berth or stateroom accommodations for at least 275 passengers: *Provided further*, That for purposes of this section, unless otherwise defined in this section, the term "person" means a corporation, partnership or association the controlling interest of which is owned by citizens of the United States within the meaning of 46 U.S.C. Section 802(b): *Provided further*, That for purposes of this section the term "related person" means with respect to a person (i) a holding company, subsidiary, affiliate or association of the person and (ii) an officer, director, or agent of the person or of an entity referred to in (i): *Provided further*, That none of the funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section.

SEC. 8098. Notwithstanding any other provision of law, the Secretary of Defense shall obligate the funds provided for University Research Initiatives in the Department of Defense Appropriations Act, 1997 (titles I through VIII under section 101(b) of Public Law 104–208) for the projects and in the amounts provided for in House Report 104–863 of the House of Representatives, 104th Congress, second session.

SEC. 8099. Effective on June 30, 1998, section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended by striking out "$3,000,000" and inserting in lieu thereof "$1,000,000".

SEC. 8100. It is the sense of the Senate that—

(1) international efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) the Administration should consult closely with the Congress on all efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) the Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces.

SEC. 8101. Up to $4,500,000 of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

SEC. 8102. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

SEC. 8103. (a) FINDINGS.—(1) The North Atlantic Treaty Organization, at the Madrid summit, decided to admit three new members, the Czech Republic, Poland and Hungary.

(2) The President, on behalf of the United States endorsed and advocated the expansion of the North Atlantic Treaty Organization to include three additional members.

(3) The Senate will consider the ratification of instruments to approve the admissions of new members to the North Atlantic Treaty Organization.

(4) The United States has contributed more than $20,000,000,000 since 1952 for infrastructure and support of the Alliance.

(5) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $449,000,000 has been requested by the President for expenditures in direct support of United States participation in the Alliance.

(6) In appropriations Acts likely to be considered by the Senate for fiscal year 1998, $9,983,300,000 has been requested by the President in support of United States military expenditures in North Atlantic Treaty Organization countries.

(b) REPORT TO CONGRESS.—The Secretary of Defense shall identify and report to the congressional defense committees not later than October 1, 1997—

(1) the amounts necessary, by appropriation account, for all anticipated costs to the United States for the admission of the Czech Republic, Poland and Hungary to the North Atlantic Treaty Organization for the fiscal years 1998, 1999, 2000, 2001 and 2002; and

(2) any new commitments or obligations entered into or assumed by the United States in association with the admission of new members to the Alliance, to include the deployment of United States military personnel, the provision of defense articles or equipment, training activities and the modification and construction of military facilities.

SEC. 8104. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

SEC. 8105. It is the sense of Congress that should the Senate ratify NATO enlargement, that the proportional cost of the United States share of the NATO common budget should not increase, and that if any NATO member does not pay its share, the United States shall not pay either.

SEC. 8106. Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

SEC. 8107. (a) FINDINGS.—(1) The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies;

(2) the documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts;

(3) printing in two or more colors generally increases costs;

(4) the Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant Government printing expenses;

(5) the Government Printing and Binding Regulations published by the Joint Committee on Printing direct that ". . . it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included.";

(6) the Department of Defense publishes a large number of brochures, calendars, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect; and

(7) the Department of Defense could save resources for higher priority needs by reducing printing expenses.

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that—

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are held to the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States;

(3) the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in paragraphs (1) and (2).

This Act may be cited as the "Department of Defense Appropriations Act, 1998".

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that this bill, S. 1005, not be engrossed, that it remain at the desk pending the receipt of the House companion measure. I further ask unanimous consent that when the House companion measure is passed pursuant to the previous order, the passage of S. 1005 be vitiated and that S. 1005 be indefinitely postponed.

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

Mr. STEVENS. Mr. President, I have a list of a portion of my staff that I would like to have access and have floor privileges through July 23.

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

The list is as follows:

SENATOR STEVENS' HIGH SCHOOL AND COLLEGE INTERNS FOR FLOOR PRIVILEGES

Tuesday, July 15—Antonette Advincula, Kai Binkley, and Sarah Wood.

Wednesday, July 16—Carolyn Coghill, Clint Hess, and James Eklund.

Thursday, July 17—Daniel Cope, Wendi Dow, and Jennifer Burgess.

Friday, July 18—Kelly Eningowuk, Matt Johnson, and Bronwyn Rick.

Monday, July 21—Matt Hopper, Larissa Sommer, and Melissa Kassier.

Tuesday, July 22—James Hayes and Jay McAlpin.

Wednesday, July 23—Jessica Huddleston and Kate Williams.

Mr. INOUYE. Mr. President, I commend my chairman, the distinguished Senator from Alaska, for his extraordinary brilliance in managing the bill before us, and to commend Mr. Steve Cortese and Mr. Charles Houy for assisting us in this happy journey.

Mr. STEVENS. Mr. President, I thank the Senator from Hawaii particularly for congratulating our mutual staff, but I think the Senate knows that this partnership between the Senator from Hawaii and myself has gone on now for 29 years, and I consider that to be a formidable friendship and partnership. I am delighted to have the benefit of his advice, counsel, and assistance. He really is a true partner.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. STEVENS. Mr. President, I now ask unanimous consent the Senate turn to the consideration of Calendar No. 107, S. 1004, the energy and water appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1004) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that while this bill is on the floor, Bob Perret, a congressional fellow, be extended floor privileges.

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

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously, with the distinguished chairman of the full committee, Senator STEVENS, taking care of the defense of our Nation in 1 day in the Chamber, I am challenged and challenge the Senate to do likewise in this very important bill. I hope we can finish tonight. Senators who are within earshot or their staffs, clearly we intend to move right ahead. We know of only two amendments—there may be many, many more, but we know of only two, and we expect Senators who have those amendments to come down here as soon as possible. It is not beyond reason that we can finish this this evening.

I have some brief opening remarks, Mr. President, that I will make at this point. And, again, I ask that Senators who have amendments, whether they be add-ons or deletions, come to the floor and we can accommodate them almost forthwith.

I wonder whether Senator REID would not agree with that statement with reference to anyone on that side who has an amendment. We are ready.

Mr. REID. Yes. I have communicated by telephone with the chief of staff of one of the Senators who is going to offer an amendment, and she indicated that that Senator would be available any time after 3 o'clock today.

Mr. DOMENICI. I thank the Senator.

Mr. President, S. 1004 was reported by a vote of 28 to zero from the Senate Committee on Appropriations on Thursday, July 10, was filed that evening, and it has been available for Members since Friday, July 11.

Senator REID, who this year became the ranking member of the subcommittee, and I have worked closely together to craft a balanced bill. We believe it addresses the concerns of the Members of the Senate and the concerns of the President of the United States.

The recommendation before the Senate provides $20.7 billion in new budget authority, $11.7 billion within the defense function, and $8.9 billion of that is within the domestic discretionary program. In this appropriations bill, in essence, a little over half of its total money is for defense purposes, and most of that, not all of it but most of it, has to do with the preservation and retaining the fidelity of the nuclear arsenal that the United States has in these very difficult times when we are building down and we are no longer doing underground testing.

The recommendation is $1.9 billion in budget authority below the request of the President. That reduction results from the subcommittee's recommendation that we not provide for full asset acquisition, which saved about $800 million in budget authority, and provide only $300 million of a requested $1 billion for an initiative to privatize a portion of the Department of Energy's cleanup work.

Now, Mr. President, I might explain, in no way are we doing less in cleanup. There is an effort to go at this waste cleanup program—which is very, very difficult, very cumbersome, very bureaucratic and costing a lot of money—there is an effort of the administration to move in another direction and to try to come in with privatization, which would permit somebody powerful of resources and of talent to bid a total cleanup project for a certain amount of money and then the Federal Government, when they are finished, would pay them for that.

The Department knows that this is a very big venture requiring some very new management skills, and we in our bill are saying let us take one-third of this new effort, not the whole thing. It was all budget authority with no outlay request attendant to it to speak of. And we said let us go with $300 million instead of $1 billion to see how the program works.

It has been modified and language has been supplied in this bill so that the major one that they wanted to go out to privatization bid probably on the west coast will probably fit.

Now, it is interesting that while much time is spent on the defense nuclear aspects, and we could spend this afternoon in debate on the floor on that aspect, there is a large portion of this bill that has to do with funding that is not defense. The discretionary function is $103 million less than the request.

However, within the lower amount, the subcommittee has increased spending for water projects by $229.5 million above requests. The offsetting savings were derived principally from the Department of Energy's nondefense functions.

I must tell Senators that of all the subcommittees I have been on that garner comments and letters and requests from fellow members, this small portion of the bill, the water projects of America, brings us more requests than any subcommittee I have served on, because all the water projects in America, the flood protection projects that have the Federal Government involved, the Bureau of Reclamation, and all the Corps of Engineers projects across this land are all in this section—the dredging, the ports that we maintain, and so

it is not easy to make ends meet here. Senators are not going to get everything they think their projects need because we cannot afford them anymore, and two very large projects that are ready to go through the Corps of Engineers, one in West Virginia and one in the State of Kentucky, we cannot start them because of all of the programs that are still backed up in terms of available resources.

The time might come when perhaps a large bipartisan group might want to tell the executive branch, in its next budget, that they better do a little better in this field because we are going to have to take money away from something else in Government to satisfy these needs because so many Senators feel so strongly about them.

The savings that we have put in our bill with reference to the domestic part are $43 million from solar and renewable energy. The committee recommends $301 million, a $35 million increase over last year. That is a $35 million increase. Mr. President, $67 million was saved from the Nuclear Regulatory Commission, where it recommends $243 million, a $24 million increase over the current year; $20 million saved from the nondefense cleanup, but we provide $437.6 million, a $109 million increase over current year; $25 million is saved from science by not providing for the next generation of Internet programs—we believe that can wait a year—and $30 million for the Yucca Mountain program; leaving $160 million on the nondefense side and $190 million in the defense function.

We believe this is adequate to move ahead in a steady, go-as-you-can approach that has been taking place for at least the last 3 years. Mr. President, $18 million was saved from uranium decommissioning and decontamination programs. The committee has protected science funding. And, while it was unable to provide an increase, as many Members requested, it did provide $2.2 billion of the $2.3 billion requested in this field. Within the atomic energy defense activities budget, this committee included $4.3 billion for weapons activities and $5.3 billion for environmental restoration and waste management.

I think it is noteworthy that we are now beginning to spend more, and this is in billions of dollars, on the environmental restoration and waste management in this country, the result of our nuclear programs with reference to our defense and the use of the various facilities for atomic and hydrogen bombs—we are spending more than we are in the actual weapons activities. And we are moving in a brand new direction in terms of weapons activities, in that we no longer test our nuclear weapons underground. Since we do not, because Congress has said let us not do that, obviously we have to assure the fidelity, trustworthiness, and safety of these weapons another way. And we are busy doing that under the title of "science-based stockpile stewardship," something new. We hope in the next 4 or 5 years we can display to everyone that indeed we can continue to certify the well-being of this weapons system without underground testing through the use of new devices and new science at the three major nuclear Laboratories, Livermore, Los Alamos, and Sandia.

The committee reduced the Department of Energy's privatization proposal. I have expressed that in my opening remarks. We continue to maintain the ability to manage a technically challenged fixed-priced contract. As a result, the House and Senate committee proposed significant reductions for the $1 billion requested. That is because there is general concern about whether the Department has the ability to manage the technical part. The Committee on Appropriations recommends $343 million, to be exact, with reference to this work.

The leadership has expressed its intent that the Senate this week complete consideration of three appropriations bills: defense, which we just completed; energy and water, a small bill compared to the defense bill but a very important one from the standpoint of our defenses; science, and our water resources.

I understand we want to go ahead and do foreign operations also. We would like very much to finish tonight so we can move right along on this schedule.

So, I want to say to everyone, I am very hopeful we can handle this bill in the manner that the chairman and Senator INOUYE, the ranking member, handled the previous bill.

My remarks are completed. I understand my good friend, the ranking member from Nevada, wants to make opening remarks, and then we will be ready for any other Senators.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, this bill is the only one of the 13 appropriations bills that every dollar that is in the bill is discretionary funding. It is extremely important, every dollar that we have in this bill, that it go to the right source or sources. As the ranking member of this subcommittee, I have worked very closely with the chairman of the subcommittee. He has been very open, invited me to meetings with Cabinet officers, and this has been a joint venture, this legislation, as well it should be.

I know the chairman of the subcommittee worked very closely for many, many years with the then chairman of the subcommittee, Senator Bennett Johnston, and then when the roles reversed, they also worked very closely together. This is a bill that cries out for bipartisanship. It is a bill that affects very important aspects of this, our Federal Government.

The bill can be supported by the entire Senate because we have approached it on this basis. It has been a difficult bill, but I think what we have arrived at is equitable and good public policy, despite very difficult circumstances. One of the difficulties the subcommittee faced is one that cannot be solved easily and that is the significance of these water projects around the Nation. The Corps of Engineers programs, both general investigations and construction, received balanced increases over last year's budget while the operation and maintenance aspect of their program was reduced by some $200 million.

The budget for the Bureau of Reclamation, which for western Senators is extremely important because the Bureau of Reclamation is principally responsible for the arid States of the West, increased by $2 million over last year despite the budget proposal that would reduce the program account. The Bureau of Reclamation's first project ever in this country was in Nevada. In 1902 that program started, named after a Nevada Congressman named Newlands, who eventually became a Senator. So we are very familiar in Nevada with the good that the Bureau of Reclamation does and the bad they have done in years gone by.

During the process of their developing programs in this country, some of the things they did simply have not worked out very well. But it was not because there was any ulterior motive. It was simply the arid West they were trying to make blossom like a rose. In some places they did, in some places they didn't.

Water projects are often maligned as excessive and unnecessary items in appropriations bills. Being from probably the most arid State in the United States, I disagree. Water projects are extremely important. If it were not for water projects, the city of Las Vegas, the county of Clark, simply would not be the most rapidly growing area in the Union. It is because of water programs sponsored by the Federal Government that that area has been able to grow the way it has, because of the Southern Nevada Water Project, funded by this Congress.

Our country has been described as a fortress nation with two large coasts and waterways throughout the continent playing a role in commerce, recreation and education as well as other functions. Communities around the Nation are directly affected by water projects that do, in fact, have Federal interests. I have given one example. I want this Senate to know that what we have done has taken a great deal of thought, the expertise of our very good staffs, and a lot of time.

Starting with the largest water concern in the Nation, I would like to direct the Members' attention to a section of this bill dealing with the U.S. Army Corps of Engineers program entitled "Flood Control, Mississippi River and Tributaries." This is a so-called earmark. I guess we could call it that. A lot of people deride this earmark. This is for almost $300 million.

We know the Mississippi River is the most important waterway in this country and has been for more than a century. The Mississippi River has the third largest drainage basin in the world, draining over 41 percent of the United States and covering 1,245,000 square miles.

The $289 million we have appropriated is probably not enough, but it's the best we could do. The Mississippi River has flooded over the years, but due to the flood control levee system as put in place by the Corps of Engineers, over $8 billion in flood damages were averted in the 1993 flood alone. So, I think, by anyone's estimate, we should receive a passing grade on a cost/benefit scale. This is an earmark, a huge one, that is important.

Let's take a smaller earmark, what some people direct their attention to, the extensive coastline America has and other smaller drainage basins and locations such as Assateague Island in Maryland. We have recognized the importance of Assateague Island in Maryland, and since 1935, when a Federal navigation project was first started and disrupted natural sand distribution, the shoreline has been eroding. There is now a severe threat of unnatural erosion and accelerated shoreline migration. We have appropriated money in this bill to stop this damage from occurring. Because, if the damage occurred without Federal intervention, the bays, commercial routes, the recreational island and the mainland would be irreparably damaged.

This is an earmark. It is important for one of the States of the Nation, and we have stepped forward and the Corps of Engineers has developed a comprehensive water resources investigation in this area, and we will complete the preconstruction engineer design recommendations for this project. This is important.

There are numerous other projects just like this. Let me talk, though, about a number that are important, I think, in this bill. Because water is a precious commodity in the West, as I have already talked about, the use and study of water impacts every community. Water reclamation and desalinization projects, authorized in the last Congress, are of vital importance to lower Colorado River communities, the Columbia-Snake River area and to rural communities.

We know that desalinization is important. Senator Paul Simon, who has recently retired, believed in this significantly. He asked me to make sure that we did not forget about the things that he tried to do in this Congress. I think we have done that in this bill. Desalinization is important. It is more than finding out if we can change the ocean water to fresh water. It is dealing with rivers that have become very polluted and have too much salt in them. So, this is important.

We have done things dealing with desalinization in this bill. Of particular note in this legislation, the importance of funding for the CALFED Bay Delta Ecosystem Restoration Project, another earmark, $50 million, which is to assist California to understand the water systems and developing a balance to the uses of the vast California water system.

But the State of California has stepped forward. They have a multiyear funding program that they are going to work on with us. Theirs is almost $1 billion, the voters of the State of California approved. We have an obligation to come forward, I believe, as does this committee, and help them with this project. So I appreciate the concerns expressed in the report language about the CALFED Project. I think the concerns are fair and constructive, and I hope the Bureau and many proponents recognize the necessity to design this project and activities so we can feel confident in the use of taxpayers' moneys. There is no mistake, this is important to California. I support the committee in their efforts to fund this.

I have mentioned four or five projects in this bill. There are some who come and say, "Why do you earmark these?" We earmark them because that's our obligation. We have three separate but equal branches of Government. I think we would be foolhardy and it would not make our Founding Fathers smile if we just accepted everything that the administration wanted. We have our own voice, our own concerns, and they are expressed in this bill.

I support the subcommittee in the work that has been done dealing with renewable projects. The chairman of the subcommittee has talked about some of them, but I want to repeat, we have an almost $15 million increase in this bill for solar energy—for solar energy. We have a $4 million increase for hydrogen energy development. We have almost $6 million for wind energy development. And we have geothermal energy development at a slight increase. Alternative fuels are the answer to the problem in the world to come in the United States. We have recognized that.

I would have liked to give solar much, much more and hydrogen and wind and geothermal. But we have increased these in spite of a budget that is very spartan in nature.

Before we go to the energy side of the bill, I would like to say, considering the many demands on the Corps and the Bureau, nobody received all the moneys they wanted or requested, but we tried to be evenhanded about the projects, as well as taking into consideration the position of the agencies themselves.

The nondefense programs in the Department of Energy were also stretched due to the outlays and allocations, as well as the demands of the activities.

The work at Yucca Mountain is continuing. I don't like Yucca Mountain. I wish it weren't there. But I felt in fairness and being a constructive member of this committee that we should continue the funding. I think, though, for example, the latest work they did there, building a 4½-mile tunnel through a mountain which cost $60,000 a foot, the subcommittee was very responsive in setting the workload that should take place with this facility at Yucca Mountain.

The budget authority and outlays do not provide for the entire privatization effort but does support continued waste management and cleanup at a level that will maintain a scheduled cleanup of sites that have served the Nation in the past and now should be taken care of.

The atomic energy defense activities of this bill is, I feel, a grave and momentous responsibility, and the chairman of the subcommittee and I have recognized that. We may talk of these amounts as dollars, but we recognize that literally the work we do here is the difference between having a safe and reliable nuclear arsenal and one that is more prone to accidental problems. We understand how important this is.

So, Mr. President, this appropriations bill is important, because it provides a transition between a world in which we tested nuclear devices—we tested almost 1,000 nuclear devices at the Nevada test site. That program is over with, we hope. We hope that nothing occurs that the President will have to exercise his emergency powers to again start nuclear testing at the test site. What this bill has done is take into consideration that for 50 years of brinkmanship, we can now look at a world that is relatively safe. With these tens of thousands of nuclear warheads, we have to make sure that they are, I repeat, safe and reliable, and we have taken that into consideration with this legislation that is now before the Senate.

The world still provides no safe haven from international conflict, and some of our potential enemies remain armed with the most destructive weapons in mankind's history. So we must remain ready and capable of responding to many threats from those or other weapons of mass destruction, not because we want or should wage war with these demonic weapons, but because we

want to wage peace by deterring their use by any government forever.

If we could put the nuclear genie back in the bottle, we would do it. But I am sure of one thing, and that is the nuclear threat still exists and will continue for an indefinite period. Experience has shown the best response to this threat is to remain so capable that no government will ever perceive any advantage from a nuclear attack. So we must retain indefinitely a safe and reliable nuclear stockpile.

Although we must remain ready, we want to reduce the incentive for other countries to develop their own nuclear arsenals. We want to stop the unending spiral of development of increasingly dangerous weapons by those nations that already have nuclear arsenals. I think this legislation does that.

This country has advocated, through the President, a Comprehensive Test Ban Treaty to stop that developmental spiral and remove that incentive.

So now, for the foreseeable future, our country must maintain its nuclear deterrent in a completely different way compared to past practice and experience. No longer can we test new designs for their safety and reliability. No longer can we test new designs of weapons.

No longer can we assure stockpile safety and reliability by replacing old designs and weapons with new ones. We must get along with what we have, and we have to make sure they are safe and reliable. We must rely on present designs and weapons in the stockpile, so we have to develop the understanding of how age will affect their safety and reliability, and we must acquire this knowledge without testing the weapons and designs.

The Department of Energy, in consultation with its National Weapons Laboratories and with the Department of Defense, has concluded that the only assured way of certifying an aging stockpile without testing in the traditional fashion is to understand the science of weapons materials, components and systems, and, with that understanding, to use computer-based simulation of performance to evaluate safety and reliability, and that is what this legislation which is now before the Senate does.

This so-called Science Based Stockpile Stewardship Program has been reviewed completely by experts from inside and outside the program and experts both inside and outside the Government. These experts have conditionally agreed the science-based program can succeed. It can succeed provided appropriate investments are made in scientific research, in experimental facilities and in advanced computational capabilities. These conditions are faithfully reflected by the atomic defense activities budget and in the energy and water development appropriations bill.

When this program was originally conceived, its budget dimensions were estimated under a variety of assumptions, some of which have not been realized. For example, it was assumed that START II ratification by Russia would have been achieved. It hasn't. Failure to ratify START II has required greater investments in weapons surveillance and maintenance, causing unexpected costs for both the national laboratories and the plants.

In addition, more weapons in the stockpile has accelerated the required schedule for tritium production which is one of the elements in a weapon that lasts a little over 10 years and must thereafter be replaced. So we must periodically look at this product in our active stockpile.

Guaranteeing tritium production capability on this new schedule has required simultaneous exploration of two research options, neither of which is cheap. Furthermore, the greater maintenance load on our plants has delayed our planned progress toward downsizing and has required investments in plant infrastructure that we did not anticipate.

Finally, reductions in administration costs by the Department of Energy has not been realized as quickly as expected.

The future will be defined by progress toward ratification and implementation of the Comprehensive Test Ban Treaty, and it depends critically on our confidence in the reliability and safety of our enduring strategic nuclear stockpile.

A principal discussion that has taken place is the role of the stockpile stewardship and the science activities that need to occur to maintain a certified state of readiness. Because we studied these defense issues closely, this subcommittee has provided sufficient funding for the national ignition facility as a cornerstone of the science-based stewardship, and we integrated the Nevada test site and national laboratories in the defense program to assure a certifiable stockpile.

Mr. President, I wish it were possible for every Member of the U.S. Senate to take a tour through our national laboratories to find out how essential they are to the literal safety of this world. They do tremendous work with little fanfare. I have become a real fan of our national laboratories.

This bill is fair and reasonable. I support the efforts of this bill to seek more efficiency within the Department of Energy.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we are in the process of clearing a number of amendments. I, once again, ask Senators who have any amendments that they are certain have to be offered if they would get down here as soon as possible. If they are the only two amendments, it would seem to me it would be reasonable for us to be telling the Senators and our leadership that we could finish tonight, provided we don't have to just wait here with nothing to do. I understand the schedules and other subcommittee hearings and the like. But I, once again, urge either of the two Senators who have an amendment that we understand might be offered that they get down here as soon as possible.

Mr. President, I say to fellow Senators, I thought I would discuss a little bit about this bill I think is interesting and might make it easier for those who are wondering, as you look at the Department of Energy's role—and it has a lot of roles, a lot of missions, it might be a little easier to identify what we are doing as a Nation in various areas.

So what we have done is we have kind of reorganized the way the bill shows the functions at the Department of Energy. I call to anyone's attention who is interested the report accompanying this bill at page 88, title III, the Department of Energy, because we have broken it down into the energy research, we have broken it down into what we call science.

I would just like to talk about science for a minute, because across this country—incidentally, the science portion of this bill costs $2.2 billion. We hear, and I am sure the occupant in the chair in his capacity from his State with INL there and a lot of science going on, our academic and business leaders say, if you are going to reduce spending, don't reduce what we are spending on basic science. We are all hearing that. We funded the President's request in basic science. If you look in this reorganization effort, science is made up of high-energy physics, nuclear physics, biological and environmental research, basic energy sciences, and other energy research.

It is very, very important that everybody understand that this is not just a Department of Energy bill that has to do with petroleum and natural gas. It has to do with subjects I spoke about, some of the most profound and deep science that America is doing anywhere with reference to physics, with reference to biological and environmental research.

For instance, this Department has one-third of the budget, Mr. President, of the human genome research project. The human genome research project is about 7 years old, maybe 8, and two-thirds of it is run by the National Institutes of Health and one-third by the Department of Energy. Many scientists have said it is mankind's most serious and potentially effective research project for wellness. For what we have been doing with the genome project is to map all of the chromosomes of the

human body and to discern from within those chromosomes where the dread diseases are located. It doesn't mean we know how to cure them because we know how to locate them, but for most of our adult life, we heard every 3 or 4 or 5 years a group of great scientists would announce they had located the genes for multiple sclerosis. They were in an effort that might have taken 20 years to locate that, because they had to do it without regard to the relevancy of doing all of the chromosomes of the human body.

Because of computers and other things, we are well on the way to handing to the scientists of the future the chromosome locations inside us for all of the dread diseases, and then it will be up to pharmaceutical researchers and basic researchers to find if there is some way that we can effect cures. That is why it is seen as the biggest wellness effort, and one-third of that lies within the Department of Energy. It is interesting, it is there for a number of reasons. I won't talk about the parochial interests which I had something to do with. But essentially, this Department was doing a great deal of genetic work, as the occupant of the Chair knows. Because of Hiroshima, Nagasaki, some of the most indepth preservation of radioactive impacts on the human genetic system and research on that, instruments to do the research were within this Department. So when Senators wonder what the Department of Energy does, that is one. That is $1.2 billion.

Mr. REID. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. REID. While we are waiting for amendments to come, I will also ask the Senator, I was struck after having become the ranking member of the committee going to one of the national laboratories not in your State—I want to make sure everybody understands the national laboratories are important. They are important because they are in New Mexico, California and other places. Let's talk about the one in California.

Much of the research we hear so much about dealing with genomes, trying to determine what our bodies are made of started in national laboratories.

Mr. DOMENICI. That is correct.

Mr. REID. The work we are doing in Lawrence Livermore in California is mind-boggling.

I ask the Senator, what would the state of scientific research be in our country today if it were not for the national laboratories?

Mr. DOMENICI. I say to the Senator, you know, everybody around would say you asked the right person, because I am absolutely convinced that the national laboratories—and there are more than the big three we have just alluded to that are part of this, the Department of Energy—while they may not have been created in their inception to do the kind of research they are doing today, or the three we speak to, they were created and started up because of atomic bombs and hydrogen bombs and nuclear energy. And everybody related to that, the design, the making, the disarming, huge assemblages of the greatest physicists and scientists that America has ever brought up, ended up in these laboratories doing this kind of work.

The result of that is they are doing all kinds of basic research because they are there and they have big equipment to do their jobs. I would surmise that as many breakthroughs in science have come about because of the national laboratory system as any other single institution or entity in America's modern history.

Mr. REID. If the Senator would yield, maybe even in the history of the world.

Mr. DOMENICI. Could be.

Mr. REID. For example, at Lawrence Livermore, I spent some time with a Dr. Campbell, who is one of the leading experts in the world on lasers. Lasers were invented in 1917 by Albert Einstein. It took scientists 43 years, and it was finally proven at Lawrence Livermore that he was right, that the formula he came up with in 1917 dealing with laser technology, that he really knew what he was talking about.

But for the work done in our laboratories, things like this, they may have come to be, but it would have been years in the future. If you talk about great scientific minds in the last 50 years, they have all worked in these laboratories.

Mr. DOMENICI. That is right.

I want to, again, if there is a little bit of time, to remind fellow Senators of another thing.

You know, a very large group of Senators, just speaking of our body, our Senate, are always very concerned about the adequacy of defense spending. And I think we see that in the bill that just passed with very large support. We see it in the willingness of the U.S. Senate to set up a wall and say the appropriations for defense are separate from the domestic appropriations, and you cannot take from defense to spend in domestic. You need a supermajority to do that because we think it is so important that we do right by defense.

But I think what happens is that sometimes many of the Senators do not realize, and maybe it is because we have not done a very good job of telling them, that a portion of the defense of our Nation is done not in the defense budget but in this budget, by the Department of Energy in its nuclear weapons work. All of the money for that comes out of this defense pot of money that I just talked about, with a wall saying this money cannot be used for anything else; it is transferred for that part of Government to this subcommittee and to the Department of Energy to do the nuclear deterrent work in the broadest sense of the word.

Now we have decided to engage in a big, vast experiment regarding the preservation of these nuclear weapons in terms of their safety, reliability, and trustworthiness. We have said no more underground testing, which my friend from Nevada had a very major parochial interest in and which went on in his State for many, many decades, that offered direct objective proof of the reliability and the qualitative capability and quantitative capability of the weapons. We decided as a Congress, and the President agreed, that we would not do that anymore.

Now, it is obvious that we have not gotten rid of our nuclear weapons, and we will not for a long time, even though we are hopeful that with the various treaties we will get this number down, and hopefully there may be even a giant effort to get it down even more. But in the meantime, what nobody seems to understand—or, I should say, few understand—is that we have to spend money on some new techniques to make sure the weaponry is safe and trustworthy and that it will be faithful to its mission because we cannot test it anymore.

So we are engaged in a major transition. I have alluded to it, my ranking member has. It is called science-based stockpile stewardship. The greatest scientists and physicists and others have joined together with the Department of Energy saying, "Since we can't test, we have got to find some other ways based on science." And, Mr. President, we are engaged in very large computer experiments. In fact, we are pushing the threshold of computer capability more by this requirement than any other requirement in America. The push for bigger and faster computers is being done by our response to the science-based stockpile stewardship.

In addition, each of the major laboratories, since we will no longer make new bombs, no longer design new bombs, are engaged in their part of trying to make sure that the weapons are reliable. If, indeed, there is a dispute today on the floor on whether we are spending too much for this, I am prepared to go into a lot of detail, none of which is secret, about the certification process as to the well-being of the weapons.

These three laboratories, headed by civilians, have essentially maintained our nuclear deterrent position for all these decades because they surround themselves with the best; we fund the best equipment, and they have always kept us from having a war. They have kept us highly, highly competitive so that nobody, including the Soviet Union, dared venture anything in the field of nuclear weapons.

These same laboratories must continue to certify the reliability of these weapons. It is not just some figment of someone's imagination that they are important. The truth of the matter is, the Joint Chiefs of Staff, in agreeing to no more underground testing, studied it and worked with the best scientists around and concluded that they would go along if, in fact, the national laboratories were given sufficient resources and the lab directors could certify to them and the President regularly that we were able to verify the effectiveness, the safety of these weapons systems in ways that did not need underground testing as a quantifier or objective determinator.

That makes the work of this Department in this regard as important, in my opinion, as anything within the defense budget of the United States. I do not believe, properly presented to any legislator and any policymaker, they could disagree.

In this bill, there is about $4.3 billion—and remember, we just passed a defense budget an hour ago, about $250 billion. So let us put it in perspective. The science-based stockpile stewardship, the maintenance of and attesting to the reliability of the nuclear weapons, is being done for about $4.3 billion by essentially three national laboratories who work for us.

It seems to me that when it comes to these budgets, we ought to not fail to understand that it is part of the defense of our Nation. When it comes to maintaining these science-based efforts, some of them are new and very major. A whole new device and system will be established at Lawrence Livermore. A lesser facility is almost completed to do an x-ray type activity at Los Alamos. And all three laboratories are beginning to do, with early completion dates, major, major computer programs so that many of the tests can be done by simulation that were done before by actual tests.

So I hope, when it comes to where does the money go from the Defense Department, that everyone will understand it is very, very important that we adequately fund defense, but it is probably even more important that we properly allocate money to the laboratories of this Nation which are doing the deterrent work with reference to our nuclear arsenal.

Now, there are many other great laboratories—one is in the State of the occupant of the chair—that do great science work for the Department of Energy. One could stand here and go through each one and say how important it is, and much of it is not discernible easily as being directly related to energy because it is science of some very special quality that can be done by the people and the other things that are present in these various facilities.

So the Comprehensive Test Ban Treaty, which I have not yet mentioned, is the natural next episode that follows on the American Government's agreement not to do any more nuclear underground testing. And the next thing will be, can the world agree to it? That treaty is going to be called the Comprehensive Test Ban Treaty. Obviously, it is ready. It is in the possession of the executive branch. And soon—I do not know when, but it cannot be a long way off—it will be submitted to the Senate for its approval and ratification and/or amendment, I assume.

I think it is important that everyone know that the questions that are going to be asked have to do with this appropriations bill, questions like, are we adequately funding what is required by the laboratory directors of the laboratories that are nuclear weapons laboratories? Are we funding the program properly for the next 5-year interval so that we can say with confidence that the international test ban treaty can be entered into?

Obviously, I am putting the Senate on notice, in a way, that some work has to be done clearly to make sure that the Joint Chiefs and the lab directors, the three laboratory directors, can be assured there will be adequate funding. We are working on that now with the administration and the Departments of Defense and Energy so we are able to come to the floor and say with as much certainty as we can, considering our democratic processes, that we are funding the basic institutional thrusts required to make an international treaty a valid and good thing for America set up alongside of the test ban that we have passed.

There will be many other ramifications to that test ban treaty, and I think one is obvious. If we find out that we absolutely cannot get along without it, what happens? I think that will be addressed, too. These scientists will tell us whether this science-based stewardship is working or not. And if they end up saying it cannot work, it cannot do the job, then what happens if we are bound in a treaty? And I think that will be addressed in due course.

I still do not see any Senators present who want to offer amendments, so 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the privileges of the floor be granted to Dr. Robert M. Simon, on detail from the Department of Energy on the staff of Senator JEFF BINGAMAN, during the pendency of S. 1104 and any votes occurring thereon.

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

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

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

AMENDMENTS NOS. 859 THROUGH 866, EN BLOC

Mr. DOMENICI. Mr. President, while no amendments have been offered, we have been doing our very best to work with any amendments that we are aware of, and starting late yesterday and today we have had some amendments that we have cleared on both sides. There are eight in number. I am going to send these eight amendments to the desk shortly. They are an amendment on behalf of Senator BYRD regarding Stonewall Jackson Lake, an amendment on behalf of Senator DASCHLE regarding the Cheyenne River Sioux Reservation, Senator KEMPTHORNE regarding a McCall area waste water reclamation and reuse, an amendment on behalf of Senators BINGAMAN and DOMENICI regarding the Butte Reservoir pipeline, an amendment on behalf of Senator WYDEN regarding watershed agreements, Senator BIDEN and Senator ROTH regarding the Delaware coast, an amendment on behalf of Senator BUMPERS regarding the Southwest experimental fast oxide reactor, and an amendment on behalf of Senator BOXER regarding Greenville Road.

I send the amendments to the desk and ask that they be considered en bloc, Mr. President.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 859 through 866, en bloc.

Mr. DOMENICI. I ask that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 859

Following Section 503, insert the following new section:

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59-C-0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the

amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2-06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

AMENDMENT NO. 860

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota".

AMENDMENT NO. 861

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project".

AMENDMENT NO. 862

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project".

AMENDMENT NO. 863

At the appropriate place, insert the following new general provision:

SEC. . (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations made for the Bureau of Reclamation may be used by the Secretaries of Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowners;

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowners, and other entities, as mutually agreed on by the affected interests, and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest, and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

AMENDMENT NO. 864

On page 2, line 26, insert the following before the period: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriated herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project".

AMENDMENT NO. 865

On page 19, line 7, insert before the period the following: ": *Provided*, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site".

AMENDMENT NO. 866

On page 23 of the bill, line 5, insert the following before the colon: ", of which $2,000,000 is provided for improvements to Greenville Road in Livermore, California".

Mr. DOMENICI. I understand these amendments have been cleared by Senator REID on behalf of the Democratic Members.

Mr. REID. They have been.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 859 through 866) were agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, once again I would like to repeat and urge that our fellow Senators come down here if they have amendments. I know we have to protect Senators and we have rules, but it would not be too far-fetched for third reading to occur here any time if no amendments are in order. And I do not want to pursue that very vigorously even under regular order or the rules, but I do think there are a number of Senators and a lot of people waiting on the floor for what may be one or two amendments.

I certainly once again urge and beg my fellow Senators to get them down here so we can finish this work. All of us have many things to do, and we are very cognizant of your responsibilities, I say that to those Senators who have amendments, but we ought to try to keep the Senate busy when we are open and this would help us very much.

I yield the floor.

Mr. REID. Mr. President, I have told the Democratic Senators who have indicated they may offer amendments that we are going to go to third reading in the near future, and I do not know when that will be, but I told them it would be relatively soon. I do not have nearly the experience that the chairman of the full committee has, the manager of the bill, but I have been here going on 15 years, and that is one of the things that is really concerning to me, that is, how long we wait until we wrap these things up. I know the Senator would use good judgment in that regard, but I think all good things must come to an end, and I think in a reasonable period of time we should go to third reading.

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. BUMPERS. 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. BUMPERS. Mr. President, is there anything pending? What is the parliamentary situation?

The PRESIDING OFFICER. There are no amendments pending.

AMENDMENT NO. 867

(Purpose: To fund the Department of Energy's Weapons Activities Account at the level requested by the administration)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 867.

Mr. BUMPERS. 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:

Reduce the amount on line 4 of page 23 by $258,000,000.

Mr. BUMPERS. Mr. President, we discussed this for just a moment the other day in the full Appropriations Committee, but here is my concern. I want to voice those concerns both for the RECORD and for a response by the chairman of the subcommittee dealing with weapons activities.

Now, for the RECORD and people who read it and may not know, the Energy Department not only tries to develop solar energy and better ways to explore for oil and gas and that sort of thing, the Energy Department is also charged with the responsibility of developing and maintaining our nuclear weapons. They build them, they stockpile them, they guarantee to the people of this

country their safety and reliability. They guarantee the safety of them for our benefit; they guarantee the reliability of them for the benefit of the Defense Department which is going to put these nuclear weapons on submarines, missiles, and so on.

But I have been concerned about the amount of money we are spending on that. What I wanted to do was to engage the chairman in a discussion of why we are spending the kind of money we are on this project.

For example, this year, 1997, the year we are in right now, we are spending somewhere around $120 million to $200 million more on the so-called DOE weapons activities account than we did in 1996. Senator HARKIN and I offered an amendment last year to strike that or to lower it. I forget exactly how the amendment read, but we tried to cut this last year, as the chairman will recall. We got 37 votes.

You know, I am tired of jousting with windmills around here. I have enough sense to know when you are going to prevail, when you have a fighting chance and when you do not.

But in any event, this year the President requested—these figures blow your mind—the President requested $4.044 billion for this so-called DOE weapons activities account—$4.044 billion. And this bill contains $258 million more than the President requested.

This is a very arcane account, very difficult for laymen to understand. I must say, I am a layman from the standpoint of the complexities of testing or trying to make sure that our weapons stockpile is safe and reliable. I am a layman in that regard. I am not a layman in regard to money. I understand that $258 million is a lot of money. When we appropriate $258 million more than the President requested—and the President asked for a fairly substantial increase—when we go above that by $258 million, then I think I am within my right and, as a matter of fact, my duty to raise the question of why we are spending this much money when you consider the fact that there is no Soviet Union. They do not exist anymore, and so far as I know, they do not represent a nuclear threat to this country at this point and, hopefully, never will again. By the same token, Mr. President, we do not represent a nuclear threat to the people of Russia today.

If I had asked this question—I do not want to go too far afield from the specifics of what I want the chairman to address, but I daresay, in 1987, for example—the Soviet Union essentially folded in 1990, 1991; and for all the years after World War II until that point, the defense budget was driven, driven almost exclusively, by the threat of the Soviet Union. I daresay, if I had asked any Chairman of the Joint Chiefs during that period, from 1947 to 1948 until 1990, how much could we cut the defense budget if the Soviet Union suddenly went away, I would guess that the smallest number I would have gotten would have been $50 billion and the maximum number at least $100 billion. I am talking about from generals and admirals.

So, all of a sudden, here we are 7 years after the demise of the Soviet Union, and the defense budget we approved in the authorization bill that we just passed yesterday is $268 billion. Now, I voted for it—but I felt it was way too much money—because there were some things in it that I thought were fairly important, and we are always trying to balance things. Anybody can pick one thing out of a bill they do not like and vote no. I dislike this so much I am tempted to vote against energy and water, but I am not going to vote against the bill because there are a lot of good things in it.

I am not going to accord, indulge, myself the luxury of saying, simply because there are half a dozen things in there I object to I am not going to vote for it. There are all sorts of water projects and energy things that are very important to me. This is about a $21 billion bill. I am not objecting to the $4 billion in weapons development. I am only objecting to what I consider excessive increases.

Now, having said all of that to the Senate, I am a strong believer in the test ban treaty. The Senator from Nevada may correct me on this, but I believe 1993 was the last year we had underground tests of nuclear weapons in Nevada. When we quit testing in Nevada, I considered that a hallelujah day in this country. I had been fighting for a long time, even before the Soviet Union disappeared, to stop nuclear testing, underground testing, in Nevada. I thought it was senseless. I thought there must be other ways that we could test and determine the reliability of weapons without actually setting off those explosions.

Mr. President, here we are now. We are still talking about a comprehensive test ban treaty, which I strongly favor. We do not have it. There are a lot of people in this body who would not vote for it if the Russians unilaterally disarmed tomorrow. But I happen to think it would take us a long way further than we are right now down the path toward the kinds of, what shall I say, comfort and good feeling we have about the future of nuclear weapons.

So, Mr. President, when I look at these figures, this $4.302 billion account, which is $258 million more than the President requested, considerably more, over $300 million more than the House bill provides—let me repeat that. While we are at $4.302 billion, the House is at $3.943 billion, or $350-plus million less than the Senate; and both the House and Senate authorizing bills are less—are less—than the Senate appropriations bill which we are considering on the floor at this moment.

So, Mr. President, I intended to offer this amendment as much as for any other reason to engage the distinguished Senator from New Mexico in a colloquy and let him explain. I know he has an explanation. He is very knowledgeable on these things. Let him explain to the Senate why these rather unusual increases, when everybody else is taking a hit—there are a lot of water projects in this bill that he could not fund because they do not have the money to do it. Of course you couldn't.

Before I finish, I ask the Senator from New Mexico, do the firewalls that we have in place apply to the Department of Energy's defense activities?

Mr. DOMENICI. I say to the Senator, only in this respect. The money for the DOE defense work comes out of the total amount available for defense under the budget, and that total amount is subject to a firewall. Whatever you take out of it, like the money you are describing, the firewall carries with it, so that in this bill you could not move defense money to water projects because there is a firewall around the subdefense money, which is exactly the same as the big defense 050 function called defense.

Mr. BUMPERS. Let me say, the $268 billion defense authorization bill we passed last evening, does that include the roughly $17 billion in this bill for nuclear weapons?

Mr. DOMENICI. There is not $17 billion in here.

Mr. BUMPERS. I think $17 billion is the right figure, roughly $17 billion in nuclear, is there not, in the bill?

Mr. DOMENICI. There is $11.8 billion in total defense money in this bill.

Mr. BUMPERS. OK.

Mr. DOMENICI. And $4.3 billion is weapons.

Mr. BUMPERS. So $11.8 billion. Is that all in the $268 billion authorization bill?

Mr. DOMENICI. It is. There will not be more money spent. There will not be any accumulation. The total amount we put in the budget will include the bill Senator STEVENS passed and this money. It will equal the total amount of defense money. There is no add-on for this.

Mr. BUMPERS. Let me close with one observation, because I did not have the correct figure a while ago.

Last year's bill, last year's Senate energy and water bill, the same bill we have on the floor right now, provided $270 million more than the President asked for and $300 million more than the House provided. So we had $270 million more last year than the President requested and $258 million more this year than the President requested. That is well over half a billion dollars in 2 years, as I say, when everybody else has suffered.

So I ask the Senator from New Mexico if he would care to respond to my complaints about what I consider excessive increases in the DOE weapons development activities.

Mr. DOMENICI. Let me first say to you, I believe that this discussion and what you have done in the past in an effort to make sure that we can answer and respond to inquiries about the sufficiency or whether we appropriated too much are good for the Senate and good for the American people. So from my standpoint, I am glad you are here on the floor. And I am glad you in the past have challenged us.

I have tried very hard to answer up to a responsibility that almost no one understands, and that is that the entire safety of the nuclear arsenal is funded in this bill. Most people think it is in that big defense bill. It is in this bill.

Let me move on to a couple of other things. The overall expenditures in this bill, compared to the present, the overall amount in budget authority is $1.9 billion less between defense, nondefense, water and everything else. But we had increased water projects, which you alluded to, on their own by $229 million. You have been an advocate, and we worked with you, on many of those. They are tough to fund. But they did not come out of the defense money anyway. You quite appropriately asked, are they walled off? They are. That is a big part of this bill, and growing in difficulty.

If you would have come down and said, "I would like to engage you, Senator, in about an hour discussion on whether we're going to be able to pay for water projects," I would be a little more concerned, because I am not sure we can, because we are not putting any more money in this domestic part of this bill, and we are asking for more and more water projects.

One part of our Government says, we do not want to do any more, we want to increase the ratio of support locally. And we keep saying we have to keep doing them because they are needed.

So I want to establish those fundamental issues.

Now, let me move on. If I were the only one, singularly, who thought we had to have an increase of about $300 million in the defense part of this bill for nuclear weapons safety, I would probably be a little frightened here on the floor because you are very persuasive. But I worked with the ranking member, who is a diligent Senator. He started saying, "I want to learn everything I can. I want to meet with everybody you meet with. When you bring the Secretary of Defense in, I want to be there. When you bring in the DOE, I want to be there. When you bring in the security people out at Berger's office, I want to be there."

We have both concluded that there have been some things that have occurred since the President submitted his idea of about $4 billion a year for the safety, well-being, and fidelity of the nuclear arsenal. We are going to discuss those with you here in a minute.

But let me first say, that $4.3 billion is not to manufacture a single new weapon. I think everybody should know that. People keep saying we are making nuclear weapons. You know we are not—no nuclear weapons and no nuclear weapons designs. But what we have, Senator—and this is not a secret number, and it is not subject to my call—is we have a minimum of 6,500 nuclear weapons. That is the allowable under START II.

Now, I am not, in this bill, permitted to challenge whether we need them or not. I am only permitted to respond to lab directors and the national security advisers on how much do we need to make sure they are safe, and some of them are running out of their durability. A number of them will be old in 5 years, sufficient for us to wonder what we should do with them.

Now, what we used to do, Senator, is perform some rather objective tests in Nevada. On this floor, the three of us probably have discussed that as much as anyone else, and the Senator from Nevada knows about all that testing. That used to be an objective way of measuring certain things. Now, before we entered into that agreement, before the President said let's cut off underground testing and sent up his proposal and started lobbying for it, and before Congress would approve it, the Joint Chiefs of Staff had a lot of questions. Essentially, believe it or not, they literally had to do with, how do we maintain the arsenal without the tests?

Frankly, Senator, I didn't make that deal either, although I am glad to live with it. I will say what you have said. I hope the whole world joins us now. In fact, I am leaning strongly in support of the international treaty banning it. But I guarantee you that it has no chance of passing, if Senators can come to the floor and have credible information that those who are in charge of making sure those weapons are safe, the parts are replaceable, if they are broken down. If anybody in the security department of our country can say we don't have enough money in there to do that, that treaty will go down in flames. And I can tell you there will be Senators who are going to say that, regardless of what we put in this bill.

But I am not convinced that $4 billion, which was in the President's budget, and $4 billion for the next 5 years, will do that. Now, it seems simple, Mr. President, that we ought to just go from underground testing, get a few scientists and a few machines ordered, and we ought to test these weapons. But I tell you, if you want me to, I will read you the definition of safety that has been in existence regarding nuclear weapons since 1968.

Mr. BUMPERS. I wish you would do that.

(Mr. GREGG assumed the chair.)

Mr. DOMENICI. They are incredible. America wants them safe. In 1968, the then President of the United States entered into the following understanding, and the criteria are summarized as follows:

> One, in the event of a detonation, initiated at any one point in the high-explosive system——

That is not the bomb——

> the probability of achieving nuclear yield of greater than 4 pounds of TNT shall not exceed 1 in a million.

Not that it will cause a bomb. Just 4 pounds of TNT, a chance of 1 in a million.

> The probability of premature nuclear detonation of a bomb due to bomb component malfunction shall not exceed one in a billion in any environment the bomb is designed to experience, or one in a million for accident when the weapon is exposed to an environment outside its designed parameters. Quantitative criteria are also used to certify weapon reliability.

Now, Senator BUMPERS, the answer to your question is that the scientists who developed them, the scientists who designed them, the scientists who supervised their building and their destruction are now asked to try a whole new approach and come up with a science-based stockpile stewardship initiative. And they are not going to be absolutely certain that it is going to work. But we have to give them what is necessary for them to say we are moving toward making sure that it will work.

Now, I am not going to go into any more detail about the Nevada Test Site or anything else. I am merely going to say that we have concluded that a number of things must be done in order to achieve this stockpile stewardship relationship. One—and you will understand this in a minute—massive new supercomputer capability to model, in three dimensions, the workings of the nuclear weapon is required in these laboratories. Massive. In fact, it will be the driving force for supercomputing in the future, because you need so much computer capability. Facilities that improve our understanding of how material behaves at very high temperatures and pressures found within nuclear weapons, and the enhanced diagnostic capability.

See, now we have to have some diagnostic capability to look into the bombs and into the explosives and see how things are working. We didn't have those like we now are going to have in the next 5-year program.

And then I add, Senator, five things that have happened since the President and many of us—in fact, I will confess to you that I worked with the administration on this $4 billion idea, which was $4 billion a year. Let's see if it will make that stockpile stewardship solid.

But there are five things that haven't come to fruition that cost more money.

One—and you know this—START II has not been ratified. So the laboratories are having to maintain a larger number of weapons of more designs than they anticipated.

Second, the plants that we have to produce more spare parts and replacements are not being built down because we haven't built down the stockpile. And the delay in reducing the stockpile has increased the need and the schedule for tritium production. All of these were discussed, incidentally, in your absence, not only by me, but by Senator REID when we explained what was in our bill during the introduction of it today.

And then there have been some very expensive, unexpected maintenance costs. I trust we will leave it at that. DOE's administrative costs have not declined as were envisioned in 1992.

I would like, if the Senator would agree, to let Senator REID take a few moments to also address your inquiry. Before I do that, I wonder, on the Democrat side, if the Senator knows of any additional amendments besides the amendment that is expected to be voted on. We are not ready yet. We would like to make a list so we know there are no further amendments.

I yield the floor.

Mr. REID. Mr. President, I say to my friend from Arkansas that I think he has rendered service to the Senate and this country by coming here today and allowing us to speak about something that the manager of the bill and I feel is the most important obligation we have, and that is to make sure that our nuclear deterrent is safe and reliable. There is no better spokesperson for that than the senior Senator from Arkansas, who not only has, over his many years in the Senate, been concerned about the weapons system of this country, but also, I say, with the greatest respect, his wife Betty Bumpers has worldwide fame as a result of the organization she formed called Peace Links and has been involved for many, many years in making our world a more peaceful place. So I think it is very appropriate that the Senator would come and talk about this issue today.

I say to my friend from Arkansas that the appropriations for atomic energy defense activities aren't driven by any parochial interests or State interests. These appropriations are driven by the program requirements to provide for the national and strategic security of our country.

Mr. President, we have the stockpile. We are going to have it for the foreseeable future. We must continually study it and assess it for safety and reliability. The Senator from Arkansas said in his statement that when the moratorium came on underground nuclear testing, as we have known in the past, that he anticipated there would be other ways of testing. That is absolutely right. The scientists have come up with other ways than the underground testing that we had for so many years.

The first such test was conducted in Nevada just a few weeks ago. It was called a sub-critical test. It is just as stated. They start conducting an experiment using nuclear materials, but the experiment is controlled so that a critical mass is never achieved. That means that no significant nuclear reaction, no nuclear chain reaction can occur.

That is what Senator DOMENICI was talking about. The computers take over. There is no explosion, but they are able to determine, through the computers, what would have happened had the test gone critical. And the first test was extremely successful. They had 140 optical channels to acquire data from the experiment, and they were able to get information from 139 of those.

The reason those tests are important, I say to my friend from Arkansas, is we have to manage the stockpile because it is continually changing as it gets older. We have to look at some of the nuclear materials that decay with time and need periodic replacement. Some of the bonding materials that hold the components together, or in place, change chemically over time and become less effective as bonding agents. Some of the products of chemical change inside the weapon are caustic and attack or corrode other materials and components. It's like when you go to a drugstore and you go to the pharmacist and you order a medication. Right now, many of the big drugstore chains are able to determine if you are taking other medication that might interact with the stuff that you are getting from the drugstore. Well, the same basic function is performed here. We need to know what happens when these chemicals react because this is one of the main aging effects that might make the weapon unsafe or unreliable.

Some materials corrode from other effects, including exposure to the atmosphere and to radioactivity that is unavoidable in these kinds of terrible weapons of destruction.

So the safety and reliability of the stockpile will change with time. Deterrence requires that we understand these processes and their consequences far better now because the stockpile will never again be tested under the new international agreements we have sponsored.

When I first came to the House of Representatives, one of the first votes I cast was a very controversial vote for the Congressman from the State of Nevada, and that was regarding the nuclear freeze. I voted for that nuclear freeze when I was in the House of Representatives because I believe the problem in the world today is not nuclear testing, it's nuclear weapons; we have too many of them. The manager and I have worked on a way of reasonably testing these weapons. I refer the Senator from Arkansas, and everybody within the sound of my voice, to the report filed with this bill. I am not going to read all of the language in the report, but I am going to read a few things because I think it answers many of the questions that the Senator propounded.

The second paragraph:

The mission of defense programs is to maintain the safety, security, and reliability of the Nation's enduring nuclear weapons stockpile within the constraints of a comprehensive test ban, utilizing a science-based approach—

I repeat that: "a science-based approach"

—to stockpile stewardship and management in a smaller, more efficient weapons complex infrastructure. The future weapons complex will rely on scientific understanding and expert judgment, rather than on underground nuclear testing and the development of new weapons, [We are not going to rely on that anymore] to predict, identify, and correct problems affecting the safety and reliability of the stockpile. Enhanced environmental capabilities, and new tools in computation, surveillance, and advanced manufacturing will become necessary to certify weapon safety performance and reliability without underground nuclear testing.

That is what this money is for:

Weapons will be maintained, modified, retired, and dismantled as needed to meet arms control objectives or remediate potential safety and reliability issues. As new tools are developed and validated, they will be incorporated into a smaller, more flexible and agile weapons complex infrastructure for the future.

I think the Senator will agree that is a great goal for us to obtain:

The Stockpile Stewardship and Management Program is a single, highly integrated technical program for maintaining the safety and reliability of the U.S. nuclear stockpile in an era without underground nuclear testing and without new nuclear weapons development . . .

Skipping on, I say to my friend from Arkansas:

There are three primary goals of the Stockpile Stewardship Management Program:

Reading from page 100 of our report:

(1) provide high confidence in the safety, security, and reliability of the U.S. stockpile to ensure the continuing effectiveness of the U.S. nuclear deterrent while simultaneously supporting U.S. arms control and nonproliferation policy;

(2) provide a small, affordable, and effective production complex to provide component and weapon replacements when needed, including limited lifetime components and tritium;

and (3) provide the ability to reconstitute U.S. nuclear testing and weapon production capacities, consistent with Presidential directives and the "Nuclear Posture Review,"

should national security so demand in the future.

So I say to my friend from Arkansas, we are doing not only what is required for national security but we are also following the directives of the President of the United States. That is what is so sensitive with the obligation that we have been given.

On this same page, skipping down to the bottom of another paragraph:

The President has also requested a new annual certification process to certify that the stockpile is safe and reliable in the absence of underground nuclear testing, and to produce a statement about the future confidence in the safety and reliability of the stockpile.

So that is what this is all about. There has to be a certification, required by the President, that the stockpile is safe and reliable. It is not easy. It takes money.

One of the programs that the Senator from Arkansas should be aware of is that there is going to be a new National Ignition Facility built that we talked about earlier today that will be the foundation for this new science-based stockpile stewardship program.

It is expensive to do that. When underground nuclear testing stopped, we had no idea that to build a facility like that would cost $1 billion. That is for brick and mortar. Work is beginning. The funding of that is in this bill. It will be developed in the State of California. We are appropriating about $187 million in this bill for that program that we never anticipated would be constructed.

So what we are doing in this bill regarding our weapons systems, in my opinion, I say to my friend from Arkansas, is a relatively small amount compared to the Defense appropriations bill which we just passed, but it is just as important, even though it involves a very, very small amount of money compared to the Defense appropriations bill. What we are doing here deals with weapons of mass destruction. It doesn't deal with whether we are going to build an F-22, or a joint strike fighter, or whether we are going to have an aircraft carrier. It deals with weapons of mass destruction.

What this subcommittee has done within its best ability, and with the best judgment we have, is we have come up with funding to provide the President and this Nation with a safe and reliable nuclear stockpile.

Mr. BUMPERS. Mr. President, let me say to both the Senator from New Mexico and to the Senator from Nevada, for whom I have the utmost respect and friendship, that I do not disagree with very much of anything either of them just got through saying. And they said it very well. I would like to say to the Senator from Nevada that that was indeed a courageous vote when he voted for the nuclear freeze, particularly as the Senator from Nevada. It was a very courageous vote. But, as he knows, correct votes around here are often very courageous. Sometimes we lose Senators because they cast too many courageous votes. It doesn't happen very often. Probably it ought to happen more often than it does.

But, in any event, I compliment him on that. I have always been in support of the nuclear freeze. I have been for 2½ years standing at this desk back here talking about the insanity of the number of nuclear weapons in both our stockpile and the Soviet Union's, now Russia's, stockpile when both countries always had hundreds of times more weapons than it would take to destroy the planet. So I have fought with some small measure of success to bring some sanity to the whole thing.

I just close out by this question that, as I say, troubles me. And the reason that I came over here to offer this amendment to this bill which we are now debating, the Energy and Water Appropriations bill, is that it contains $4.302 billion for nuclear weapons, for weapons activities, and the uses, which the Senators have described, to provide for the safety and reliability of our nuclear stockpile. Nobody would question that for a moment. I mean we have enough problems about how we are going to dispose of all of this stuff. That is one of hottest debates we have had so far in the Senate: How we are going to get rid of nuclear materials. But here we have a $4.302 billion bill. And this is the thing that causes me some considerable concern: that it is $284 million above what the Senate authorizing committee just authorized yesterday.

When I first came here, and up until recently, you could not appropriate more money than the authorizing committee authorized. And we are reaching the point where we don't need authorizing committees anymore because we routinely exceed what they recommend.

So this bill is $284 million above the Senate authorized amount, $258 million more than the President recommended, $336 million more than the House authorized, and $359 million more than the House Appropriations Committee approved.

Here are three authorizations, plus the President's request. And the President's request is supposed to reflect what DOD, the Defense Department, wants. We don't separate the two. When we talk about the President's request, we are speaking for the Defense Department. Here we are appropriating $258 million more than the President and DOD asked for.

So here we are $250 million-plus above everybody—the President, the authorizing committee, the House authorizing committee, and the House Appropriations Committee.

So I know the Senator can understand why that piqued my curiosity.

I would be delighted to yield the floor to the Senator, if he would like to respond to that.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I think maybe if the Senator from Arkansas ever thought that bringing down an amendment or discussion like this was futile, I believe this is the best explanation of what we are doing in the Department of Energy with reference to nuclear weapons. Maybe I have not been here for every discussion. But I think he has pushed us to discuss things that should have been discussed regularly, and more people should understand it. I can tell you that everybody knows that I have a lot of this activity in my State. But I am firmly convinced that we had better not come in on the short side of dollar expenditures on this process which is going to end up —and this ought to be dear to the Senator from Arkansas because he is one of the leaders in trying to stop the testing. But if we are going to keep these people who are in charge of these laboratories able to certify that these weapons aren't going to go awry, or become unsafe, or deteriorate, then we had better not come on the short side of appropriating for their core staffers, and for the equipment and science research that they need.

Frankly, I laud those experts within the Department of Defense, Energy, and outsiders who came up with the substitute transition approach to move from testing to this science-based stockpile stewardship. But I can tell you from visiting the laboratories, talking to the directors, and talking to the people in charge of the divisions that are most contentious regarding having the right staff to do this new job, I am convinced that they have one tough job.

Like I said to the Senator from Arkansas. I wish we could say we don't have this arsenal to maintain. And the Senator knows we had more than we needed. I think we have to say about our laboratories and their responsibilities that they kept us in a state of readiness when nobody dared to do anything. And I think we all agree with that. Thus, the world has not had a nuclear device exploded intentionally to harm people or things since the ones that happened in Japan. That is because we had great laboratories with the greatest scientists we could put together keeping us out there.

I think we must do the same on this transition in 5 to 10 years. I worked very hard at this. I want to tell you that I don't believe that we know yet whether this 4.32 is the right number.

And, in answer to the last inquiry, we are not finished. We have to go through

a House that has less. In answer to the question about the defense authorization versus appropriations, they are not finished yet. The House has different approaches. In fact, the Senator might have asked why they appropriated less than was authorized in the previous bill. That is because we are not through yet. There are disagreements.

But I thank the Senator for the dialog today. And I am very pleased that I was able to contribute to it. I hope I was, and I thank the Senator for his questions.

Mr. BUMPERS. Mr. President, I have the utmost respect for both managers of this bill, the chairman and ranking member.

Let me just say that the Senator brought this up. I deliberately did not mention Sandia and Los Alamos and the fact that Nevada receives a substantial part of this money because I don't really care where the money is spent. This is an issue to me that transcends the parochial interests of jobs. It is not that that isn't important to the Senator. Of course it is. It is important to me when I am fighting for something for my State. But, as I say, there is something here that transcends that; that is, how much money we are spending on this.

I tell you that I share the Senator's concern for the same reasons that the Senator stated. My only concern is whether or not we are appropriating way too much money to accomplish what is, indeed, a very, very legitimate end.

Mr. President, I withdraw my amendment.

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

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I would like to address the issue of the additional funds provided to the Department of Energy for stockpile stewardship and stockpile maintenance under this appropriation bill. I do so both as someone who has followed nuclear weapons' issues for many years and as the ranking member of the Senate Armed Services Subcommittee on Strategic Forces, which has authorizing jurisdiction over these funds.

In testimony before the Subcommittee on Strategic Forces, two compelling points were made about these programs.

First, we are only beginning to learn how to certify the safety and reliability of the stockpile in the absence of nuclear testing. This Spring was the first time that the Department of Defense and the Department of Energy jointly made this certification. This procedure is now required by law to be completed each year. As time goes on and the nuclear weapons stockpile continues to age, our ability to certify the stockpile without testing will become more and more dependent on new science and technology that will emerge from the stockpile stewardship and stockpile management program. This conclusion was agreed to by all concerned—by Assistant Secretary Vic Reis on behalf of the Department of Energy and by General Habiger on behalf of the Strategic Command.

Second, there is considerable skepticism here in the Senate and in the defense community that the science-based stockpile stewardship can succeed over the long term. There are many who believe that the design of nuclear weapons relies so much on art as opposed to science that we will inevitably have to return to underground nuclear testing. I hope that this is not true, and I believe that ending underground nuclear testing is so important a policy objective that we must give science-based stockpile stewardship every chance to succeed. While the President shares this concern, it must also be recognized that his budget request had to strike a balance on many different dimensions and that even within the Department of Energy programmatic tradeoffs had to be made. We received strong testimony in the Armed Services Committee that the President's request was not adequate in a number of areas receiving extra funds in this bill, and I think that there is a good case to be made for keeping those funds in this bill.

For example, on the stockpile stewardship side, we had the following testimony from the Director of the Sandia National Laboratories:

> The costs of stockpile stewardship are not a linear function of stockpile size. A threshold capability will be needed to support the stockpile as long as it numbers in thousands, especially with the sophistication and demand for reliability that is associated with the systems on which deterrence rests today. I believe that we are near that threshold now, especially in light of the closures and changes that have occurred in recent years.

I don't believe that we ought to be addressing the question of the safety and reliability of the nuclear stockpile by seeing how close we can get to the threshold at which we can no longer certify the safety and reliability of the stockpile.

Another Director of a nuclear weapons laboratory, Dr. Bruce Tartar of Lawrence Livermore National Laboratory, had this to say:

> The greatest challenges [to stockpile stewardship] lie ahead. The demands on the Stockpile Stewardship and Management Program will grow as weapons in the enduring stockpile continue to age. The U.S. nuclear weapons stockpile is now older on average than it has ever been. And, the reservoir of nuclear test and design experience at the laboratories continues to diminish.

Further, on the stockpile management side, the DOE production plants that make nonnuclear components for the enduring stockpile are in sorry physical shape. Some 80 percent of the nonnuclear components in nuclear weapons wear out and have to be replaced, during the lifetime of that weapon. Thus, there is an important continuing role for the DOE production plants in maintaining the enduring stockpile. The Armed Services Committee received credible testimony that the President's budget request was inadequate to do so. The budget request, for example, would result in a budget shortfall for one plant alone, the Kansas City plant, of nearly $56 million—$30 million for production operations and $26 million for capital equipment and infrastructure requirements. The president of the division of Allied Signal who is responsible for the Kansas City plant had this to say before the Armed Service Committee, in regard to the President's budget:

> In my view, diminishing support for the production plants would be extremely short-sighted and dangerous for the complex. For plants to be effective members of the team, we must have current and future capabilities to participate fully . . . [Implementation of the programmatic environmental impact statement for stockpile stewardship and management] will require future funding to downsize the plants physically, funding to recapitalize the plants so they are able to function properly once they are fully downsized, and adequate short-term funding to carry out production missions for current requirements.

I believe that the additional funding in this bill is necessary and appropriate, and I can assure the Senator from Arkansas that as we go to conference on both this bill and the Defense authorization bill, we will arrive at final totals for funds authorized and appropriated that will result in the best possible, and most cost-effective program for maintaining the safety and reliability of the stockpile.

Mr. DOMENICI. Might I just state that I think Senator FEINGOLD is ready to go with an amendment. Is that correct? Then we are working on a list of amendments. We will have it momentarily on all of the other amendments, most of which we think we have resolved.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1004.

AMENDMENT NO. 868

Mr. FEINGOLD. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. BROWNBACK, and Mr. MCCAIN, proposes an amendment numbered 868.

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

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

The amendment is as follows:

On page 15, line 10, after "appropriated", insert the following: "*Provided further*, That the Secretary of the Interior shall, not later than November 15, 1997, provide a report to Congress on a revised project plan for the Animas-LaPlata project that reduces the total cost of the program to the Federal Government, limits the diversion of water from the Animas River to an amount recommended by the U.S. Fish and Wildlife Service, and ensures the project will be designed and implemented in the most cost-effective manner for the federal government: *Provided further*, That none of the funds appropriated in this or any prior act may be expended for construction until a project has been authorized at a date subsequent to the enactment of this appropriations act".

Mr. FEINGOLD. Mr. President, I send this amendment to the desk on behalf of myself and the distinguished Senator from Kansas [Mr. BROWNBACK] and the senior Senator from Arizona [Mr. MCCAIN]. This amendment is the product of negotiations of a number of Senators and provides that none of the funds appropriated in this bill for the Animas-La Plata project can be expended for construction until the Secretary of Interior submits a report on a new scaled-down project design and the new project is actually authorized by Congress at a date subsequent to the date of the enactment of this bill.

Mr. President, what this amendment means is that we will stop and evaluate what should be done before we spend more Federal dollars on this project. As colleagues may recall from my statement last year on this matter, the currently authorized Animas-La Plata project is a taxpayer-funded water development project planned for southwest Colorado and northwest New Mexico. The project is designed to supply 191,230 feet of water. The Animas-La Plata project consists of two major reservoirs, 7 pumping plants and 20 miles of canals and pipes and will pump water over 1,000 feet uphill, consuming enough power to run a city of 60,000 people to supply municipal, industrial and irrigation interests.

Last Tuesday, Mr. President, prior to the Energy and Water Appropriations Subcommittee markup of the legislation that is before this body, those who support the construction of the Animas-La Plata project announced that they have developed what they believe to be a cheaper and scaled-down alternative. The announcement of an alternative sends a clear signal to this body. After 30 years and $71 million in appropriations to date, the project costs of Animas-La Plata are too great and there are too many lingering substantive questions to proceed with the original design.

As I indicated during the discussion over the fiscal year 1997 energy and water appropriations legislation, I do support the search for an alternative to Animas-La Plata. In fact, legislation that I introduced on March 13, 1997, cosponsored also by the Senator from Kansas [Mr. BROWNBACK] and also by the Presiding Officer, the Senator from New Hampshire [Mr. GREGG] and sponsored in the other body by my colleague from Wisconsin [Mr. PETRI] and the Congressman from New York [Mr. DEFAZIO], deauthorizes the current Animas-La Plata reclamation project and directs the Secretary of the Interior to work with the Southern Ute and Ute Mountain Ute tribes to find an alternative to satisfy their water rights needs.

However, the taxpayers should not continue to be asked to sock money away in Bureau of Reclamation construction accounts as a placeholder for an option that has not yet fully been analyzed and authorized.

This new alternative by the proponents has not had a full cost evaluation by the Department of Interior and, of greater concern to me, requires statutory changes to be implemented that I think should be reviewed by the authorizing committee in question.

It is the jurisdiction of this body's Energy Committee to determine the benefits of a reclamation project, and it is the responsibility of the Interior Department to make certain that the Federal Government's legal responsibilities to the Ute tribes under any sort of an agreement are met.

This revised project, which would be evaluated by the Department of Interior under our amendment, at a minimum may require major changes to several relevant laws and agreements. The 1986 Ute Settlement Agreement may have to be renegotiated to reflect changes in water allocations among parties to the agreement, particularly the reduced quantity of water, changes in contract and repayment requirements and obligations and changes in cost-sharing requirements. The 1988 Colorado Ute Indian Water Rights Settlement Act may also need changes to conform to a new agreement and new requirements.

Finally, the Water Supply Act of 1958 would need to be changed to modify or waive current requirements that the beneficiaries of municipal and industrial water repay the Federal Government for construction costs with interest and pay for the Bureau of Reclamation operations and maintenance costs that are attributable to the amount of water they receive.

Let me make it clear, Mr. President, because we will be reauthorizing this project at some date in the future, the language in this amendment allows the Secretary to explore and recommend any appropriate alternative, including nonstructural alternatives, in developing a revised plan for submission to Congress.

These issues will all be assessed under the amendment we are offering before any funds can be expended in the construction of a new project. I think this is a responsible way to proceed, and I am pleased that so many Members of the Senate have worked together toward this amendment.

Mr. President, I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise in support of the Feingold amendment, of which I am a cosponsor, and associate myself with the Senator's comments.

I would like to note first that the Senator from Colorado [Mr. CAMPBELL], has done an outstanding job in representing his State in the work he has done on this particular project, and I realize I come late to this project and this proposal that he has worked on for a number of years. But as a new Senator looking at it, I have some questions about this particular project and this particular proposal, and that is why I join in this amendment. I know it has gone on for some period of time, and this has been a fight that has existed for some long period of time. But I think there are some questions that need to be answered. I think we have now started to take some of the tentative steps toward resolving those issues.

No. 1, this ought to be scrutinized by the authorizing committee rather than going through the appropriations process. That seems to be the legitimate way to go for us. It should first and foremost proceed through the authorizing committee, and this will give us a chance to better develop an alternative plan.

There are significant environmental questions regarding the issue of this particular project. Those have been in existence for some period of time, and they are the product of a lot of these studies that have been going on, and yet they still remain. There is a great deal of division about the impact on the environment, the impact on endangered species. That is why it seems to me, again, it is wise to go back to the authorizing committee, to have an authorization process to take place with this particular bill.

That is what this amendment does. It directs the Department of Interior to take certain steps toward what will lead to a legally binding agreement that will secure the tribes' water rights and will enable us to make certain that our tax dollars are spent wisely and we keep any environmental impacts small. So I agree with the Senator from Wisconsin that while these are very difficult things to do because there is a lot at stake in what various people want for their particular States, for their particular areas, in looking at these projects they may well at the end

of the day prove to be very wise projects. This one, I think, has proceeded in the wrong fashion. It needs to go back to the authorizing committee. I think the amendment we have put forward here has some strong bipartisan support. It is a sensible project. It does not kill the project. It simply says let us go back and take it through the right and appropriate steps. I think that is prudent in answering the difficult questions that exist.

So I rise in support of this amendment and urge my colleagues to vote in favor of this amendment.

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I thank the Chair. I rise in opposition to this amendment.

Mr. President, in the years I have been in the Senate, what has always interested me is the history of these desks. If you open these desks, as many of my colleagues have and most people who are students of history of the Senate know, inside the drawer literally every Senator who has served in the Senate has signed his name and noted the State from which he came. I often wonder, when I read the names of those Senators in the drawers and the little accompanying booklet that goes with it, how they voted on issues that affected the American Indian.

In this particular desk, we will probably not know without extensive research how Senator Townsend or Senator Kean or Senator Goldsborough or Senator Brown or Senator Case or Senator Duff, to mention just a few who have used this desk, voted on American Indian issues. But during the days when "Manifest Destiny" was the national watchword, I wonder if they voted with the pack to take away the last remaining land and water possessions and freedom of the American Indian, or did at least a few show courage and stand up for fairness by protecting a people who could no longer defend themselves. I wonder, did they subscribe to Abraham Lincoln's creed that "all men are created equal," or was the jingo of Andrew Jackson's day, "The only good Indian is a dead Indian," their guiding principle?

Today, I stand at the desk of my friend and colleague, Senator PETE DOMENICI, from New Mexico, who is managing this bill on the majority side. Senator DOMENICI is known nationwide in Indian country for his fairness and leadership in making sure that the lives of the American Indians are just a little better. And to my left, Senator REID of Nevada, who is managing for the minority side, has the same reputation. I am very gratified that they are here in the Chamber with us today. I am hopeful that the attitude exemplified by these two outstanding senators, the new enlightened attitude, marks a change for the entire senate from that attitude of those forgotten Senators whom I mentioned earlier and upon which they made their decision concerning the first Americans.

We do not intentionally kill Indians with bullets or disease anymore. But it seems clear that some of our brothers still want to kill their livelihood, kill their opportunity, kill their future, kill their culture, and kill their natural resources that we promised them in every one of the 472 treaties that we then broke as an arm of the U.S. Government. And, by the way, Mr. President, American Indians broke none of them.

I guess what amazes me the most about those who advocate taking away what little American Indians have left are often Senators who neither have the institutional memory of the 1968 authorizing act of the Animas-La Plata or the 1988 bill that I carried 10 years ago which implemented a compromise agreement that was signed into law and has been supported by every President since 1988. These Senators are often ones who have never even seen an Indian reservation.

To them, I would say go out and spend some time in an Indian community that has a 75-percent unemployment rate, as one reservation in Senator REID's State, in Owyhee, NV, does have. Speak to families whose children have dropped out of school and then committed suicide as an escape from a hopeless, dark future.

One out of every two teenage girls and one out of every three teenage boys try suicide in their teenage years in some reservations. This is not a Third World country I am speaking about. It is a daily experience for many American Indians in this, the greatest country on the face of the Earth.

Go out and speak to the social workers inundated with problems of a depressed culture and little resources to help. Listen to the frustrated tribal council members who try to cope with fetal alcohol syndrome, a rate so bad that on some reservations one out of every four Indian babies born suffers from some degree of fetal alcohol syndrome, some to such a degree that they have to be institutionalized for life at the taxpayer's expense.

All of those problems, Mr. President, were inherited as side effects of what was called "westward expansion," and the ensuing lack of opportunity continues to this day. I would tell my colleagues to go out there and experience hunger and sickness that is a daily experience for all too many American Indians. And then come back here to this floor and tell their colleagues how we do not owe Indians anything. But do not tell us that you are doing it in their best interest or in the interest of saving taxpayers' money.

Mr. President, all they have to do is look at the amount we spend now in Federal programs, about $1.5 billion through the Bureau of Indian Affairs last year and about $2 billion through the Indian Health Service. Almost all of it is to help a people who have become dependent on Federal programs through no cause of their own.

We will soon debate in this Chamber, Mr. President, the expansion of NATO and the billions of dollars that expansion will cost the American taxpayer, and as sure as I am standing here, some on this floor will support that expenditure of all those billions and still vote to take away the last best chance for economic independence for the Southern Utes and the Ute Mountain Utes right here in my State of Colorado.

When we speak of spending taxpayers' money, where is it written that all those billions that go to foreign countries are justified when we cannot find a pittance to help American Indians?

The Animas-La Plata is an agreement that must be honored. Not only did the tribes agree to the project but the States of Colorado and New Mexico did, too, a number of water conservancy districts did, and nine Federal agencies all agreed to the compromise of 1988. We are now being asked to compromise a compromise of the original 1968 authorization. Congress approved the settlement agreement in the Colorado Ute Indian Water Settlement Act of 1988 and President Reagan signed it into Public Law, and it has been supported by every President since.

The only thing we are asking in this appropriations bill is what the President has in his budget. Too many people are dependent on this project, both Indian and non-Indian, to simply disregard it. Anyone from the American West can tell you, and particularly the American Indian, water is life. Water is the lifeblood of our future. This settlement fulfills the rights of tribes for water on the reservation. It settles disputes and removes causes for future litigation. It secures the tribes' opportunity to generate revenue from the use of reserve rights obtained under the agreement and authorizes them to sell or exchange or lease some of their water.

Construction of the Animas-La Plata water project is essential to that settlement. If the project is not completed by the year 2000—and it is highly likely it may not be now, since the agreement was 1988 and the agreement stipulated they would start construction by 1990 and we are already behind by 7 years—the tribes have the option to go back to court to pursue their original claims in both the Animas and La Plata Rivers. Their victory in court would be certain and would trigger years of costly litigation among the United States, the State of Colorado, and water right holders throughout the region, wreaking havoc on the economies and water administration in Colorado.

I might also point out that when we get into that expensive litigation at taxpayers' expense, it is going to be one Federal agency suing the other Federal agency, because the Bureau of Indian Affairs is responsible for protecting the Indian people, as you know. They will be suing the Bureau of Reclamation for noncompliance. Guess who pays for the expensive attorneys on both sides of the equation?

The Supreme Court has held, in Winters versus the United States, that the United States, if the United States enters into a treaty with an Indian tribe creating a reservation, it impliedly reserves sufficient water to irrigate the reservation lands. Based on that doctrine, which mandates that Indian tribes get water, not money, the United States in 1976 filed reserved water right claims on behalf of both tribes. These reserved water rights would have preempted the vested water rights of non-Indian water users in the San Juan River Basin, drying up family farms and ranches that have existed in that area for years and years.

You can imagine how the non-Indian people feel about tribes going back to court and exerting their rights. They have these priority rights because they were there first, and they rarely lose in courts.

The Indian tribes do not want to go back to court. Their neighbors do not want them to go back in court. They, instead, chose to settle, and that is what the 1988 agreement was about. It is just lucky, I think, for the majority of the people in our area that the Ute Indians continue to give in the same generous spirit that they once gave their land and lives to build this great Nation.

In looking at the Feingold amendment, it is simply divided into two parts. The first part is a diversion and the second part is a killer.

Mr. President, let's not add to the dismal record of our treatment of the American Indians. Let's do the right thing and defeat the Feingold amendment.

With that, Mr. President, I move to table the Feingold amendment.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. CAMPBELL. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DOMENICI. Mr. President, the motion to table takes no debate.

The PRESIDING OFFICER. The motion to table is a nondebatable motion. It takes unanimous consent to proceed.

Mr. McCAIN. Mr. President, I ask unanimous consent to set aside the tabling motion at this time in order to address this issue. I believe the other Senator from Colorado wishes to address the issue as well.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. I have no objection.

Mr. McCAIN. I ask unanimous consent I and the Senator from Colorado be allowed to address this amendment by the Senator from Wisconsin prior to the tabling motion.

Mr. DOMENICI addressed the Chair.

Mr. McCAIN. I yield to the Senator from New Mexico without losing my right to the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. How much time might you need, Senator? As much as you want, but let's agree to it.

Mr. McCAIN. I will need 7 minutes.

Mr. ALLARD. I can keep my remarks brief and then submit my full comments for the RECORD. If I can have a couple of minutes, that will be sufficient.

Mr. DOMENICI. I ask unanimous consent we proceed in the following manner: The tabling motion be set aside so Senator McCAIN can speak for up to 10 minutes, Senator ALLARD for 10 minutes, and the Senator from New Mexico up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. McCAIN. Let me first of all start out by expressing my admiration and respect for the Senator from Colorado, Senator CAMPBELL. If there is any voice that is needed on behalf of native Americans in this body, it is that of Senator CAMPBELL. Senator CAMPBELL has the understanding, the compassion, and, frankly, the credibility that no one else in this body has concerning native American issues, along with others. His advocacy for native Americans is something that has earned, not only the respect of his colleagues here, but the respect and appreciation of millions of Americans both Indian and non-Indian alike.

I believe this amendment satisfies the concerns of native Americans on this issue and at the same time reduces the costs rather dramatically. I believe it is a workable compromise that, hopefully, will prevent us from revisiting this issue year after year. I remind my colleagues, the original proposal by the Senator from Wisconsin, Senator FEINGOLD, was to do away with all funding for this project. This is a significant step backward from that position and one that I hope we can support.

This amendment retains the $6 million currently in the bill for continuing negotiations and environmental assessments required for the Animas-La Plata project. It requires the Secretary of the Interior to report to Congress on a reduced, scaled-down plan for the project which would have reduced costs for the Federal Government. Finally, the amendment prohibits the use of any funds for construction of the project until authorization is provided for a new project.

This is necessary because there are many legitimate concerns for the plan for the Animas-La Plata project. It's very expensive: $750 million. It includes some issues that raise serious environmental concerns which need to be addressed. Yet, we need to resolve this legitimate water rights claim for the Ute Tribes in Colorado and New Mexico. They need to be resolved, I have no doubt. I point out, without those water rights being resolved, then we will be, as the Senator from Colorado so graphically described, abrogating our responsibilities by solemn treaty to the Ute Tribes. This amendment will preserve the funding necessary to go forward with environmental assessments and negotiations necessary to conclude a revised, scaled-down project plan. Without such an agreement and without a much more fiscally responsible plan, the United States could be liable for hundreds of millions of dollars to settle these water rights claims.

I want to point out that the Indians are part of this proposal that is embodied in this amendment. The parties principally concerned, including the Indians, with resolving this plan announced on July 8, 1997, a new plan that would save the taxpayers over $400 million and reduce the environmental impact of the project while maintaining our treaty commitments with the Ute Tribes. I want to point out that the Ute Tribes' opinion on this issue is that we would maintain our treaty commitments to those tribes.

This plan would save a great deal of money. The previous plan would have cost almost $750 million while the new plan is estimated to cost about $290 million—a savings of $460 million. The new plan reduces the Federal share of the project's cost, $257 million, and requires $33 million in State and local cost sharing. The plan will resolve legitimate water rights claims without costly litigation. It complies with the spirit of the 1988 Colorado Indian Water Rights Settlement Act and will honor a 130-year-old treaty commitment to the Ute Tribes. The two Ute Tribes have accepted this plan as a final settlement of their water rights claims. The new, scaled-down plan significantly reduces the environmental impact of Animas-La Plata. Water flow diverted from the Animas River will be limited to 14.5 percent of the river's average annual flow, which is slightly more than half the diversion under the original plan. The new plan includes a proposal to protect endangered fish in the Animas River system, which has been approved by the U.S. Fish and Wildlife Service. A dam on the Animas River will not be

necessary because the new plan does not include diversion of water for irrigation facilities. The new plan redirects the project to provide maximum benefit to the Ute Tribes.

The plan ensures that tribes will receive two-thirds of the water diverted from the Animas River. The previous plans guaranteed large amounts of water to local agricultural interests rather than Indians. The new plan is fully supported by the tribal, State and local governments most directly affected by the Animas-La Plata project.

Mr. President, I am pleased when diverse groups, including tribes, State governments and local communities, get together to solve common problems. I think the revised plan recently announced by the interested parties should be seriously considered by everyone concerned.

In the meantime, I believe we should proceed with the environmental assessments and necessary discussions to ensure the most fiscally responsible plan will be developed to meet the U.S. treaty obligations and finalize a cost-effective plan for this project.

I urge my colleagues to support this amendment, which will ensure that we move forward in a timely fashion with a cost-effective, fair, and supportable Animas-La Plata project.

Mr. CAMPBELL. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield for a question by the Senator from Colorado.

Mr. CAMPBELL. My question, first of all, is have you visited with leaders of the two tribes today, Senator?

Mr. McCAIN. In response to the question, I have not visited with the leaders of the two tribes today. I have been briefed on the proposal that has the signatures of the tribal membership's leaders is on it. That was briefed to a number of people, including members of my staff.

Mr. CAMPBELL. I appreciate that. Then I would like to make the record clear, Mr. President, that I have met with the tribal representatives today, and they are absolutely opposed to this amendment. They have "an alternative proposal," but if it should be looked at, it should be done fully through the authorizing committee as a bill, open to public hearings, and not put into an appropriations bill where no one has the time to read it. I haven't even read the proposal myself, and I live there.

So there will be no mistake, the tribes today, as of today, said they oppose this amendment.

Mr. McCAIN. Mr. President, it is my understanding that this amendment is based on a proposal brought forward, not only by the tribes, but also the local authorities who are affected by the project. I certainly do not dispute the word of the Senator from Colorado. If he has that information, I hope he will supply the letter for the RECORD. I am sure he will be able to do that.

I think this proposal was brought forward in recognition that the entire Animas-La Plata project, because of the incredibly high cost associated with it, was in significant danger. The project almost was defunded last year, in a very close vote here in the Senate. It was my belief, and remains my belief, that the Feingold amendment is a compromise that seeks to continue the funding and at the same time scale down the project and take into consideration the environmental concerns and also comply with our treaty commitments to the Ute Tribes.

Mr. FEINGOLD. Will the Senator from Arizona yield?

Mr. McCAIN. Mr. President, I hope I am clear in my respect for the Senator from Colorado. But I also hope I am clear that never at any time have I ever supported a measure that would be in violation of the solemn treaty commitments that we have made. It is my understanding that this amendment is in full compliance with the treaty commitments that have been made concerning the water rights of the Ute Tribes.

Several Senators addressed the Chair.

Mr. CAMPBELL. If the Senator would yield for a moment?

The PRESIDING OFFICER. The Senator from Arizona has 1 minute 20 seconds left. He can yield to whomever he wishes.

Mr. McCAIN. I yield my remaining time to the Senator from Colorado.

Mr. CAMPBELL. Mr. President, with that, I ask unanimous consent to have printed in the RECORD a letter signed by Chairman Judy Knight Frank, the chair of the Ute Mountain Ute Indian Tribe and Chairman Clement Frost, Southern Ute Indian Tribe, July 15, 1997, which opposes this amendment.

If the Senator did not get a copy of this, I apologize for that. But I will be happy to share this with him and have that in the RECORD.

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

JULY 15, 1997.

Members of the U.S. Senate,
The Capitol,
Washington, DC.

DEAR MEMBERS: Construction of Phase I of the Animas-La Plata project is a requirement for the completion of the Colorado Ute Indian Water Rights Settlement Act, and we continue to seek fulfillment of that Act. Controversy has delayed construction of the project, even those facilities approved by the U.S. Fish and Wildlife Service in 1991 and directed by Congress in its FY 1996 Energy and Water Appropriations bill to be built without delay.

We have tried, in every venue including a process established last year by the State of Colorado and the Department of the Interior, to address those controversies in a responsible way, but in a way which fulfills the intent of the Settlement—providing us with the water promised our people in 1868 to meet our present and future needs.

We support Senator Campbell and Senator Domenici's continuing efforts to ensure that the federal government lives up to its obligations and trust responsibilities identified in the 1988 Act. Of utmost importance to us is the prompt construction of facilities which will protect that water for the Tribes, and those facilities have been authorized, analyzed and approved in many jurisdictions, including the United States Congress. Funding for the continued effort to build these facilities, making a stride toward fulfillment of the Settlement Act of 1988, is absolutely necessary.

JUDY KNIGHT FRANK,
Chair, Ute Mountain Ute Indian Tribe.
CLEMENT FROST,
Chair, Southern Ute Indian Tribe.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. ALLARD. Mr. President, I thank the chairman of the Budget Committee, Senator DOMENICI, for his fine work. I would like to recognize the tremendous work that my colleague and fellow Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, has done on behalf of native Americans.

I rise in opposition to the Feingold amendment. I rise today to offer my support for the Animas-La Plata project.

This issue has been very contentious for a very long time. While the proponents of the amendment are well-intentioned, they are also very poorly informed. I can think back, maybe 3 or 4, maybe 6 months ago, when there was some activism within America, saying we ought to apologize to native Americans. If we are really concerned about what happens to native Americans, we ought to first look at keeping our word, keeping those treaties which we have signed.

The 1988 Colorado Ute Indian Water Rights Settlement Act recognized the legitimate water rights claims established by treaty, way back to 1868, and again promised the Ute Indian Tribes a permanent, reliable water source to meet their present and future needs. These are rightful water rights that have been affirmed by the Supreme Court and ratified by Congress. The Animas-La Plata project, the foundation for this settlement, would divert a portion of the annual runoff from the Animas River into an off-stream reservoir, rather than damming the river and flooding the river valley. This project fulfills an obligation that we have to the Indian tribes that we should not forsake. This is a treaty obligation. That is what those who favor elimination would like everyone to overlook.

The Rocky Mountain News, a major paper in the Rocky Mountain region, in an editorial published last week, made this point very well when they wrote of the opponents to this project:

They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

As the Ute Tribe stated recently, we only ask that Congress, which promised the two tribes adequate water supply when they placed us on a reservation over a century ago and agreed to a full-size Animas-La Plata in 1988, be fair with us now and support a reduced facility and settlement.

What opponents of this project don't understand is that in the West, unless we have a facility to store water, we cannot really settle the water claims of the Indians. What happens if we don't fund this project? The tribes will sue, and instead of living up to our agreements, we will see litigation, and I don't think that is where we want to be going.

But the issue here is bigger than just another project. The issue here deals with not breaking another treaty with another tribe.

I yield time to my colleague from Colorado, Senator CAMPBELL.

Mr. CAMPBELL. Mr. President, I forgot to have printed in the RECORD earlier in my comments two editorials from our State's two major newspapers: one from the Rocky Mountain News dated Thursday, July 10, the headline saying: "The Utes' Generous Offer." It is an editorial dealing with how fair and understanding and conciliatory the Utes have been in the whole question of building this project. The other editorial I would like to have printed in the RECORD is from the Denver Post, which is our State's largest newspaper, and the headline is very simply: "Double-crossing the Utes."

Let me read one paragraph from that very strong editorial:

The real question now is simply: How many times do Animas-La Plata opponents think they can double-cross the Utes?

When the Utes asked for a $714 million project, opponents said a $264 million project would do. When the Utes offered to accept a $257 million project, the opponents then dangled the vague hope of a $167 million handout. If Animas-La Plata opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

The answer is no.

I ask unanimous consent to have these two editorials printed in the RECORD.

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

DOUBLE-CROSSING THE UTES

On Oct. 11, 1995, foes of the Animas-La Plata water project, led by the Sierra Club Legal Defense Fund, released with great fanfare an engineering study claiming that a smaller version of the project would fufill most of its goals at a cost of just $264 million—barely a third of the $714 million cost of the full project.

Leaders of the Southern Ute and Ute Mountain Ute tribes reacted warily, suspecting that the supposed alternative was a diversionary tactic intended to stall A-LP until it could be killed entirely.

Guess what? The Utes were right.

The proof came last week when A-LP supporters unveiled their own version of a downsized project—with a federal price tag of just $257 million, $7 million less than environmentalists supposedly were willing to accept in 1995. Just as the Utes had feared, the project's foes reacted with a furious attack on a plan very close to what the opponents themselves proposed in 1995.

While tribal elections have consistently shown that the great majority of Utes support A-LP, a small dissident group led by Sage Remington opposes the project. Remington was on hand last week to tout yet another supposed "compromise": asking Congress to give the Utes $167 million to buy land and water rights if and when they become available.

Ute Mountain Ute Chairman Judy Knight Frank and Southern Ute Chairman Ray Frost have firmly rejected such a cash handout. The Utes don't need money to buy more water rights. To convert the theoretical rights they already own to reality, the tribes need a reservoir to store the water so they can use it when they need it.

The real question now is simply: How many times do A-LP opponents think they can double-cross the Utes?

When the Utes asked for a $714 million project, opponents said a $264 million project would do. When the Utes offered to accept a $257 million project, the opponents dangled the vague hope of a $167 million handout. If A-LP opponents now succeed in killing even the Utes' own scaled-down plan, would they really have any incentive to keep even that promise?

Chairman Frost had an answer to that question last week, based on the Indian people's long and sorry history of being cheated out of their land and water.

"They'd probably give us $24. That's what they paid for Manhattan."

[From the Rocky Mountain News, July 10, 1997]

THE UTES' GENEROUS OFFER

Critics are lining up already to denounce the latest, scaled-back version of the Animas-La Plata water project in southwestern Colorado, announced this week in the nation's capital. They will do anything, it seems, to achieve their goal of seeing the United States break another agreement with Indian tribes.

Such stubbornness was to be expected. Still, this week's initiative by the two tribes—the Ute Mountain Utes and the Southern Utes—should at least put their antagonists temporarily on the defensive. After all, for years those critics have complained that a majority of the water from Animas-La Plata would go to non-Indian users. With this new proposal, that is no longer true. In fact, the tribes would get two-thirds of the water.

For years the critics have also worried about the effect of the project on endangered species. Now the tribes wish to take only the amount from the Animas river—57,000 acre-feet—that the U.S. Fish and Wildlife Service has said could be withdrawn without harming two endangered fish species.

Why does none of this sway the coalition that opposes Animas-La Plata? Because they believe the project is an example of "corporate welfare" and an old-style federal water scheme that fails any reasonable economic test. Whether Animas-La Plata costs $680 million in federal revenue (the previous version) or $257 million (under the latest scheme) doesn't really matter. They're against it, and that's that.

We might oppose Animas-La Plata as well, save for the fact that the two tribes are involved. Like it or not, they happen to possess agreements from federal and state officials—including a previous U.S. president—promising them that Animas-La Plata would be built to fulfill their historic water rights.

Pledges of that nature might not mean much to a single-minded coalition battling corporate welfare, but it should mean something fairly profound to most of the rest of us. After all, double-crossing Indian tribes is a habit that government was supposed to have outgrown. And just because the tribes might be able to obtain enough water through another means is irrelevant. They have not chosen another means. They have chosen the Animas La-Plata project and the government of the United States has promised them they could have it.

Now those tribes have scaled their ambitions back—again—and would like to see others meet them halfway.

They shouldn't hold their breath.

Mr. CAMPBELL. I yield the floor.

Mr. ALLARD. Mr. President, I yield to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Idaho.

PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, first of all, I ask unanimous consent that Kristine Svinicki on my staff be allowed the privilege of the floor for the remainder of the consideration of S. 1004, the energy and water development appropriations bill.

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

Mr. CRAIG. Mr. President, in 1988, I helped my colleague from Colorado, Senator CAMPBELL, develop and pass the Colorado Ute Water Settlement Act. It was fair and responsible at that time to deal with a dispute that could only be dealt with in the nature that we solved it with this legislation.

From that point to now, there has been discussion and dispute and a substantial scaling down of this project. In the high deserts of the West, water is everything. If my colleague from Wisconsin lived in the deserts of the West, he would be scrambling to secure water for his people. He doesn't live there. He doesn't understand the importance of this very, very critical water issue.

This is a balanced compromise with all parties sharing. These Indians, these native Americans without water can find it very, very difficult to eke out an existence, whereas, with water, they have an opportunity with agriculture to prosper and develop their lands. That is what this issue is all about.

Let us keep our word and our promise. Let us develop an understanding that when we, from the West, come to our colleagues asking for the development of water in the high deserts, that

we work cooperatively with them to do so, as we worked with our colleagues from the upper Midwest to secure flood control and those kinds of things where they have an abundance of water and we have little to no water.

This is the important issue. I hope the amendment will be rejected by the Senate, recognizing the promises and the commitments made and the kind of cooperative relationship we have with all of our colleagues, where one has an abundance of water; in this instance, we have little to no water. Therefore, to secure, to maintain, to ensure an environment, to actually increase the abundance of wildlife, one must catch and store the water when it is available, and that is what this is all about. Not only for resource use, for environmental reasons, but most assuredly to enhance the ability of native Americans in this instance to improve their lot and to gain what is responsibly and rightfully theirs.

So I hope that my colleagues will reject this amendment and get on with the commitment we made in 1988 for this very important water project.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. ALLARD. Mr. President, I reiterate that it is more than just apologizing to the native Americans in this instance, it is keeping our word, it is keeping our agreement, a treaty with the native Americans. Again, I think we ought to stand by the side of my Senator from Colorado, Senator BEN NIGHTHORSE CAMPBELL, in fighting this amendment, and support him in his efforts in trying to provide a better life for his people and the native Americans in southwestern Colorado.

I yield back the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before I use my 10 minutes or allocate it to somebody, I would like to propose a unanimous-consent request that has been cleared on the other side. Let me read it and read the amendments that are listed.

Mr. President, I ask unanimous consent that the following be the only remaining first-degree amendments in order to S. 1004 and they be subject to relevant second-degree amendments:

Feingold-Brownback amendment No. 868;

Torricelli-Lautenberg amendment on Green Brook;

Kempthorne amendment on fish friendly turbines;

Bumpers amendment on 10-mile bayou;

Levin amendment on Great Lakes basin;

Biden amendment on Dewey-Rehoboth Beach;

Biden amendment on St. George's Bridge;

Daschle-Johnson amendment on Crow Creek rural;

Murkowski amendment on DOE external regulation;

Dorgan-Conrad amendment on Devils Lake;

Burns amendment on hydrogen R&D;

Shelby amendment on Lake Tholocco Dam;

Bond relevant amendment;

Managers' amendment;

Moseley-Braun amendment on McCook Reservoir; and the

Dorgan relevant amendment.

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

Mr. DOMENICI. Mr. President, I further ask unanimous consent that following the disposition of the above-listed amendments, S. 1004 be read a third time and the Senate proceed to a vote on passage of the bill; further, when the Senate receives the House companion measure, the Senate immediately proceed to its consideration. I further ask unanimous consent that all after the enacting clause be stricken, and the text of the Senate bill, as passed, be inserted in lieu thereof, and the bill be read a third time and passed. I further ask that the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

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

Mr. DOMENICI. I thank the Senate for accommodating me. Might I say, of the nine or so amendments, I believe six will be resolved at least by mutual agreement between sides, so we will not have much left.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me say, I do not believe the Senator from Wisconsin has any time. Tabling the amendment would be up. Is the Senator desirous of speaking?

Mr. FEINGOLD. Mr. President, I ask unanimous consent to be able to speak for 1 minute on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 1 minute to speak on his amendment.

Mr. FEINGOLD. Mr. President, I want to clarify that the comments of the Senator from Idaho made great focus on the fact I am not from the West. The fact is, Senator John MCCAIN is a cosponsor of this amendment, supports and believes it is reasonable and has a great familiarity with the concerns of the West.

Mr. CRAIG. Will the Senator yield?

Mr. FEINGOLD. I also want to make one thing clear. In contrast to the Senator from Colorado, this amendment provides for the authorizing committee to act on a revised project plan. It does not put into effect the alternative plan. It does not prejudge what the project will look like. It allows full public hearings before Congress acts. It does not strike any funds, it simply says the funds in the bill cannot be expended for construction of a new project until it is authorized. I just wanted to clarify that. Thank you, Mr. President.

Mr. DOMENICI. Mr. President, I thank the Senator. I have 10 minutes?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. DOMENICI. I yield 1 minute to the Senator from Idaho.

Mr. CRAIG. Mr. President, let me tell the Senator from Wisconsin, it is not my intent to impugn his integrity. I am simply saying when you live in a State with an abundance of water, your feelings about water are different. My colleague's State of Arizona is abundant with water today as a desert because this Congress saw fit to pour hundreds of millions of dollars into water development in his State, and his State is the great beneficiary of those programs today.

Whether you agree or disagree, the reality is, Arizonans know how to allocate water resources most effectively. But the Ute Indians have not had that opportunity, and I am simply saying that when you are in a high desert, you recognize that if human life is to exist, it exists only in the presence of water.

I think my colleague understands that, but having been born and raised in the high deserts of the West, I think there is an understanding and appreciation that is sometimes difficult to convey, and that was my intent.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, for all Senators, I don't know what their evening schedule is, but I have not been told to create any window. We are going to vote in about 10 minutes on the motion to table the Animas-La Plata amendment offered by Senator FEINGOLD.

Mr. President, if I thought this amendment offered by Senator FEINGOLD and the distinguished occupant of the chair would, in fact, keep alive the Animas-La Plata project in a manner that had a reasonable chance of succeeding, I would be over here asking my friend from Arizona to go find our Indian leaders and let's go out in the hall and agree to it.

I am not talking about anybody's intent, but I am telling the Senate that if this amendment becomes law, I do not believe the project has a chance of going anywhere.

The Secretary of the Interior is given broad latitude by this amendment to make decisions about the project which I don't believe the U.S. Congress should give him for a project as controversial and subject to pressure as this one. I make no reference to him personally or his abilities as Secretary, but I just don't believe that we can tell the Indian people that allowing Secretary Babbitt to decide what will be a cost-effective way of completing the project—that is one item in the amendment—will ever work.

The amendment states that the Secretary shall come up with a project that limits the diversion of Animas-La Plata as recommended by the U.S. Fish and Wildlife Service; let me say that number is about 57,000 acre-feet annually. That is what the number ought to be; not a new number proposed by U.S. Fish and Wildlife, because they have already agreed to 57,000 acre-feet. I don't want Fish and Wildlife in 2 or 3 years taking yet another look and then changing what they think ought to be diverted.

This project is controversial because it costs money and it is giving water to Indian people who have been denied their legitimate water rights. I believe Ute tribes have a very good case to make that the U.S. Government has denied them promised water rights, and this project is a solution to getting the Utes wet water and avoiding costly litigation.

I do not believe we ought to allow this amendment which permits the Secretary of the Interior or anyone other than Congress to decide the fate of the project. That is my feeling, I say to Senator CAMPBELL, and I believe what we have done—so the Senate will understand, the Senate Appropriations Committee put in this bill precisely the amount of money that the President of the United States asked for. No more, no less.

With this appropriation, development of this project, I believe rightly so, will be able to proceed in an orderly manner. This amendment allows the Secretary of the Interior to define this project. Nobody else has mentioned the Secretary of the Interior's role in this amendment, but I think if you read it carefully, it gives him all kinds of authority to decide the fate of this project. The Secretary already has delegated much of that authority to the Governor and Lieutenant Governor of Colorado to have meetings with the interested parties to see if they can resolve the issue. I just do not believe this amendment furthers the goal of getting the Indians their water.

Mr. CAMPBELL. Will the Senator yield?

Mr. DOMENICI. Yes.

Mr. CAMPBELL. I point out, it was the Fish and Wildlife Department that has thrown so many roadblocks in front of the Animas-La Plata already under the guise of the Endangered Species Act, as you know.

Mr. DOMENICI. I say to the Senator, I do not want to go back over all the problems that we have had with eight or nine departments of the Government fighting against each other with regard to this project, but the Senator is correct.

But I do want to say, for anybody who is listening, the Senator from Colorado—who occupies my seat; he just said that a while ago while I am here in this one—has said it right.

We ought to solve this problem and give to these two Indian tribes what they deserve; promised water. They have been most patient, most willing to compromise in a realistic way.

I add just parenthetically that my little State has been waiting forever for about 20,000 acre feet of water that they are entitled to under the project. That is a lot for that part of New Mexico.

I do not want to sit by and watch those rights be subject to anyone other than the U.S. Congress' determination on how we ought to proceed in getting this project completed. I believe in due course we can satisfy our obligations to the Utes and other water users because a lot of new ground has been turned; new agreements are being worked out between many water users in that four-corners region.

The opponents to the project have attended these meetings in the negotiation process; I hope a number of you who are proposing this amendment do not necessarily agree with all of those who oppose this project. Some opponents find reason to oppose it once a month, maybe. Maybe in some cases they have found three or four reasons a month, and they rest a while and then they found six or eight more reasons to oppose this project in 6 months' time. There are those who will oppose any project, no matter how worthy.

In any event, I yield back the remainder of my time.

I understand the yeas and nays have been ordered on the motion to table. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the motion to lay on the table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Montana [Mr. BURNS] and the Senator from Rhode Island [Mr. Chafee] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—56

Abraham	DeWine	Kyl
Akaka	Domenici	Landrieu
Allard	Dorgan	Lott
Ashcroft	Enzi	Lugar
Baucus	Faircloth	Mack
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Reid
Bryan	Grassley	Roberts
Campbell	Hagel	Sessions
Cleland	Hatch	Shelby
Coats	Helms	Smith (OR)
Cochran	Hutchinson	Stevens
Conrad	Hutchison	Thomas
Coverdell	Inhofe	Thompson
Craig	Inouye	Thurmond
D'Amato	Jeffords	Warner
Daschle	Kempthorne	

NAYS—42

Biden	Harkin	Moynihan
Boxer	Hollings	Murray
Brownback	Johnson	Reed
Bumpers	Kennedy	Robb
Byrd	Kerrey	Rockefeller
Collins	Kerry	Roth
Dodd	Kohl	Santorum
Durbin	Lautenberg	Sarbanes
Feingold	Leahy	Smith (NH)
Feinstein	Levin	Snowe
Ford	Lieberman	Specter
Glenn	McCain	Torricelli
Graham	Mikulski	Wellstone
Gregg	Moseley-Braun	Wyden

NOT VOTING—2

Burns	Chafee

The motion to lay on the table the amendment (No. 868) was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to express my support for the energy and water appropriations bill and specifically for funding for the McCall, ID, wastewater treatment facility. I would like to thank Senator DOMENICI for including funding for this important project in the bill and Senator CRAIG for his support and leadership on this issue in the committee.

Cascade Reservoir is a federally owned facility located downstream of the city of McCall on the north fork of the Payette River, and is the second most used recreation site in the State of Idaho. The community is currently operating with a wastewater treatment plant that ranges from inadequate to dangerous. Water flowing into the Cascade Reservoir in Valley County, ID, has reached a dangerous level of phosphorus and algae. This level is much higher than what is considered healthy for both human recreation and sustaining wildlife. The plant must be upgraded, but the community needs Federal money to do it.

The most recent data indicates that high phosphorus contributions from the surrounding watershed have caused and will continue to cause significant deterioration of water quality in the reservoir. The situation is so bad in Cascade Reservoir that at one point, in 1994, fish were dying at a rate that was too fast for fish and game inspectors to count. The fish died because of the high water temperatures and low oxygen levels in the water caused by dramatic algae growth. In 1993, a severe outbreak of toxic blue-green algae caused

the death of 23 cattle after they drank water from the reservoir. A public health advisory was issued advising the public to avoid contact with the reservoir.

The city of McCall is using an innovative approach to solving the dual problem of poor wastewater management and lack of irrigation water in the area. Wastewater from the facility will be used to provide much needed irrigation water to local farmers. The treated wastewater will provide phosphorus and nitrogen which are ordinary elements of fertilizer. This will reduce the need for farms to use chemical fertilizers, while at the same time cleaning up the reservoir.

This program is a prime example of how different levels of government can cooperate to benefit both the community and the environment. The cost of the project will be shared by the Idaho State Legislature, the Idaho Department of Environmental Quality, the city of McCall, and the local irrigation district.

Cascade Reservoir is a major recreation facility for the largest population base in the State of Idaho. Without this Federal assistance, quality of human life and survival of wildlife will be significantly impacted. In short, the $2.5 million for the McCall Wastewater Treatment Facility is crucial to Idaho.

I am pleased that my colleagues on the Appropriations Committee recognized the urgency of this project and included an appropriation that will allow McCall to once again enjoy a clean and safe wastewater system.

WEST VALLEY DEMONSTRATION PROJECT

Mr. MOYNIHAN. Mr. President, I rise to note that the passage of the energy and water appropriations bill brings us one step closer to the completion of the West Valley demonstration project in western New York. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely. After 14 years of preparation, research, and testing, vitrification began last July. On May 28 the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but the method works. Through fiscal year 1997 we have spent $1.2 billion on the project. The final amount in the bill for next year has not been determined, but it will it will bring the total over $1.3 billion. This has been money well spent, and will continue to be. We have learned to dispose of one type of hazardous waste, and can dispose of others with the vitrification process.

JEFFORDS/BRYAN AMENDMENT TO S. 1004

Mr. LEVIN. Mr. President, I am pleased to be a cosponsor of the amendment offered by Senators JEFFORDS and BRYAN to bring solar and renewable energy funding levels closer to the administration request than was provided in the Appropriations Committee's bill. And, to clarify the importance of continuing Department of Energy support for solar thermal energy dish/engine systems.

The committee report proposes to disallow the continued deployment of additional dish/engine systems. Such a prohibition would stifle some very promising environmental technology and most probably break a cost-sharing agreement between the Department and Stirling Thermal Motors of Ann Arbor, MI. And, the language unfairly singles out solar dish/engine systems for elimination, even though competing and funded technologies are more mature and nearer to commercialization.

I urge my colleagues to accept this amendment so that precommercial research and development can continue on important solar technologies, including solar thermal dish/engine systems. These systems, including thermal motors, have great potential for providing cleaner and more efficient electrical power for all sectors of the economy, potentially including transportation.

Mr. DOMENICI. Mr. President, the Energy and Water Appropriations Act for the current year imposed a 9-percent reduction of the Department of Energy's Departmental Administration Account. That account funds the office of the Secretary, Human Resources, and general counsel among other things.

However, in imposing that reduction, the Department did not impose any reductions in the Office of General Counsel. As a matter of fact, while other offices lost 40 or more people, the Office of General Counsel lost only 1 position.

In drafting its recommendation for departmental administration, the committee directed that the Office of General Counsel assume a reduction to bring its staffing levels back into balance with the rest of those in departmental administration.

The committee's recommendation did not take into consideration the fact that the Department has proposed to shift 19 lawyers, previously funded out of the Interior appropriations bill, into the account funded by this bill.

I have committed to the Secretary of Energy that, in the statement of managers accompanying the conference report, I will work to include language that clarifies our intent. I do believe that the Office of General Counsel should not be insulated from the reductions Congress wisely imposed last year. However, it was not our intent to impose overly harsh reductions.

Mr. REID. Mr. President, I join the chairman of the Subcommittee in this regard. I will work with him and our House colleagues in conference to ensure that any reduction in the Office of General Counsel is fair.

Mr. DOMENICI. I thank my colleague.

RENEWABLE ENERGY

Mr. JEFFORDS. I Mr. President, thank the chairman for his excellent work on the fiscal year 1998 energy and water appropriations measure. Senator DOMENICI clearly understands the importance of renewable energy to the future of this Nation. I wish to commend him for his dedication to the development of solar, wind, biomass, and other technologies that are vital to our Nation's energy interests. I know many of my colleagues join me in thanking him for his leadership in this area. I would merely like to clarify a couple of the provisions regarding renewable energy in the energy and water appropriations bill.

Mr. DOMENICI. I wish to thank the Senator for his kind comments.

Mr. JEFFORDS. The report language on wind energy research, development and deployment restricts support for small wind, when in fact the Department of Energy has several ongoing research activities in this area. Is it the intention of the Senate that these and other cost-shared programs currently conducted in collaboration with DOE, the national laboratories, and U.S. industry should not be continued?

Mr. DOMENICI. Mr. President, the answer is no. The energy and water development bill does not intend to impede research, development, and demonstration activities for small wind programs.

Mr. JEFFORDS. In addition, is it the Senator's understanding that the Solar Thermal Power Program would receive an additional $4.8 million from available funds? And if so, of this amount, $3.8 million will be available for solar dish engine technologies and the remaining $1 million will go to the solar industrial programs. This would bring the total solar thermal account to $19.1 million.

Further, is it also the Senator's understanding that the solar international account will receive an additional $2 million, bringing the total for this program to $4 million. Is it also the Senator's understanding that the program allocation will be used in support of the Committee on Renewable Energy Commerce and Trade?

Mr. DOMENICI. That is correct.

Mr. JEFFORDS. I thank the Chairman.

CONSORTIUM FOR PLANT BIOTECHNOLOGY RESEARCH

Mr. DASCHLE. As a long-time supporter of domestically produced renewable fuels, I am very interested in encouraging the Department of Energy to do whatever it can to promote the development of new and more efficient processes for converting plant material into practical transportation fuels. It is my understanding that DOE consistently funds the Consortium for Plant Biotechnology Research—known as CPBR—although at levels below which it can use. The work of this consortium of university researchers has lead to significant progress in more efficiently utilizing plants and plant waste for the production of renewable fuels and of bringing these research innovations to the market. It is my hope that DOE will be willing to fund CPBR at between $2 and $3 million in fiscal year 1998. Do you agree that DOE should give special consideration to funding CPBR at that level?

Mr. REID. Yes. I recognize how important the development of a strong domestic renewable fuels industry is to the Senator. Moreover, I agree that the work of CPBR has been very useful in developing new and more efficient ways to convert plant material to renewable fuels and commend DOE for its past support of CPBR. I would urge DOE, as part of its annual process to determine its priorities and funding awards, to seriously consider supporting CPBR at the levels you cite.

Mr. DOMENICI. I also recognize the valuable research performed by the CPBR and urge DOE to give it every consideration as it makes its fiscal year 1998 funding decisions.

RENEWABLE ENERGY DEMONSTRATION

Mr. LEAHY. Mr. President, I would like to take a moment to highlight a provision in the energy and water appropriations bill which could begin to address some of the energy generation problems facing very rural areas. The bill provides modest funding for the deployment of solar, wind, fuel cell, and biomass technologies in remote areas of the United States.

Producing and distributing power in rural areas is a challenge in and of itself. Distribution lines are often more expensive and difficult to establish, and communities are often forced to rely on cheaper, but more polluting fuel sources. This demonstration will provide the resources to look at the effectiveness of less noxious, renewable energy technologies.

One application of this kind of demonstration which has come to my attention is a proposal in Vermont to replace polluting diesel engines with modern fuel cell technology for snow production. One of the last places you might think of air quality problems is in the mountains of Vermont. But in fact, four of the six largest sources of NO_x emissions in the State are ski resorts which often use inefficient and dirty burning diesel engines to produce snow. Because of the remoteness of snow production facilities, other, cleaner commercial energy alternatives are not an option. This funding would allow States like Vermont to experiment with energy production technologies that can work efficiently while greatly reducing NO_x and particulate matter emissions.

I would like to thank the Senator from New Mexico for funding this valuable initiative and ask for his comments on this possible application of fuel cell technology to the problem I have described in Vermont.

Mr. DOMENICI. Mr. President, I thank the Senator from Vermont and agree that this is exactly the kind of problem the subcommittee had in mind when proposing this demonstration. Remote areas of the United States do face unique energy production and distribution problems as the Senator from Vermont has aptly described. It is the committee's intention that the demonstration be directed to addressing these types of issues in rural areas.

MECKLENBURG COUNTY STREAMBANK STABILIZATION AND RESTORATION PROJECT

Mr. FAIRCLOTH. Mr. President, I rise to commend Senator DOMENICI on an excellent bill. We all realize that he and his staff have been overwhelmed by requests for this bill, in particular by U.S. Army Corps of Engineers project requests. I think I speak for all of us when I say that he has done an excellent job balancing out the requests. No one received all he or she requested, but I believe we have all been treated fairly.

In this vein, I want to comment on a very worthy project from Charlotte, NC, which was not able to be included in the bill, the Mecklenburg County streambank stabilization and restoration project.

I am informed that the House has allotted $1 million for this very worthy project. When we go to conference, I look forward to working with Senator DOMENICI to ensure that the House appropriation for this matter remains in the final bill. The project is a good one, and seeks innovative methods of addressing problems of degradation of streams, pollution of surface waters, and flood protection. It also enjoys widespread support in the Charlotte area.

Mr. DOMENICI. I commend my colleague for bringing this worthy project to my attention, and also look forward to working with him on it during conference.

PROVISION FOR NUCLEAR ENERGY RESEARCH

Mr. CRAIG. Mr. President, I rise to address a provision of S. 1004, the appropriations bill for energy and water development for fiscal year 1998. I refer specifically to the President's request for a new initiative within the Department of Energy, called nuclear energy security. The bill before us contains no funding for this new initiative. I wish to address my colleagues on the reasons for the subcommittee's treatment of this initiative and the direction in which I believe the Department should focus its nuclear energy research and development program.

The committee report to accompany S. 1004 states that although the committee supports the use of nuclear energy to produce electricity, the Department's proposed program to address technical issues will have insufficient impact to justify the expense and therefore, no funding was provided. I am concerned that the Department of Energy will take the wrong message from this action.

It is my view, as a member of the Appropriations Committee and as a member of the Committee on Energy and Natural Resources, that this country needs a viable nuclear energy program—both for our energy security and for our national security. Recently, the President commissioned his Committee of Advisors on Science and Technology, Energy Research and Development Panel to study and report back on whether the United States should have a nuclear energy program and if so, what its goals should be both domestically and internationally. A lot of good work on this issue has been done, or is underway within the Department of Energy and the national laboratory complex. Specifically, Sandia National Laboratories, in New Mexico has contributed substantially.

While I won't delineate the findings at length at this time, let me just indicate to my colleagues, that the greatest minds that we have nationally to weigh in on this question have done so, and they believe that the failure to have a strong nuclear energy research and development program will diminish our national security, our economic competitiveness, and the public well-being. The bottom line is that as our primacy in nuclear R&D declines, we will lose our ability to participate on the world stage and to observe and understand the civilian nuclear programs of emerging nations.

For these reasons, it is my hope that the Department will continue to construct, and will propose as appropriate, a nuclear energy program that fulfills these goals.

Mr. KEMPTHORNE. Mr. President, I rise to add my voice to the statements made by my colleague, the senior Senator from Idaho. Through the investments already made at its national laboratory sites, such as the Idaho National Engineering and Environmental Laboratory and Argonne National Laboratory, the Department of Energy has a research capability of both personnel and facilities, which can ensure that the nuclear energy program of this

country does not fall behind that of other nations. But we will only be assured of keeping a viable nuclear option in this country if DOE proposes and implements nuclear energy research programs to safeguard our position as a nuclear leader worldwide.

Mr. MURKOWSKI. Mr. President, I would like to add another voice to this discussion, and another point that has not yet been addressed. In May of this year, I wrote a letter to Mr. Daniel Reifsnyder of the U.S. Department of State, transmitting my comments on the Draft Second U.S. Climate Action Report. In this letter, dated May 15, 1997, I reminded Mr. Reifsnyder that nuclear energy is responsible for 89 percent of all the carbon dioxide emissions avoided by U.S. electric utilities between 1973 and 1995 and that over 1.9 billion metric tons of carbon emissions have been avoided in the United States alone through the use of nuclear energy. Nuclear energy has made and can continue to make tremendous contributions in avoiding carbon emissions. Although the contributions of nuclear energy appear to have gotten little acknowledgment in the U.S. Climate Action Report, if we look at what is happening internationally, we see that other countries have not failed to take notice of the nuclear option. Specifically, France and Japan continue their reliance on nuclear energy for substantial percentages of their energy needs, and China has ambitious plans for developing its civilian nuclear program. The failure of this country to take a long term view and invest in nuclear research and development has the potential to damage not only our own civilian program, but our ability to observe and influence the programs of other nations.

Mr. KYL. Mr. President, I wish to associate myself with the comments made by my colleagues regarding our need for a strong nuclear energy program. I agree that nuclear energy research and development enhance both our economic competitiveness on the civilian side and our national security by allowing us to participate as a full partner in the uses of nuclear energy worldwide.

Mr. FAIRCLOTH. Mr. President, I add my voice to those of my colleagues in calling for both a strong nuclear energy program at the Department of Energy and in calling for national attention to the need for nuclear energy to provide energy security to this Nation.

Mr. DOMENICI. Mr. President, let me thank all of my colleagues who have expressed their views on this important issue and let me add a final thought. As the Congress continues its consideration of de-regulation or restructuring of the electric power industry, and the legislation already introduced in both bodies on that subject, I ask my colleagues to consider the contribution of nuclear energy, both as a safe and reliable source of power—part of our energy security—and its contribution in lowering emissions of greenhouse gases. If this country's nuclear plants are rendered uneconomic by the advent of competition in the electric industry, as some claim, we need to ask ourselves what will replace these plants. As cost estimates for decommissioning balloon out of control, we should be asking what technology investments DOE could be making to bring these estimates back in line with reality. A strong nuclear energy program is part of the answer.

SEFOR

Mr. DOMENICI. Mr. President, I would like to engage the senior Senator from Arkansas in a colloquy.

Mr. BUMPERS. I would be pleased to join the subcommittee chairman in a colloquy.

Mr. DOMENICI. Mr. President, in last year's Energy and Water Development Act, a provision was included that directed the Department of Energy to determine if it has any legal obligation regarding the Southwest experimental fast oxide reactor [SEFOR] or any similar nuclear facilities that have been transferred from Federal to non-Federal ownership. The Department has completed a draft memorandum that indicates that the Department has no legal obligation regarding SEFOR.

However, the senior Senator from Arkansas' interest in SEFOR continues. Early today, an amendment to S. 1004 was accepted on behalf of the senior Senator from Arkansas that would provide for an assessment of the cost of decommissioning the Southwest experimental fast oxide reactor.

It is important to note that the acceptance of this amendment does not indicate that the Senate disagrees with the initial findings of the Department of Energy that the Department has no legal obligations with regard to the SEFOR. The interest of the Senate is simply to understand what the decommissioning costs of a reactor such as the SEFOR might be.

Mr. BUMPERS. Mr. President, I agree with my colleague, the chairman of the Subcommittee on Energy and Water Development. I don't think it would be appropriate for the Senate to take a position on the issue of liability. That is for the courts to decide.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, after consultation with the Democratic leader, we can announce that this was the last vote for today. We are working on a unanimous-consent agreement that we think we will have no problem having agreement to. Basically, we would have the vote on final passage of the energy and water appropriations bill tomorrow after the first vote on the foreign ops bill. We don't know an exact time, but we presume some time after 11 o'clock or early afternoon. We are trying to accommodate Senators' schedules.

Momentarily, we will ask for that unanimous consent. That is the gist of the request we will make.

Mr. REID. 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.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, before I propound this unanimous-consent request, I want to confirm again that we have discussed this with the minority leadership. Mr. President, I want to commend the good work and leadership we have seen today again by the chairman of the energy and Water Subcommittee of Appropriations. Senator DOMENICI has done an excellent job, with the able help of the Senator from Nevada. The fact that they have gotten this bill basically ready for final passage and that we will have the vote tomorrow morning is a real credit to the good work they have done.

I ask unanimous consent that the vote on final passage of the energy and water appropriations bill occur immediately following the first vote tomorrow on or in relation to the foreign operations appropriations bill.

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

Mr. LOTT. Therefore, there will be no more votes this evening. It is my understanding that the managers will be able to wrap up the energy and water appropriations amendments this evening, and the Senate will begin the foreign operations appropriations bill at 11 a.m. on Wednesday.

I yield the floor.

Mr. STEVENS. Mr. President, I, too, want to commend the subcommittee chairman and ranking member of the subcommittee. I also want to call to the attention of the Senate the fact that this hearkens me back to the days when we had real bipartisan cooperation on the Appropriations Committee.

I want to thank all members of the committee for that cooperation, for showing what can be done when we work together and try to resolve issues and accommodate the needs of the various Senators and our individual

States. These two Senators have done an excellent and admirable job today on a very difficult bill. I am confident that we will see that in final passage tomorrow.

Tomorrow, we will proceed to the foreign assistance bill. I hope we see a similar approach on that bill so that we can go forward and have the legislative bill before the Senate on Thursday.

Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COCHRAN. Mr. President, I congratulate the distinguished chairman of the Energy and Water Subcommittee for his work in bringing this bill to the Senate.

While I commend the chairman for his efforts, I have concerns about the trends in the funding levels that are being proposed for the Mississippi River and tributaries projects, particularly those in the Yazoo Basin of Mississippi.

The President's budget proposed a 20-percent reduction from last year's level for Mississippi River and tributaries construction projects. The budget also proposed cutting projects in the Yazoo Basin by over 50 percent. As the committee has indicated in its report that accompanies this bill, this reduction, along with others in operations and maintenance and investigations, is unacceptable.

Mr. President, Congress addresses flooding and other natural disasters as they occur around the country. The victims who have suffered damages derive benefits from supplemental disaster assistance legislation, as we saw just recently. This year, it was the Dakotas and other States. A few years ago, it was in the Midwest when the Missouri River flooded, and nearly every year, there is some degree of flooding in the Yazoo Basin in the State of Mississippi. The lower funding levels that are being proposed for projects to control flooding in the Yazoo Basin result in more delays, higher construction costs, and more damages occur year in and year out from floods in this region of the country. It will also result in increased spending on disaster assistance instead of funding long-term solutions to the flooding that occurs in this area. These delays will only increase the likelihood and the severity of flooding in the future and damages that result from those floods.

Incremental funding for these and many other Federal construction projects is a reality of the current budget environment. But incremental funding results in cost increases over the life of a project that has been authorized and that has been partially funded in the past. It will cost $54 million as a result of even a ten-year funding cycle on the three main projects just in the Yazoo Basin alone—the Upper Yazoo project, the Upper Steele Bayou project, and the Big Sunflower River Maintenance project. That amounts to a 20-percent cost increase.

Mr. President, I will continue to work with the committee and the subcommittee to identify the levels of funding necessary to maintain project schedules that are more realistic and more cost-effective in the future. I hope that we can reach agreement and convince the administration that it needs to recognize the inevitable consequences of these budget cuts that are, year-in and year-out, submitted to the Congress on these projects.

My friend from New Mexico has done an excellent job, a masterful job in dealing with all of these pressures and cross-currents of interests that flow to this committee and are involved in the development of this legislation. And so I am proud of the work product that he has produced, and we support it. I am voting for it. We hope that by working together we can continue to identify ways to assure adequate funding levels for these projects that have been authorized for a long, long time.

Read the book "Rising Tide," which talks about the beginning of the effort to get the Federal Government's resources involved in the Mississippi River and tributaries project. It is on the best-seller list now and I invite everyone to read that book. There are projects which I have identified in this project definition that are still not completed, and that flood was in 1927. We continue to, incrementally, piecemeal, see these projects increasing in real costs because of the failure to address them in a more aggressive way.

That is the point of my statement. People are beginning to wonder—are these projects ever going to be finished? They have a right to raise the question. If they are not finished, the flooding that occurs every year is going to continue to be an annual disaster for the folks in this region.

Mr. DOMENICI. Mr. President, might I say to the distinguished senior Senator from Mississippi, during the day, in your absence when you were busy attending that very difficult hearing that you are part of, I commented on the fact that one of the growing difficulties in this bill is the water project section, because every year more projects that are good and that are necessary—and many that we haven't completed—are showing up and we are not getting an allocation of resources sufficient to do them. What we have been doing is putting little pieces of money in. That is what you just called—that means, for instance, this year there are two major flood projects that we cannot start, that have been years in the design, that are ready to go. We just don't have the money to do it.

I was predicting today that in 3 or 4 years, if we don't find more resources for the water projects—because many people don't think they are very important, and we don't get much support from the White House on them, frankly. They are trying to change the formula right in the middle of the stream on who pays for what. If we don't get more resources, the situation you predict will become reality. I am going to do my best, but there isn't enough money to complete the projects we have been committed to with the kind of allocation we get. I thank the Senator for his kind comments.

Mr. REID. Mr. President, if the chairman will yield. In response to the Senator from Mississippi and the Senator from New Mexico, these water projects are important because they save lives. Some of them are important—we tend to think that when they are written in the newspaper, they are projects that just look good at home and these are things people talk about as being pork. The fact of the matter is that we have projects in Nevada that have saved people's lives as a result of having them in the project. They have saved immense dollars in property that would have washed away. Even in an arid State like Nevada we have floods. They are not sustained floods like you have in other parts of the country, they are flash floods; but they can be very damaging to property and to people.

So I commend the Senator from Mississippi in focusing attention on these very important projects. The Senator from New Mexico and I have had to deal with these for the last 7 or 8 months. It is very difficult to decide which ones should get money and how much they should get. Every one of them—I should not say every one—the vast majority of them are extremely important, and it is too bad we can't fund them all because it would be good for the country.

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. Mr. President, I ask unanimous consent that Scott Burnison, a detailee in my office and in the Budget Committee, be granted floor privileges during the remainder of this bill and for the conference report on it.

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

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, it is the third time in 2 days that I have come to the floor of the Senate to address the flawed practice of earmarking funding for local projects in appropriations bills.

I recognize the hard work that the managers of the bill have put into expeditiously moving this measure through the Senate. I thank them for their tireless efforts and appreciate that their jobs have not been easy.

But I must repeat a criticism I have made many times during consideration

of appropriations bills and will continue to make as long as the practice of earmarking continues: This bill inappropriately and inequitably singles out projects for funding based on criteria other than national priority and necessity.

I recognize that the custom has long been to earmark all of the Army Corps of Engineers projects in the energy and water appropriations bills. I continue to find this practice, frankly, unnecessary if the projects are truly worthy of support and are of sufficient priority on a nationwide comparison. I hope we can work together to find a better system of ensuring full and fair consideration of all proposed projects.

I believe that the States and the Army Corps of Engineers should develop a priority list based on national need. The projects on the priority list would then be funded in a lump sum appropriation. By employing such a priority list, we could end the practice of earmarking projects for funding based on political clout and focus our limited resources, instead, on those areas with the greatest need nationwide.

It is clear, however, that for many projects, earmarking is the only way to ensure the money is spent. Earmarking is particularly useful in ensuring that funds are spent for lower priority, unrequested projects for which Members of this body have sought appropriations.

This year, the energy and water appropriations bills and report contain more than $300 million in earmarks for projects not included in the budget request.

I ask unanimous consent that a list of these unrequested earmarks be printed in the RECORD.

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

UNREQUESTED EARMARKS CONTAINED IN THE 1998 ENERGY AND WATER APPROPRIATIONS BILL AND COMMITTEE REPORT

Earmark	Bill or Report Cite
Norco Bluffs, California—$200,000	Bill, page 2.
Laulaulei, Hawaii—$200,000	Bill, page 2.
Barnegat Inlet to Little Egg Inlet, New Jersey—$400,000.	Bill, page 2.
Douglas Harbor, Alaska—$100,000	Report, page 10.
Kenai River, Alaska—$100,000	Report, page 10.
Matanuska River, Alaska—$100,000	Report, page 10.
Nome Harbor Improvements, Alaska—$40,000 over budget request (obr).	Report, page 10, 23.
Port Lions Harbor, Alaska—$100,000	Report, page 10.
Seward Harbor, Alaska—$75,000 obr	Report, page 10.
Ship Creek, Alaska—$100,000	Report, page 10.
Wrangell Harbor, Alaska—$130,000 obr	Report, page 10.
Valdez Harbor, Alaska—$100,000	Report, page 10, 23.
White River to Newport, Arkansas—$500,000	Report, page 11, 23.
Bolinas Lagoon Ecosystem Restoration, California—$510,000 obr.	Report, page 11, 23.
Hamilton Airfield Wetland Restoration, California—$100,000.	Report, page 11.
Sacramento and San Joaquin Rivers, Comprehensive Basin Study, California—$500,000.	Report, page 12, 23.
San Diego Harbor, California—$100,000 obr	Report, page 12.
Lido Key Beach, Florida—$100,000	Report, page 13.
Nassau County, Florida—$150,000 obr	Report, page 13, 24.
Savannah River Basin Comprehensive, Georgia and South Carolina—$300,000.	Report, page 14, 24.
Des Moines and Racoon Rivers, Iowa—$100,000	Report, page 14.
Licking River Watershed, Kentucky—$500,000	Report, page 15, 25.
Grand Isle and Vicinity, Louisiana—$800,000	Report, page 15, 25.
Kansas City, Missouri and Kansas—$300,000 obr	Report, page 16, 25.
Townsend Inlet to Cape May Inlet, New Mexico—$200,000.	Report, page 17.
Flushing Bay and Creek, New York—$100,000	Report, page 17.
Orchard Beach, Bronx, New York,—$300,000	Report, page 17.
Grand Forks/East Grand Forks, North Dakota and Minnesota—$2,000,000 obr.	Report, page 18, 25.
Grand Neosho River Basin, Oklahoma—$500,000	Report, page 18.
Tilamook Bay and Estuary, Oregon—$100,000	Report, page 18, 26.
Conemaugh River Basin, Pennsylvania—$90,000	Report, page 18.
Turtle Creek, Pennsylvania—$300,000	Report, page 18, 26.
Providence, Rhode Island (Fox Pt. Hurricane Barrier)—$350,000.	Report, page 19.
Pawley's Island, South Carolina—$100,000	Report, page 19.
Packery Channel, Corpus Christi Bay, Texas—$100,000.	Report, page 19, 26.
Rincon Canal, Corpus Christi Ship Channel, Texas—$100,000.	Report, page 20, 27.
Sumerset and Seasborg Dams, Deerfield River, Vermont—$100,000.	Report, page 20, 27.
Rapahannock River, Virginia (Embrey Dam Removal)—$100,000.	Report, page 20.
London Locks and Dam, West Virginia—$328,000	Report, page 21.
West Virginia Statewide Flood Protect Plan—$400,000.	Report, page 21.
Lock and Dam #24, Mississippi River, Illinois and Missouri—$1,000,000 obr.	Bill, page 3. Report, page 31.
Arkansas River, Tucker Creek, Arkansas—$300,000	Bill, page 3.
Red River Emergency Bank Protection, Arkansas—$3,500,000.	Bill, page 3.
Panama City Beaches, Florida—$5,000,000	Bill, page 3.
Levisa and Tug Forks and Upper Cumberland River, West Virginia—$47,740,000 obr.	Bill, pages 4–6. Report, pages 37, 44.
Lake Ponchartrain, Storm Water Discharge, Louisiana—$3,000,000.	Bill, page 4.
Natchez Bluff, Mississippi—$4,000,000	Bill, page 4.
Jackson County, Mississippi (Water Supply)—$3,000,000.	Bill, page 4.
Pearl River, Mississippi (Walkiah Bluff)—$2,000,000.	Bill, page 4.
Wallisville Lake, Texas—$10,000,000	Bill, page 5.
Virginia Beach, Virginia (Hurricane Protection)—$15,000,000.	Bill, page 5.
Virginia Beach, Virginia (Reimbursement)—$925,000.	Bill, page 5.
Cook Inlet, Alaska—$3,945,000	Report, page 29.
Chignik Harbor, Alaska—$4,500,000	Report, page 29.
Dillingham, Alaska (Shoreline Erosion)—$1,200,000	Report, page 29, 39.
St. Paul Harbor, Alaska—$6,638,000	Report, page 29.
Los Angeles County Drainage Area, California—$9,000,000 obr.	Report, page 9.
Los Angeles Harbor, California—$10,000,000 obr	Report, page 29, 39.
Lower Sacramento Area, Levee Reconstruction, California—$2,000,000 obr.	Report, page 29.
Marysville/Yuba City, Levee Reconstruction, California—$2,000,000 obr.	Report, page 30, 39.
Merced County Streams, California—$5,785,000 obr.	Report, page 30.
Mid-Valley Area, Levee Reconstruction, California—$2,500,000 obr.	Report, page 30, 39.
Canaveral Harbor, Florida—$1,000,000 obr	Report, page 30, 40.
Fort Pierce Beach, Florida—$2,300,000	Report, page 30, 40.
O'Hare Reservoir, Illinois—$2,100,000	Report, page 31, 40.
Wabash River, New Harmony, Indiana—$500,000	Report, page 31.
Lake Ponchartrain and Vicinity, Louisiana (Hurricane Protection)—$10,000,000 obr.	Report, page 32.
Red River Waterway, Mississippi River to Shreveport, Louisiana—$7,000,000 obr.	Report, page 32, 41.
Chesapeake Bay, Environmental Restoration and Project, Maryland, Virginia—$1,000,000.	Report, page 33.
Cumberland, Maryland—$375,000	Report, page 33.
Boston Harbor, Massachusetts—$2,000,000	Report, page 33.
St. Croix River, Stillwater, Minnesota—$1,000,000	Report, page 33.
Marshall, Minnesota—$1,000,000 obr	Report, page 33.
North Fork, Flathead River, Montana—$50,000	Report, page 33.
Ramapo River at Oakland, New Jersey—$2,723,000 obr.	Report, page 34.
Acequias Irrigation System, New Mexico—$400,000 obr.	Report, page 34, 42.
Las Cruces, New Mexico—$2,700,000 obr	Report, page 34.
Long Beach Island, New York—$2,000,000	Report, page 34.
Buford Trenton Irrigation District, North Dakota—$3,000,000.	Report, page 35, 42.
Grays Landing Lock and Dam, Monongahela River, Pennsylvania—$2,650,000 obr.	Report, page 35.
Locks and Dams, 2, 3 and 4, Monongahela River, Pennsylvania—$10,000,000 obr.	Report, page 35.
Sims Bayou, Houston, Texas—$3,410,000 obr	Report, page 36.
Little Dell Lake, Utah—$1,000,000	Report, page 36.
Lower Mud River, Milton, West Virginia—$100,000	Report, page 37.
Lafarge Lake, Kickapoo River, Wisconsin—$713,000	Report, page 37.
Morganza, Louisiana to the Gulf of Mexico—$2,000,000 obr.	Report, page 47.
Southeast Arkansas, Arkansas—$500,000	Report, page 47, 50.
Mississippi River Levees, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—$1,000,000 obr.	Report, page 47.
Atchafalaya Basin, Louisiana—$3,000,000 obr	Report, page 47.
Backwater Less Rocky Bayou, Mississippi—$500,000 obr.	Report, page 47.
Demonstration Erosion Control, Mississippi (Yazoo Basin)—$5,000,000 obr.	Report, page 47, 50.
Upper Yazoo Projects, Mississippi—$2,000,000 obr	Report, page 48.
Channel Improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri and Tennessee—$5,000,000 obr.	Report, page 48.
Atchafalaya Basin, Louisiana (Maintenance)—$2,000,000 obr.	Report, page 48.
Beverly Shores, Indiana—$1,700,000	Bill, page 8.
Black Warrior and Tombigee Rivers, Alabama—$2,000,000 obr.	Report, page 51.
Mobile Harbor, Alabama—$3,000,000 obr	Report, page 51.
Perdido Pass Channel, Alabama—$300,000	Report, page 51.
Tennessee—Tombigee Waterway, Alabama and Mississippi—$2,655,000 obr.	Report, page 51.
Chena River Lakes, Alaska—$800,000 obr	Report, page 51, 68.
Dequeen Lake, Arkansas—$1,329,000 obr	Report, page 52.
Oakland Harbor, California—$1,204,000 obr	Report, page 52.
Charlotte Harbor, Florida—$2,750,000	Report, page 53.
Apalachicola Chattahoochee and Flint Rivers, Georgia and Alabama—$2,300,000 obr.	Report, page 54.
Savannah Harbor, Georgia—$5,000,000 obr	Report, page 54.
Kaskakia River Navigation, Illinois—$490,000 obr	Report, page 54, 68.
Calcasieu River and Pass, Louisiana—$200,000 obr.	Report, page 56, 68.
Cohasset Harbor, Massachusetts—$1,500,000	Report, page 57.
Cedar River Harbor, Michigan—$2,377,000	Report, page 57, 68.
Clarence Cannon Dam and Mark Twain Lake, Missouri—$850,000 obr.	Report, page 58, 68.
Clearwater Lake, Missouri—$350,000 obr	Report, page 58, 68.
Missouri National Recreational River, Nebraska—$100,000.	Report, page 59.
Cheesequake Creek, New Jersey—$1,500,000	Report, page 59, 68.
Tuckerton Creek, New Jersey—$650,000	Report, page 59, 68.
Upper Rio Grande Water Operations Model, New Mexico—$1,000,000.	Report, page 59, 68.
South Dakota and Nebraska BTID—$750,000	Report, page 60.
Garrison Dam, Lake Sakakawea, North Dakota—$50,000 obr.	Report, page 60, 69.
Missouri River Between Ft. Peck, Montana and Gavins Ft. Dam—$750,000.	Report, page 61, 69.
Chetco River, Oregon—$216,000 obr	Report, page 62.
Rogue River, Oregon—$607,000 obr	Report, page 62, 69.
Charleston Harbor, South Carolina—$900,000 obr	Report, page 63, 69.
Cooper River, Charleston Harbor, South Carolina—$190,000 obr.	Report, page 63.
Georgetown Harbor, South Carolina—$500,000 obr	Report, page 63.
Town Creek, South Carolina—$360,000	Report, page 63.
James River, Jamestown and Pipestem Reserv., South Dakota—$100,000.	Report, page 64.
Oahe Dam-Lake Oahe, South Dakota and North Dakota—$300,000 obr.	Report, page 64, 69.
Connecticut River Basin, Vermont (Master Plan)—$200,000.	Report, page 65, 69.
Rudee Inlet, Virginia—$535,000	Report, page 65.
Willapa River and Harbor, Washington—$3,000,000 obr.	Report, page 66, 69.
Bluestone Lake, West Virginia—$575,000 obr	Report, page 66, 70.
Middle Rio Grande Project, New Mexico (Pena Blanca)—$500,000 obr.	Bill, page 14. Report, page 81.
West Salt River Valley Water Management Study, Arizona—$400,000 obr.	Report, page 74, 81.
Central Valley Project, American River Division and Miscellaneous Projects, California—$5,000,000 obr.	Report, page 74.
Port Hueneme Brackish Water Reclamation Demo, California—$2,000,000.	Report, page 75.
Equus Beds Groundwater Recharge, Kansas—$500,000.	Report, page 76.
Ft. Peck Reservation MR&I Water System, Montana—$240,000.	Report, page 76.
Ft. Peck Rural County Water System, Montana—$300,000.	Report, page 76.
Newlands Project, Nevada—$500,000 obr	Report, page 76, 81.
Las Vegas Shallow Aquifer Desalinization Demo, Nevada—$3,750,000.	Report, page 76.
Walker River Basin, Nevada—$300,000	Report, page 77.
Albuquerque Wastewater Recycling, New Mexico—$5,000,000.	Report, page 77.
Upper Rio Grande Conveyance Canal/Pipeline, New Mexico—$400,000.	Report, page 77, 81.
San Juan Gallup-Navajo Pipeline, New Mexico—$450,000.	Report, page 77, 81.
Santa Fe Water Reclamation/Reuse, New Mexico—$500,000.	Report, page 77, 81.
Garrison Diversion Unit, North Dakota—$7,500,000 obr.	Report, page 77, 82.
Mid Dakota Rural Water Project, South Dakota—$3,000,000 obr.	Report, page 78.
Mini Wiconi Project, South Dakota—$7,000,000 obr	Report, page 78.

Mr. MCCAIN. Mr. President, we have no way of knowing whether all or part of this $300 million should have been spent on different projects with greater national need and higher national priority. Earmarking funds for special interest projects is the most obvious form of pork barrel spending, and it is a waste of taxpayer dollars at a time when our national debt exceeds $5.3 trillion. I believe that we should stop earmarking projects just because they serve the interests of Members of Congress.

I am also concerned that certain projects in the bill are funded "at full Federal expense," while others are not.

No explanation is given. So I can only be left to wonder why.

For example, at page 6 of the bill, the Secretary of the Army is directed to "design and implement at full Federal expense" a project for the Tug Fork and Levisa basins in West Virginia and Kentucky. I might add that this funding "at full Federal expense" is for a project that receives a total of $55.7 million in earmarked appropriations, which is $47.7 million over the budget request.

What makes this project worthy of such a large add-on of $47.7 million? Why should this project be funded solely by the Federal Government, or rather all the Federal taxpayers, while other projects require cost-sharing by the States and local governments and communities that stand to benefit from their construction? None of these answers are apparent to this Senator.

Finally, Mr. President, I am again, as I am on an annual basis, very disappointed to see that the Appalachian Regional Commission will be funded again this year. This commission was established as a temporary commission in 1965—1965, 32 years ago. This program singles out one region for special economic development grants when the rest of the Nation has to rely on their share of community development block grants and loans.

Certainly the Appalachian Regional has no monopoly on poor, depressed communities in need of assistance. I know that in my own State, despite the high standard of living enjoyed in many areas, some communities are extremely poor and have long been without running water or sanitation. We need to reconsider the utility of the Appalachian Regional Commission in light of pressing needs in other areas of the country.

Mr. President, our current system of earmarking to fund unrequested, lower priority, and unnecessary projects is fundamentally flawed. I hope that someday we will develop a better system, one which allows the projects with the greatest national need to be funded first.

Mr. President, I noted recently a poll, as I have seen many of them, on the approval rate of Congress, which is about 40 percent. That is one of the highest numbers that I have seen recently.

Mr. President, there are a lot of reasons the Congress of the United States is held in low esteem, and it would take a long time to go through them. I did notice in that same poll that the approval rating of the President of the United States is 64 percent. I would argue, Mr. President, that one of the reasons we are held in low esteem by the American people—because they believe that we do not wisely and efficiently and on a basis of need and priority spend their tax dollars. And every time we pass an appropriations bill that has this kind of unnecessary and wasteful spending in it, which is no one's priority that I know of, nor go through any scrutiny or any process that would give them that priority, the esteem with which the American people hold us continues to be less. And I know that this practice has been going on for many years, and unfortunately and tragically paying on for many years in the future.

But I will continue to come to the floor, and where it is the most outrageous and egregious I will propose amendments to strike. Otherwise, I will point out those areas where I think that the spending practices of the appropriations process is not in the best interests of the entire Nation as a whole.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say with the greatest respect to my friend, who I consider one of the fine Members of this body, that we have worked very hard to make sure that there aren't some nameless, faceless bureaucrats making all of the decisions for this $21 billion of discretionary spending in this bill. The separation of powers gives us not only that right but that obligation. We have an obligation to maintain the power of the purse strings. That is what the legislative branch of Government was devised to do when the Framers of this Constitution established the Constitution.

Projects that are in this bill serve people, communities, and States. I say that I think it is really unfair to this body, to the taxpayers of this country, and to the people of the State of Arizona to say that those things that we have earmarked here are wasteful, pork-barrel projects.

For example, we have investigations going on with the Corps of Engineers in the State of Arizona that deal with significant projects. We have colonias along the United States-Mexican border, Arizona, and Texas. There we are spending $100,000. Corps of Engineers: Gila River, North Scottsdale, AZ, $400,000; Gila River, Santa Cruz River Basin, AZ, $400,000; Rio De Flag, Flagstaff, AZ, $325,000; Rio Salado Watershed Ecosystem, AZ, $550,000; Tres Rios, AZ, $400,000; Tucson Drainage Area, AZ, $825,000.

We have for operations and maintenance, Corps of Engineers: Alamo Lake, AZ, $1.55 million for inspection of completed works, Arizona, $107,000; Painted Rock Dam, AZ, $2.293 million; scheduling reservoir operations, Arizona, $22,000; Whitlow Ranch Dam, AZ, $199,000.

Mr. President, I think it is important that we made those decisions rather than some bureaucrat who the people of Arizona will never see, who would remain in an office back here someplace in Washington next to some computer rather than a human being. We made that decision along with many hundreds of thousands of hours of work by our staff.

I will not go into a lot more detail other than to say that appropriations for the Bureau of Reclamation is done very similarly. We have made decisions in this bill that were important to the people of the State of Arizona.

Yuma Area project is provided $1.67 million in this bill; West Salt River Valley, water management study, $475,000; Verde River Basin management study, Bureau of Reclamation, $475,000.

I could go on for several more minutes reading off the things that this committee did in relation to the State of Arizona which were important decisions that we made. I think it is important that we make them. Again, I repeat, better that we make these decisions than some nameless, faceless bureaucrat who wouldn't even know where the State of Arizona is. The States of New Mexico and Nevada border on the State of Arizona. We feel an obligation to distribute this money in a way that we feel is fair.

So I have great respect for my friend from the State of Arizona, but on this issue I think he is wrong.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I don't seek to engage in argument with the distinguished Senator from Arizona. But I will say for the RECORD that I don't believe this bill and what is in it in any way contributes to what the people's image of Congress is. I think it is a very good bill. I think there is less earmarking than usual. And in fact most of it, if you look at it carefully, is probably something this body would approve of overwhelmingly.

Having said that, I compliment the Senator on his diligence, Senator MCCAIN, and for his continued hard work in this area. All of us are learning and being pushed by him to do a better job each time we appropriate the money that the taxpayers send up here for us to use.

Mr. President, we very soon will have a tender of seven amendments en bloc. That will wind up the amendments for this bill, and the only thing remaining then will be the final vote tomorrow as per the unanimous consent request which will follow after the first vote that occurs on the foreign operations bill. We will have a couple of minutes then, Senator REID and I, to make a few comments about those who have helped us and worked hardest with reference to this bill. Rather than to do that tonight, we will do that for a few minutes each tomorrow just prior to the vote.

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

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

EXTERNAL REGULATION

Mr. MURKOWSKI. Mr. President, I would like to engage in a colloquy with the Senator from New Mexico regarding a section of the report accompanying the energy and water appropriations bill entitled "External Regulation." This section addresses DOE's ongoing evaluation of the question of whether DOE's nuclear facilities should be subject to regulation by the Nuclear Regulatory Commission. I would like to clarify that this section of the report is intended to allow DOE to gather quantitative and qualitative information on external regulation to serve as guidance to the authorizing committees as they address this issue in the future.

Mr. DOMENICI. I agree with the Senator from Alaska's reading of the language.

Mr. MURKOWSKI. I would like to further clarify that this language is not intended to endorse or accelerate the pace of external regulation, which should be the subject of hearings and legislative action on the part of the authorizing committees, and that the Senator will work with me to ensure that the statement of managers reflects this understanding.

Mr. DOMENICI. I agree with the Senator and agree to work with him on this as we move forward.

BUDGET IMPACT OF S. 1004

Mr. DOMENICI. Mr. President, S. 1004, the Energy and Water Development Appropriations Act, 1998, is within its allocation of budget authority and outlays.

The reported bill provides $20.8 billion in budget authority and $13.5 billion in new outlays to fund the civil programs of the Army Corps of Engineers, the Bureau of Reclamation, certain independent agencies, and most of the activities of the Department of Energy. When outlays from prior year budget authority and other actions are taken into account, this bill provides a total of $20.9 billion in outlays.

For defense discretionary programs, the Senate-reported bill meets its allocation in budget authority and is $2 million below in outlays. The bill also is below its nondefense discretionary allocation by $46 million in budget authority and $1 million in outlays.

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

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

S. 1004, ENERGY AND WATER APPROPRIATIONS, 1998—SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	11,803	8,993			20,796
Outlays	11,995	8,885			20,880
Senate 602(b) allocation:					
Budget authority	11,803	9,039			20,842
Outlays	11,997	8,886			20,883
President's request:					
Budget authority	13,615	9,018			22,633
Outlays	11,813	8,856			20,669
House-passed bill:					
Budget authority					
Outlays					
Senate-Reported Bill Compared to—					
Senate 602(b) allocation:					
Budget authority		(46)			(46)
Outlays	(2)	(1)			(3)
President's request:					
Budget authority	(1,812)	(25)			(1,837)
Outlays	182	29			211
House-passed bill:					
Budget authority	11,803	8,993			20,796
Outlays	11,995	8,885			20,880

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

Mr. DOMENICI: Mr. President, I want to thank the distinguished chairman of the Committee, Senator STEVENS, in working to provide a sufficient budget allocation to this subcommittee to support the national defense activities, the basic science research activities, and the national infrastructure programs funded in this bill.

AMENDMENTS NUMBERED 869 THROUGH 875 EN BLOC

Mr. DOMENICI. Mr. President, I am going to send to the desk seven amendments and ask that they be considered en bloc and adopted en bloc.

I will state the amendments for the RECORD publicly, and then send the amendments to the desk.

Senator TORRICELLI and Senator LAUTENBERG regarding Green Brook; Senator KEMPTHORNE regarding fish friendly turbines; Senator BUMPERS regarding Ten and Fifteen Mile Bayou; Senators DASCHLE and JOHNSON regarding the Crow Creek rural water system; Senator LEVIN regarding the Great Lakes Basin; Senator MOSELEY-BRAUN regarding the McCook Reservoir; Senators DORGAN and CONRAD regarding Devils Lake.

I send the amendments en bloc to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes amendments numbered 869 through 875 en bloc.

The amendments are as follows:

AMENDMENT NO. 869

(Purpose: To permanently prohibit the use of funds to carry out any plan for the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey)

On page 12, between lines 12 and 13, insert the following:

SEC. . GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.

No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119).

AMENDMENT NO. 870

(Purpose: To provide monies for the continuation of the cost-shared, fish-friendly turbine program)

On page 18, line 22, insert the following before the period: ": *Provided*, That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program".

AMENDMENT NO. 871

On page 9, line 12, insert the following before the period: ": *Provided further*, That, using funds appropriated in this act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basis, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950".

AMENDMENT NO. 872

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation".

AMENDMENT NO. 873

(Purpose: To prohibit the use of funds made available under this Act by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin)

On page 12, between lines 12 and 13, insert the following:

SEC. 1 . GREAT LAKES BASIN.

No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

AMENDMENT NO. 874

On page 7, line 2, insert the following before the period: ": *Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District".

AMENDMENT NO. 875

(Purpose: To appropriate emergency funding for initiation of construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River)

On page 7, line 2, before the period, insert the following: ": *Provided further*, The Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils

Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909'): *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 869 through 875) en bloc were agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendments en bloc were agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I come back to the floor because, although I left the floor, I made the mistake of doing so.

The Senator from Nevada read a list of projects for which money is being appropriated for the State of Arizona. What the Senator from Nevada failed to note was that funding is exactly—and I look at it on page 11 of the bill—exactly that requested by the administration having gone through a merit-based system which then had the administration request funding on projects that had already been authorized.

That is a far different—a far, far different procedure, Mr. President, than that of the long list of earmarks that I submitted for the RECORD which have nothing to do with anything except or—let me put it this way in the most charitable fashion, Mr. President—that has no methodology nor any merit-based system that I know of that will call for the funding of these projects.

I also point out just for the RECORD that Arizona, with the agreement of the rest of the delegation, gave up $4 million that the administration was going to spend on the Central Arizona project, gave up an additional $4 million. So perhaps the Senator from Nevada did not understand what my point is. My point is that we certainly fund projects that are requested, that make a case for them, for which there is a merit-based system—not by computers but by judging them with other projects. I do not think the Senator from Nevada understood my point. I have no complaint about projects which the administration requests and they are funded. My complaint is about earmarking for projects including the Appalachian Regional Commission and other projects which I submitted a list of. They are two different things.

If the Senator from Nevada would agree that we will go through the same system that we went through in order to arrive at the funding for those projects he pointed out, there would be no Member as happy as this one—none in this body.

So I hope the Senator from Nevada would commit to the same process we went through that achieved that funding for these projects he read off for the State of Arizona.

Mr. President, I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I am sorry the Senator from Arizona had to come back. Certainly as indicated on the RECORD, I only had positive things to say about the Senator from Arizona.

I do say—and he and I have a disagreement on how bills like this should come to be—I believe that we as a legislative branch of Government have an obligation to make independent decisions separate and apart from the administration. I do not feel I have any obligation to follow what the bureaucrats say we should appropriate.

The Senator from Arizona and I came to the Congress together. I have the greatest admiration for him, not only for what he has done in his professional life as a Member of Congress but, of course, what he did before he came here.

So it has nothing to do with how I feel about the Senator from Arizona. It has to do with the basic difference in what I feel is an obligation a Member of Congress has. It is a legitimate difference. It has nothing to do on a personal basis, and I will continue to work as hard as I can with the Senator on campaign finance reform and also to fund projects for the State of Arizona as a member of this subcommittee, as long as I am ranking member, in a fair and impartial way, getting direction from the bureaucrats but not following necessarily what they have to say.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. May I say I appreciate the words of the Senator from Nebraska—Nevada. I appreciate any from Nebraska, too. But I appreciate the words of the Senator from Nevada. He and I have been friends now since 1982 when we came to the House together. We have worked together on a variety of issues, including native American and many others. Our difference, as he states, is a philosophical one. I don't believe there is an orderly process that judges these projects on merit, and that is just a difference that we have had for many, many years.

I admire his adherence to what he believes is best not only for Nevada but for the country. I respect that, and I know that my words in criticism of this procedure have nothing to do with the enormous respect and affection that I have for him and the chairman of the subcommittee and the chairman of the Budget Committee, Senator DOMENICI.

I yield the floor.

Mr. DOMENICI. I thank the Senator very much.

MORNING BUSINESS

Mr. DOMENICI. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

CHRISTOPHER MEILI

Mr. D'AMATO. Mr. President, I thank the chairman and my good friend, Senator DOMENICI, and Senator REID for giving me this opportunity to address what I consider to be the acts of a courageous individual and the fact that the House today acted in a bipartisan manner, unanimously passing S. 768, a bill to give to Christopher Meili the opportunity to live in this country, and to say once again that America understands the courage exhibited by Christopher Meili in his extraordinary

action in reporting and making public the destruction of documents in Switzerland at great peril to himself and to his family. He was ostracized for this act. He was threatened with death. His family, his two children, can no longer live in their own country. Once again, America has opened its heart and its doors.

The House, in an extraordinary act, has given him the opportunity to live here, to work here, to raise his family. Christopher Meili is a noble man whose actions ennobled all of us, and he has suffered greatly for his courage in exposing the truth. Now he simply desires to live in freedom here in America with his family, and now he can.

I spoke to Christopher earlier today and told him that the House of Representatives had completed action and that it had passed the legislation, and now it awaits the President's signature. I am certain that the President will continue the process of making possible Christopher's staying here in this country and giving to him the freedom that he yearns for himself and his family.

Mr. President, I commend those of my colleagues who, by way of their action in passing this legislation, have given Christopher an opportunity to live here in this country, and we once again demonstrate that we understand the extraordinary sacrifices that this young man made in the cause of freedom.

Mr. President, I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATION BILL FOR FISCAL YEAR 1998

Mr. McCAIN. Mr. President, during the debate on S. 1005, the defense appropriations bill this morning, I expressed several concerns about section 8097 of that bill. While I appreciate Senator INOUYE amending section 8097 to prohibit the use of Federal funds for the construction of the new cruise ships that would result from this pilot project. I still have serious concerns about the provision that would grant a 25-year monopoly in the Hawaii cruise ship market for the only cruise ship operator in Hawaii.

This legislative restriction on commerce is unprecedented and must not be granted. The existing U.S.-flag cruise ship operator in Hawaii is already protected from foreign competition by U.S. coastwise trade laws. That company has operated without statutory protection from domestic competition for more than a decade. There is no compelling reason to provide such protection now. I'm sure that many businesses would like to reduce their cost of capital to replace their infrastructure by convincing their lenders that their company is protected from any competition in its market. However, the Congress has not provided such protection in the past and we should not do so now.

I would also note that the provision provides a special waiver to the coastwise trade laws, which is somewhat extraordinary and should be examined for its fairness and appropriateness. While I am not a member of the Appropriations Committee I intend to vigorously pursue the modification of section 8097 to eliminate this egregious provision during the conference on S. 1005.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on July 15, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 768. An act for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committees on Appropriations, without amendment:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes (Rept. No. 105–47).

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. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans Affairs.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans Affairs.

By Mr. BENNETT:

S. 1019. An original bill making appropriations for the legislative branch for the fiscal year ending September 30, 1998, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. HATCH, and Mr. DODD):

S. Con. Res. 39. Concurrent resolution expressing the sense of the Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up a fund to help cover the medical expenses of Holocaust survivors; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 1017. A bill to amend title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1017, a proposed bill to establish a presumption of total disability for certain individuals for purposes of nonservice-connected disability pension. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 16, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

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

S. 1017

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

That that portion of subsection (a) of section 1502 of title 38, United States Code, preceding paragraph (1) is amended to read as follows:

"(a) For purposes of this chapter, a person shall be considered to be permanently and totally disabled if such person is 65 years of age or older and is a patient in a nursing home or, regardless of age, is unemployable as a result of a disability reasonably certain to continue throughout the life of the disabled person, or is suffering from—".

THE SECRETARY OF VETERANS AFFAIRS,
Washington, June 16, 1997.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill to amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability for certain individuals for purposes of the nonservice-connected disability pension program. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

The draft bill would amend section 1502(a) of title 38, United States Code, to establish a presumption of total disability in the case of a person who is age 65 or older and who is a patient in a nursing home, for purposes of establishing basic eligibility under the Department of Veterans Affairs' (VA) nonservice-connected disability pension program.

For many years, former section 502(a) (redesignated as section 1502(a)) of title 38, United States Code, provided that a person was presumed to be permanently and totally disabled at age 65 for the purpose of establishing basic pension eligibility. However, in 1990 Congress amended this provision via the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508, §8002) to eliminate the presumption of total disability at age 65 for claims filed after October 31, 1990. Consequently, it is now necessary that a rating decision be rendered on the issue of permanent and total disability before pension can be paid to any person, regardless of age or circumstances.

Under current law, an incongruous situation arises in the case of a pension claimant who is a patient in a nursing home. Pursuant to 38 U.S.C. §1502(b), such a person would be considered to be in need of regular aid and attendance (a level of disability which assumes the existence of permanent and total disability) and, therefore, entitled to pension at a higher rate. Nonetheless, the person could not establish eligibility for any pension until a determination is made through a rating activity that the person is permanently and totally disabled. Consequently, under current law, if an 85-year old veteran in a nursing home were to file an original pension claim, it would still be necessary to prepare a rating decision on the issue of permanent and total disability to establish the veterans' basic pension eligibility under section 1502(a), although the veteran would, once determined to be eligible, be considered under section 1502(b) to be eligible for a higher payment of pension based on the need for regular aid and attendance.

Enactment of the proposed amendment to section 1502(a) would be advantageous to VA and to claimants for pension and other benefits administered by VA. Processing times for original and reopened pension claims would be reduced because development of medical evidence of a nursing home patient's level of disability would no longer be necessary. This improvement in efficiency would have a salutary effect on the processing of other types of claims because rating specialists and development personnel would have more time to devote to other activities, including adjudication of service-connected disability compensation claims.

The proposed amendment would not threaten the integrity of the pension program. An individual age 65 years or older who is a patient in a nursing home would almost certainly qualify as being permanently and totally disabled under 38 U.S.C. §1502(a) as it is currently worded. The likelihood that such an individual would eventually leave the nursing home is slim. However, procedures are already in place for reevaluating aid and attendance entitlement when a notice of discharge from a nursing home is received in the case of a veteran whose aid and attendance benefit is based on nursing-home-patient status. These procedures will be adapted to require a rating decision upon a person's discharge from a nursing home if the basic eligibility determination was premised on the person's status as a patient in a nursing home.

Enactment of this proposal would merely speed the processing of claims of persons who would otherwise qualify for pension.

This draft bill would affect direct spending; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal is zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to Congress.

Sincerely yours,

JESSE BROWN.

By Mr. SPECTER (by request):

S. 1018. A bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' LEGISLATION

Mr. SPECTER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I have today introduced, at the request of the Secretary of Veterans Affairs, S. 1018, a proposed bill to amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes. The Secretary of Veterans Affairs submitted this legislation to the President of the Senate by letter dated June 18, 1997.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Committee on Veterans' Affairs. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, together with the transmittal letter which accompanied it.

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

S. 1018

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

SECTION 1. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. AMENDMENTS TO DEFINITIONS.

Section 1801 is amended to read as follows:

"For the purposes of this chapter—

"(1) The term 'child', with respect to a Vietnam veteran, means a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975.

"(2) The term 'Vietnam veteran' means an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the character of such individual's service.".

SEC. 3. APPLICATION OF CERTAIN ADMINISTRATIVE PROVISIONS TO CHAPTER 18.

Section 1806 is amended to read as follows:

"The provisions of sections 5101(c), 5110 (a), (b)(2), (g), and (i), 5111, and 5112 (a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall be deemed to apply to benefits under this chapter in the same manner in which they apply to veterans' disability compensation.".

SEC. 4. AMENDMENTS TO VOCATIONAL REHABILITATION PROVISIONS.

(a) Section 1804(c)(1)(B) is amended by striking out "institution of higher education" and inserting in lieu thereof "institution of higher learning".

(b) Section 1804(d) is amended by adding after paragraph (2) the following new paragraph:

"(3) A vocational training program under this section may begin on the child's eighteenth birthday, or on the successful completion of the child's secondary schooling, whichever first occurs, except that, if the child is above the age of compulsory school attendance under applicable State law, and the Secretary determines that the child's best interests will be served thereby, the vocational training program may begin before the child's eighteenth birthday."

SEC. 5. CONFORMING CHANGES TO EFFECTIVE DATE PROVISIONS.

(a) Section 421(d) of Public Law 104-204, 110 Stat. 2926, is amended by striking out "January 1, 1997" and inserting in lieu thereof "October 1, 1997".

(b) Section 422(b)(1) of Public Law 104-204, 110 Stat. 2927, is amended by striking out "October 1, 1996" and inserting in lieu thereof "October 1, 1997".

(c) Section 422(c) of Public Law 104-204, 110 Stat. 2927, is repealed.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall be effective on October 1, 1997.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, June 18, 1997.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am pleased to transmit the enclosed draft bill to amend title 38, United States Code, to "amend provisions of law governing benefits for certain children of Vietnam veterans who are born with spina bifida, and for other purposes." I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

Section 2 of the draft bill would amend new section 1801 of title 38, United States Code (as added by section 421(b)(1) of Pub. L. No. 104-204, effective October 1, 1997). Section 1801 sets forth definitions of certain terms for purposes of new chapter 18 of that title, which authorizes benefits for children of Vietnam veterans who are born with spina bifida. The definitions of "child" and "Vietnam veteran" would be amended by section 2 of the draft bill.

Pursuant to section 1801(1) as added by Pub. L. No. 104-204, the term "child" is defined for purposes of new chapter 18 to mean "a natural child of the Vietnam veteran . . . who was conceived after the date on which the veteran first entered the Republic of Vietnam *during the Vietnam era.*" (Emphasis added.) At the time of enactment of that statute, the term "Vietnam era" was defined in 38 U.S.C. §101(29) as the period beginning August 5, 1964, and ending on May 7, 1975. Subsequently, however, section 505(a) of Pub. L. No. 104-275 (effective January 1, 1997) amended the definition of that term to mean either the period beginning on February 28, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period, or the period beginning on August 5, 1964, and ending on May 7, 1975, in all other cases. In addition, section 505(b) ob Pub. L. No. 104-275 amended 38 U.S.C. §1116(a) by striking out references to the "Vietnam era" and substituting references to "the period beginning on January 9, 1962, and ending on May 7, 1975," for the purposes of a statutory presumption of service connection for certain disabilities based on exposure to herbicide agents in the case of a veteran who served in the Republic of Vietnam during that period. January 9, 1962, is the earliest date herbicide agents were known to have been used in the Republic of Vietnam in connection with the armed conflict.

Since the purpose of new chapter 18 is to address disabilities resulting from the birth defect spina bifida which may be associated with a parent's exposure to herbicide agents while serving in the Republic of Vietnam, we believe it would be appropriate for references to the applicable time period in section 1801 to be consistent with the time period now set forth in 38 U.S.C. §1116(a). Accordingly, the term "child" with respect to a Vietnam veteran would be defined to mean a natural child of a Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the Vietnam veteran first entered the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975. A similar conforming change would be made to the definition of "Vietnam veteran" in section 1801(2), which currently uses the term "Vietnam era".

Section 1801(2) of title 38, United States Code, as added by Pub. L. No. 104-204, defines the term "Vietnam veteran" as a "veteran" who performed active service in the Republic of Vietnam during the Vietnam era. We believe use of the term "veteran" in the definition of the term "Vietnam veteran" may precipitate, in a small number of cases, an unnecessary eligibility determination, relating not to the child, but to the parent, in that 38 U.S.C. §101(2) defines the term "veteran," mean "a person who served in the active military, naval, or air service, *and who was discharged or released therefrom under conditions other than dishonorable.*" (Emphasis added.) As a result of the character-of-discharge component in the definition of "veteran," there may be some instances in which a parent may fail to attain veteran status based on character of discharge, thus precluding his or her child's eligibility for benefits under chapter 18. Authorization of benefits and services for children of Vietnam veterans who suffer from spina bifida, pursuant to Pub. L. No. 104-204, represents the first instance in which the Department of Veterans Affairs (VA) will be authorized to provide benefits to a child of a veteran based on a direct injury to the child rather than the parent. We do not believe that a child's eligibility for benefits and services under chapter 18 for a physical injury suffered by the child should be premised on a parent's eligibility for veteran's benefits. Therefore, we propose to clarify the definition of the term "Vietnam veteran" to indicate that the relevant factor for consideration is the physical presence of the child's parent in the Republic of Vietnam on military service during a period of time when use of herbicide agents was documented, not the character of that parent's military service. Accordingly, the term "Vietnam veteran" would be defined to mean an individual who performed active military, naval, or air service in the Republic of Vietnam during the period beginning on January 9, 1962, and ending on May 7, 1975, without regard to the character of such individual's service.

Section 3 of the draft bill would amend 38 U.S.C. §1806 to provide for the applicability to the provision of benefits under chapter 18 of certain existing administrative provisions which are applicable to the service-connected disability compensation program. Section 1806, as amended by this section, would make applicable, for purposes of the administration of benefits under chapter 18, references to the following sections of title 38, United States Code: 5101(c) (regarding the furnishing of Social Security numbers); 5110(a) (regarding the general effective-date rule for an original benefit award); 5510(b)(2) (regarding the effective date of an award of increased benefits); 5110(g) regarding effective dates of awards based on Acts or administrative issues); 5110(i) (regarding allowance of a reopened claim based on the correction of military records); 5111 (regarding the commencement of the period of payment of benefits); and 5112(a), 5112(b)(1), 5112(b)(6), 5112(b)(9), and 5112(b)(10) (regarding the effective date of a reduction or discontinuance of benefits on certain bases). We believe the applicability of these sections to new chapter 18 is necessary to assure equitable and consistent administration of benefits under that chapter in a manner similar to the administration of the compensation program.

Section 4 of the draft bill would make no changes concerning vocational training and rehabilitation benefits for children of Vietnam veterans who are born with spina bifida. First, subsection (a) of this section would amend 38 U.S.C. §1804(c)(1)(B) by replacing the term "institution of higher education" with the term "institution of higher learning". The latter is a term of art defined in 38 U.S.C. §3452(f), as meaning, generally, a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by state law to grant an associate or higher degree or otherwise is accredited for degree programs by a recognized accrediting agency. The term, which also includes a hospital offering educational programs at the postsecondary level, has a long history of usage by VA in its administration of the various GI Bill and other educational assistance programs for eligible veterans and dependents, as well as the chapter 31 vocational rehabilitation program for certain service disabled veterans with employment handicaps. By contract, the term "institution of higher education" is not found in title 38 and has no accepted meaning with regard to administration of veterans' benefits under that title. In view of this, and since we know of no substantive basis for use of different terminology for purposes of section 1804, we believe this proposed change will promote ease of understanding and administration of section 1804.

Subsection (b) of section 4 would amend section 1804(d) to add a new provision to specify that an eligible child may enter a vocational training program under that section as of the child's eighteenth birthday or on completion of secondary schooling, whichever first occurs. The Secretary could grant an exception that would permit entry into the program before age 18 when in the best interest of a child above the age of compulsory school attendance. This change addresses an omission in the statute by putting a reasonable floor on the age when a child can be evaluated for the feasibility of achieving a vocational goal and can commence training toward that objective. Vocational training normally is initiated upon completion of secondary or high school education, and this change recognizes that fact. It also would encourage a child's completion of secondary education where feasible, while allowing for exceptions where completion is not feasible. In this regard, it may be noted that this proposal is patterned after a provision applicable to commencement of educational assistance for an eligible child under chapter 35 of title 38, the Survivors' and Dependents' Educational Assistance program. Fixing the beginning of eligibility for commencement of a program in this manner is similarly appropriate for children afforded assistance under section 1804.

Section 5 is intended to eliminate apparent inconsistencies between the respective January 1, 1997, and October 1, 1996, effective dates set forth in sections 421(d) and 422(b)(1) of Pub. L. No. 104-204 and an overriding October 1, 1997, effective date provision in section 422(c) of that law. Enactment of this section would not result in a substantive change in the operative October 1, 1997, effective date, but will eliminate the potential for confusion regarding the various effective dates and insure that each of the subject amendments will become effective simultaneously.

Pursuant to section 422(c) of Pub. L. No. 104-204, notwithstanding sections 421(d) or 422(b)(1) of that law, the effective date for the amendments made by section 421(b) (which adds new chapter 18) and section 422(a) (which amends 38 U.S.C. §1151), is October 1, 1997. Section 421(d) otherwise would have established a January 1, 1997, effective date for new chapter 18, and section 422(b)(1) would have established October 1, 1996, as the effective date for the amendments to section 1151. Section 5(a) would amend section 421(d) of Pub. L. No. 104-204 by striking out "January 1, 1997" and substituting "October 1,

1997" in its place. In addition, section 5(b) would amend section 422(b)(1) of that public law to specify an effective date of October 1, 1997, for the amendments made by section 422(a) to 38 U.S.C. §1151, in place of October 1, 1996. Finally, section 5(c) would repeal section 422(c) of Pub. L. No. 104-204, as that section would no longer be needed.

In addition to simplifying the effective date provisions applicable to sections 421 and 422 of Pub. L. No. 104-204, this change would avoid an anomaly in the application of the amendment to 38 U.S.C. §1151 made by section 422(a). In part to assure that any benefit costs associated with new chapter 18 would be fully offset by cost savings, section 422(a) amended section 1151 to provide, in general, that compensation and dependency and indemnity compensation on the basis of disability or death as a result of VA medical treatment would be payable only where disability or death was due to fault on the part of VA or an event not reasonably foreseeable. Although section 422(c) currently provides that section 422 shall not take effect until October 1, 1997, section 422(b)(2) states that the amended section 1151 shall govern determinations of eligibility "made with respect to claims filed on or after the effective date set forth in paragraph (1)" of section 422(b), i.e., October 1, 1996. This suggests that, although the amendments to section 1151 made by section 422 do not take effect until October 1, 1997, when they do, any claims filed between October 1, 1996, and October 1, 1997, but not yet decided by October 1, 1997, would be subject to the more narrow provisions of amended section 1151. The criteria applicable to eligibility determinations should not be dependent on how long it takes VA to adjudicate a particular section-1151 claim. The amendments proposed in section 5 of the draft bill would avoid this result by clarifying that the changes to section 1151 apply only with respect to claims filed on or after October 1, 1997, as we believe was intended.

Section 6 of the draft bill would provide that the effective date for the amendments made by the draft bill shall be October 1, 1997. This provision is necessary to assure that the amendments proposed in this draft bill will have the same effective date as the amendments to title 38, United States Code, applicable to children of Vietnam veterans who are born with spina bifida enacted as part of Pub. L. No. 104-204.

This proposal would affect direct spending; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. The Office of Management and Budget (OMB) estimates that the pay-as-you-go effect of this proposal would be zero.

OMB advises that there is no objection from the standpoint of the Administration's program to the submission of this proposal to the Congress.

Sincerely yours,

JESSE BROWN.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, and Mr. CHAFEE):

S. 1020. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 and the Art and Artifacts Indemnity Act to improve and extend the acts, and for other purposes; to the Committee on Labor and Human Resources.

THE ARTS AND HUMANITIES AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, I rise today to introduce the Arts and Humanities Amendments of 1997 along with my colleague from Massachusetts, Senator KENNEDY and my colleague from Rhode Island, Senator CHAFEE. This legislation provides an authorization for the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH]—agencies which I believe contribute a great deal to the wealth and richness of our Nation.

The bill that we are introducing today is based closely on the bill that was passed out of the Senate Labor and Human Resources Committee last Congress by a solid bipartisan vote of 12 to 4. The legislation reflected ideas and consideration from Senators on both sides of the aisle. The result of that collaboration was a strong bill, which makes substantial and needed changes to the agencies while allowing the agencies to continue what they do best—provide support for the arts and humanities in communities throughout this Nation.

We began the reauthorization process this Congress in May with a hearing which focused on education programs in the arts and humanities. It was clear to me from that hearing that arts education programs and education programs in the humanities make a real difference in the lives of individuals of all ages and from all corners of the country.

As a result of what I learned at the hearing, the bill that I am introducing today directs the NEA to use any funds appropriated above the fiscal year 1997 level for arts education programs, especially those innovative programs that integrate the arts in the teaching of other core academic subjects. The arts are important to ensuring the future academic success of our Nation's students. In fact, according to college board figures, students of the arts outperform their nonarts peers on the SAT. In 1995, those who had studied the arts for 4 or more years scored 59 points higher in the verbal and 44 points higher in the math portions of the SAT compared with students with no course work or experience in the arts.

I have only to look in my backyard to understand the importance and value of the NEA and NEH. The benefits of NEA and NEH funding in Vermont are significant and far reaching. Thanks in part to a $30,000 grant from the NEA, folks in 26 Vermont communities will be able to hear the magnificent music of the Vermont Symphony Orchestra. The Vermont Symphony will perform for 12,000 school children as part of a school partnership program, opening their worlds to the magic and wonder of music, many for the first time. Our Vermont Arts Council, through the funds it receives from NEA will support a wide range of arts programs benefiting all Vermonters. The NEH makes a significant and positive difference in the State of Vermont, too. The Vermont Council on the Humanities is a national leader in creating literacy programs which reach individuals of all reading levels and all ages as a result of the funding provided by the NEH. The University of Vermont received a grant from the NEH to catalogue and preserve our State's local newspapers. This grant is part of a national initiative spearheaded by the NEH to ensure that the local papers which chronicle the history of our State and the Nation are available to future generations.

This bill makes substantial improvement to the way these agencies do business. In addition, the legislation makes it clear that these agencies are meant to serve the American public, especially those who would not otherwise have the arts and humanities available to them.

This bill proposes significant changes to current law. The changes are far reaching and go the fundamental operations of both the NEA and NEH. It is our hope that these changes will provide guidance and set priorities for funding for projects in an effort to increase access to programs and projects which are of the highest caliber.

The legislation imposes a new structure on the NEA and NEH, and increases the percentage of funds made available to State councils. It places greater emphasis on ensuring Endowment programs reach underserved communities.

The bill calls for a merging of many of the administrative functions of the Endowments with the intent of eliminating costly and unnecessary duplication. Administrative funds are capped on a sliding scale. In an effort to further streamline the agencies and cut bureaucracy, the number of members on the National Councils have been decreased. A provision has been included which empowers the NEA and NEH to recapture funds from grants that have gone on to commercial and financial success. Both Endowments are explicitly prohibited from using funds for purposes of lobbying or general membership services.

Some changes apply only to the NEA. The legislation prohibits the NEA from making nonspecific seasonal support grants. It eliminates subgranting—only States, regional groups, and local arts agencies which are agencies of local government would have the authority to subgrant under this legislation. it restricts grants to individuals to the categories of literature, National Heritage, and Jazz Master fellowships. Non-Federal matching requirements are increased in the National Significance grant category to 3:1 and in some cases, 5:1. We have increased turnover in the panel system and increased lay person participation to ensure greater community involvement and input. In addition, panels are prohibited from

recommending specific amounts of grants and will be required to recommend more grants than funding available. The Council, too, will have to recommend approval for more applications than there are funds available. These provision give the chair greater decisionmaking responsibility and make the chair more accountable for grants the agency makes.

Lastly, but in my opinion one of the most important changes to this bill is the expansion of the Arts and Artifact Indemnity Act. This change will enable extraordinary domestic exhibitions to be eligible for Federal indemnification and afford more Americans access to the great artistic treasures of this Nation.

Many of my colleagues in the House do not feel that there is a Federal role for the arts, but I do not agree with that position. The role of the States in distributing NEA funds is very important, and for that reasons, this legislation does increase the percentage of funds available to State arts and agencies and State humanities organizations. Still, in my view, there is an important national role that must be preserved. The New York-based Chamber Music America received an NEA grant of $145,000 for a residency program which benefited rural communities in Arkansas, California, Pennsylvania, Texas, Kentucky, Maine, and Oregon. The NEA made a grant to the YMCA in Chicago, IL, for its National Readings Tour of the National Writer's Voice project which established literary arts centers in YMCA's in New Mexico, South Dakota, New Jersey, California, North Carolina, New Hampshire, and Florida. Both these grants benefited people far beyond the boundary of the State that received the grant. They are just two examples of extraordinary arts programs that would not longer be available to people in my State or any other State if all NEA funds were block granted.

In setting clear priorities for the NEA and NEH, and striking a balance between leadership at the State level and leadership at the national level, I am confident that both agencies will be even better able to serve their constituency—all the people of this country. I ask unanimous consent that a copy of the legislation be included as part of the RECORD.

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

S. 1020

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 "Arts and Humanities Amendments of 1997".

TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 101. NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

The National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 951 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'National Foundation on the Arts and the Humanities Act of 1965'.

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

"Sec. 1. Short title; table of contents.
"Sec. 2. Purposes.
"Sec. 3. Definitions.
"TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES
"Sec. 101. Establishment of the National Foundation on the Arts and the Humanities.
"Sec. 102. General limitations on grants.
"Sec. 103. Joint administration.
"Sec. 104. Study on a true endowment.
"Sec. 105. Donations, bequests, and devises.
"Sec. 106. Authorization of appropriations.
"TITLE II—NATIONAL ENDOWMENT FOR THE ARTS
"Sec. 201. Definitions.
"Sec. 202. Establishment of the National Endowment for the Arts.
"Sec. 203. Application procedures.
"Sec. 204. Advisory panels.
"Sec. 205. National Council on the Arts.
"Sec. 206. Limitations on grants.
"Sec. 207. Administrative provisions.
"Sec. 208. Reports.
"Sec. 209. Sanctions and payments.
"Sec. 210. National Medal of Arts Awards.
"TITLE III—NATIONAL ENDOWMENT FOR THE HUMANITIES
"Sec. 301. Definitions.
"Sec. 302. Establishment of the National Endowment for the Humanities.
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"Sec. 306. Limitations on grants.
"Sec. 307. Administrative provisions.
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"Sec. 309. Sanctions and payments.
"Sec. 310. Awards.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1)(A) to ensure that the arts and the humanities belong to all the people of the United States; and

"(B) to support the arts and the humanities, which are essential to social, cultural, and economic progress;

"(2) to encourage and support national progress and scholarship in the arts and the humanities, because such encouragement and support, while primarily matters for private and local initiative, are also appropriate matters of concern for the Federal Government;

"(3) to ensure that the United States, as an advanced civilization, does not limit its efforts to science and technology alone but gives full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future;

"(4) to further the advancement of the arts and the humanities and the access of all citizens of the United States to the arts and the humanities, in partnership with local, State, regional, and private agencies, organizations, and individuals;

"(5) in furthering the advancement and access described in paragraph (4), to be sensitive to the nature of public support and the need to use public funding in a manner that recognizes the responsibility of the Federal Government to the public good;

"(6) to ensure that public funds provided by the Federal Government ultimately serve the public purposes the Congress defines and are subject to the conditions that traditionally govern the use of public money;

"(7) to ensure that—

"(A) Federal support of the arts and the humanities reflects the high place accorded by the people of the United States to the Nation's rich cultural heritage; and

"(B) public funding of the arts and the humanities contributes to public support for and confidence in the use of taxpayer funds;

"(8)(A) to support the practice of art and the study of the humanities, which require constant dedication and devotion; and

"(B) while recognizing that no government can create a great artist or scholar, to help create and sustain not only a climate encouraging freedom of thought, imagination, and inquiry, but also the material conditions facilitating the release of creative talent; and

"(9)(A) to ensure that United States students receive in school, background and preparation in the arts and the humanities to enable the students to recognize and appreciate the aesthetic dimensions of their lives, the cultural heritage of the United States, and the full potential of artistic and scholarly expression; and

"(B) to increase access to the arts and the humanities for all persons in the United States by—

"(i) encouraging and developing quality education in the arts and the humanities at all levels, in conjunction with programs of lifelong learning in the arts and the humanities for all age groups and with formal systems of elementary, secondary, and postsecondary education; and

"(ii) encouraging and facilitating the work of scholars, artists, arts institutions, and Federal, State, regional, and local agencies in the area of education in the arts and the humanities.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ARTS.—The term 'arts' includes—

"(A) dance, design, literature, media arts, music, theater, and visual arts;

"(B) folk and traditional arts practiced by the diverse peoples of the United States; and

"(C) the presentation, performance, execution, exhibition, preservation, and study of the arts described in subparagraph (A) or (B), including the study of the arts through apprenticeships, internships, and other career oriented work-study experiences for artists and art teachers, and residencies for artists at all educational levels.

"(2) CULTURAL HERITAGE.—The term 'cultural heritage' means the living legacy of creations, skills, and knowledge handed down from prior generations—

"(A) that embraces the traditional arts and ideas that are developed informally and that reflect the heritage, tradition, and history of American communities over the centuries; and

"(B) that continues to evolve as new groups contribute to the American experience.

"(3) GRANT.—The term 'grant' includes a loan, a contract, and a cooperative agreement.

"(4) GROUP.—The term 'group' includes any State or local arts agency, regional group, and any nonprofit organization or institution in the United States, whether or not incorporated.

"(5) HUMANITIES.—The term 'humanities' includes—

"(A) the study and interpretation of—

"(i) language, both modern and classical, linguistics, literature, history, jurisprudence, philosophy, archaeology, comparative religion, and ethics;

"(ii) the history, criticism, and theory of the arts;

"(iii) folklore and folklife; and

"(iv) the aspects of the social sciences that have humanistic content and employ humanistic methods; and

"(B) the study and application of the humanities described in subparagraph (A) to the human environment with particular attention to—

"(i) reflecting the heritage, traditions, and history of the United States; and

"(ii) the relevance of the humanities described in subparagraph (A) to the conditions of national life.

"(6) PROGRAM INCOME.—

"(A) IN GENERAL.—The term 'program income' means any money that is earned or received, by a recipient of a grant made under title II or III, from an activity supported by the funds made available through the grant or from a product resulting from or related to an activity carried out under the grant.

"(B) TYPES OF INCOME.—The term includes—

"(i) income from a fee for service performed, or from the sale of an item created, under the grant;

"(ii) income from a licensing fee on a product related to an activity carried out under the grant;

"(iii) a usage or rental fee for equipment or property acquired under the grant;

"(iv) an admission fee for an activity carried out under the grant;

"(v) income from a broadcast or distribution right for such an activity; and

"(vi) a royalty on a patent or copyright for such an activity.

"(7) REGIONAL GROUP.—The term 'regional group' means any multistate group, whether or not representative of contiguous States.

"(8) STATE.—The term 'State' includes, in addition to the several States of the United States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

"(9) UNDERSERVED COMMUNITIES.—The term 'underserved communities' means those communities that have historically been outside the purview of arts and humanities programs.

"TITLE I—NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"SEC. 101. ESTABLISHMENT OF THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.

"(a) ESTABLISHMENT.—There is established a National Foundation on the Arts and the Humanities (referred to in this Act as the 'Foundation'), which shall be composed of a National Endowment for the Arts, a National Endowment for the Humanities (each of which may be referred to in this title as an 'Endowment'), and an Institute of Museum and Library Services.

"(b) PURPOSE.—The purpose of the Foundation shall be to develop and promote a national policy of support for the arts and the humanities in the United States.

"(c) LIMITATION.—In the administration of this Act no department, agency, officer, or employee of the United States shall exercise any direction, supervision, or control over the policy determination, personnel, curriculum, administration, or operation, of any school or other non-Federal agency, institution, organization, or association.

"SEC. 102. GENERAL LIMITATIONS ON GRANTS.

"None of the grants awarded under this Act shall be used for the purposes of lobbying or for providing general membership services for groups.

"SEC. 103. JOINT ADMINISTRATION.

"(a) INSPECTOR GENERAL.—There shall be in the Foundation a single Office of the Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities. The Office shall be headed by 1 Inspector General appointed in accordance with the Inspector General Act of 1978 (5 U.S.C. App.). The Inspector General shall carry out the duties prescribed in such Act, including conducting appropriate reviews to ensure that recipients of grants under titles II and III comply with the applicable regulations and procedures established under this Act, including regulations relating to accounting and financial matters.

"(b) REPORTING.—The Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities shall report—

"(1) to the Chairperson of the National Endowment for the Arts with respect to matters relating to the National Endowment for the Arts; and

"(2) to the Chairperson of the National Endowment for the Humanities with respect to matters relating to the National Endowment for the Humanities.

"(c) OTHER FUNCTIONS.—The Chairperson of the National Endowment for the Arts and Chairperson of the National Endowment for the Humanities shall ensure nonduplication of administrative functions, such as provision of facilities and space, records management, contracting, procurement, printing, and provision of mail and library services. The Chairpersons shall enter into an interagency agreement to jointly carry out the functions with the minimum necessary expense.

"(d) REPORT.—Not later than 60 days after the date of enactment of the Arts and Humanities Amendments of 1997, the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall jointly prepare and submit to the appropriate committees of Congress a report containing a plan that describes the manner in which the Chairpersons will jointly carry out the functions described in subsection (c). Not later than 180 days after such date of enactment, the Chairpersons shall implement the plan.

"SEC. 104. STUDY ON A TRUE ENDOWMENT.

"(a) IN GENERAL.—The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities, in consultation with persons with expertise in the arts, humanities, business, charitable giving, and copyright industries, and other appropriate Federal agencies, shall jointly conduct, or contract for, a study on the feasibility of establishing a true endowment for the National Endowment for the Arts and the National Endowment for the Humanities in order to provide supplemental funding to support the efforts of the National Endowment for the Arts and the National Endowment for the Humanities, respectively.

"(b) SCOPE OF STUDY.—The study described in subsection (a) shall examine innovative methods through which a true endowment may be funded, including such methods as private fundraising, an extension of a copyright term, recapture of funds from past grants of the National Endowment for the Arts and the National Endowment for the Humanities that have proven profitable, or any other innovative methods the Chairpersons determine appropriate.

"(c) REPORT.—Not later than 1 year after the date on which funding is made available under this Act to conduct the study described in subsection (a), the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall jointly prepare and submit to the appropriate committees of Congress a report containing recommendations on the innovative methods through which the true endowment may be funded to support efforts described in subsection (a).

"SEC. 105. DONATIONS, BEQUESTS, AND DEVISES.

"(a) DONATIONS, BEQUESTS, AND DEVISES TO THE FOUNDATION WITHOUT DESIGNATION.—

"(1) IN GENERAL.—In any case in which any money or other property is donated, bequeathed, or devised to the Foundation without designation of the Endowment for the benefit of which the money or property is intended, each Chairperson of an Endowment shall have authority to receive such money or property.

"(2) UNRESTRICTED DONATIONS, BEQUESTS, AND DEVISES.—Except as provided in paragraph (3), unless the Chairpersons of the Endowments agree otherwise, the money or property described in paragraph (1) shall be deemed to have been donated, bequeathed, or devised in equal shares to each Endowment.

"(3) RESTRICTED DONATIONS, BEQUESTS, AND DEVISES.—In any case in which any money or property is donated, bequeathed, or devised to the Foundation with a condition or restriction, such money or property shall be deemed to have been donated, bequeathed, or devised to the Endowment whose function it is to carry out the purposes of the condition or restriction.

"(b) DONATIONS, BEQUESTS, AND DEVISES TO THE ENDOWMENTS.—

"(1) CHAIRPERSON OF THE NATIONAL ENDOWMENTS FOR THE ARTS.—

"(A) IN GENERAL.—The Chairperson of the National Endowment for the Arts (referred to in this paragraph as the 'Chairperson'), in carrying the functions of the Chairperson, shall have authority—

"(i) to solicit, accept, receive, invest, and use money and other property donated, bequeathed, or devised to the Endowment, either absolutely or in trust, with or without a condition or restriction, including a condition that the Chairperson use other funds of the Endowment for the purposes of the donation, bequest, or devise; and

"(ii) to sell or otherwise dispose of such property,

to carry out the activities of the Endowment under title II.

"(B) PROCEEDS.—

"(i) RECEIPT OF PROCEEDS.—Any proceeds from a donation, bequest, or devise under subparagraph (A) shall be paid by the donor or the representative of the donor to the Chairperson. Any proceeds from any sale or disposition of property under subparagraph (A) shall be retained by the Chairperson.

"(ii) INVESTMENT OF PROCEEDS.—The Chairperson shall invest the proceeds described in

clause (i) that are not required to carry out subsection (c) and section 210. Such investments shall be made only in interest-bearing accounts to the credit of the National Endowment for the Arts, of which only 50 percent of the accumulated interest may be used for the purposes of carrying out the activities of the Endowment under title II.

"(C) Notwithstanding subparagraphs (A) and (B)(ii), any money and other property donated, bequeathed, or devised under subparagraph (A)(i) with a condition or restriction shall be used, expended, or invested subject to such condition or restriction.

"(2) CHAIRPERSON OF THE NATIONAL ENDOWMENTS FOR THE HUMANITIES.—

"(A) IN GENERAL.—The Chairperson of the National Endowment for the Humanities (referred to in this paragraph as the 'Chairperson'), in carrying the functions of the Chairperson, shall have authority—

"(i) to solicit, accept, receive, invest, and use money and other property donated, bequeathed, or devised to the Endowment, either absolutely or in trust, with or without a condition or restriction, including a condition that the Chairperson use other funds of the Endowment for the purposes of the donation, bequest, or devise; and

"(ii) to sell or otherwise dispose of such property,

for purposes of carrying out the activities of the Endowment under title III.

"(B) PROCEEDS.—

"(i) RECEIPT OF PROCEEDS.—Any proceeds from a donation, bequest, or devise under subparagraph (A) shall be paid by the donor or the representative of the donor to the Chairperson. Any proceeds from any sale or disposition of property under subparagraph (A) shall be retained by the Chairperson.

"(ii) INVESTMENT OF PROCEEDS.—The Chairperson shall invest the proceeds described in clause (i) that are not required to carry out subsection (c) and section 310(a). Such investments shall be made only in interest-bearing accounts to the credit of the National Endowment for the Humanities, of which only 50 percent of the accumulated interest may be used for the purposes of carrying out the activities of the Endowment under title III.

"(C) Notwithstanding subparagraphs (A) and (B)(ii), any money and other property donated, bequeathed, or devised under subparagraph (A)(i) with a condition or restriction shall be used, expended, or invested subject to such condition or restriction.

"(c) USE OF DONATIONS, BEQUESTS, AND DEVISES FOR CERTAIN ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities shall each use from the amounts received under subsection (b)—

"(A) not more than $100,000 for fiscal year 1998 for official reception and representation expenses; and

"(B) not more than $50,000 for each subsequent fiscal year for such expenses.

"(2) EXCEPTION.—The requirement of paragraph (1) shall not apply to expenses associated with the award established under section 310(a).

"(d) TAX LAWS.—For the purposes of the income tax, gift tax, and estate tax laws of the United States, any money or other property donated, bequeathed, or devised to the Foundation or one of the Endowments and received by the Chairperson of an Endowment pursuant to this section shall be deemed to have been donated, bequeathed, or devised to or for the use of the United States.

"SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

"(a) NATIONAL ENDOWMENT FOR THE ARTS.—

"(1) IN GENERAL.—

"(A) TOTAL AUTHORIZATION.—There are authorized to be appropriated to carry out the activities of the National Endowment for the Arts under this Act $175,000,000 for fiscal year 1998, and such sums as are necessary for the fiscal years 1999 through 2002.

"(B) RESERVATION FOR ADMINISTRATION.—Of the amount appropriated for a fiscal year under subparagraph (A), there shall be reserved amounts sufficient to carry out subsection (c)(1).

"(C) SPECIAL RESERVATION FOR ARTS EDUCATION AND UNDERSERVED COMMUNITIES GRANTS.—In a fiscal year in which the aggregate amount appropriated under subparagraph (A) exceeds $99,494,000, the amount that exceeds such aggregate amount shall be reserved for making grants under section 202(f) to carry out activities described in subsection (f)(2)(B) of such section.

"(D) RESERVATION FOR PARTNERSHIP GRANTS.—40 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(c).

"(E) RESERVATION FOR NATIONAL SIGNIFICANCE GRANTS.—40 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(d).

"(F) RESERVATION FOR DIRECT GRANTS.—10 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(e).

"(G) RESERVATION FOR ARTS EDUCATION AND UNDERSERVED COMMUNITIES GRANTS.—10 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraphs (B) and (C) shall be reserved for making grants under section 202(f).

"(2) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for obligation until expended.

"(b) NATIONAL ENDOWMENT FOR THE HUMANITIES.—

"(1) IN GENERAL.—

"(A) TOTAL AUTHORIZATION.—There are authorized to be appropriated to carry out the activities of the National Endowment for the Humanities under this Act $175,000,000 for fiscal year 1998, and such sums as are necessary for fiscal years 1999 through 2002.

"(B) RESERVATION FOR ADMINISTRATION.—There shall be reserved amounts sufficient to carry out subsection (c)(2).

"(C) RESERVATION FOR PARTNERSHIP GRANTS.—30 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(c). Of the amount reserved under this subparagraph, 5 percent of such amount shall be made available for activities relating to elementary and secondary education in the humanities.

"(D) RESERVATION FOR NATIONAL GRANTS.—35 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(d).

"(E) RESERVATION FOR RESEARCH AND SCHOLARSHIP GRANTS.—35 percent of the amount appropriated for a fiscal year under subparagraph (A) and remaining after amounts are reserved under subparagraph (B) shall be reserved for making grants under section 302(e).

"(2) SUMS REMAINING AVAILABLE.—Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for obligation until expended.

"(c) ADMINISTRATION.—

"(1) NATIONAL ENDOWMENT FOR THE ARTS.—

"(A) PERCENTAGE BASED ON FUNDING UNDER $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (a)(1)(A) is less than $150,000,000, not more than 17 percent of the amount appropriated for a fiscal year under subsection (a)(1)(A) may be made available for the costs of administering title II, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(B) PERCENTAGE BASED ON FUNDING OVER $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (a)(1)(A) is $150,000,000 or greater, not more than 12 percent of the amount appropriated for a fiscal year under subsection (a)(1)(A) may be made available for the costs of administering title II, or any other program for which the Chairperson of the National Endowment for the Arts is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(2) NATIONAL ENDOWMENT FOR THE HUMANITIES.—

"(A) PERCENTAGE BASED ON FUNDING UNDER $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (b)(1)(A) is less than $150,000,000, not more than 17 percent of the amount appropriated for a fiscal year under subsection (b)(1)(A) may be made available for the costs of administering title III, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"(B) PERCENTAGE BASED ON FUNDING OVER $150,000,000.—In a case in which the amount appropriated for a fiscal year under subsection (b)(1)(A) is $150,000,000 or greater, not more than 12 percent of such amount may be made available for the costs of administering title III, or any other program for which the Chairperson of the National Endowment for the Humanities is responsible, of which not more than $100,000 shall be made available for the President's Committee on the Arts and the Humanities, none of which may be used to reimburse members of the Committee for travel and related expenses.

"TITLE II—NATIONAL ENDOWMENT FOR THE ARTS

"SEC. 201. DEFINITIONS.

"In this title:

"(1) DEVELOPING ARTS ORGANIZATION.—The term 'developing arts organization' means a local arts organization of high artistic promise that—

"(A) serves as an important source of local arts programming in a community; and

"(B) has the potential to broaden public access to the arts in rural and urban underserved communities.

"(2) FINAL JUDGMENT.—The term 'final judgment' means a judgment that is either—

"(A) not reviewed by any other court that has authority to review such judgment; or

"(B) is not reviewable by any other court.

"(3) LOCAL ARTS AGENCY.—The term 'local arts agency' means a community organization, or an agency of local government, that primarily provides financial support, services, or other programs for artists and arts organizations, for the benefit of the community as a whole.

"(4) OBSCENE; DETERMINED TO BE OBSCENE.—

"(A) OBSCENE.—The term 'obscene' means, with respect to a project, production, or workshop, that—

"(i) the average person, applying contemporary community standards, would find that such project, production, or workshop, when taken as a whole, appeals to the prurient interest;

"(ii) such project, production, or workshop depicts or describes sexual conduct in a patently offensive way; and

"(iii) such project, production, or workshop, when taken as a whole, lacks serious literary, artistic, political or scientific value.

"(B) DETERMINED TO BE OBSCENE.—The term 'determined to be obscene' means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

"(5) PRODUCTION.—The term 'production' means any activity involving the execution or rendition of the arts and meeting such standards as may be approved by the Chairperson of the Endowment.

"(6) PROJECT.—

"(A) IN GENERAL.—The term 'project' means a program organized to carry out the objectives of this Act, including a program to foster United States artistic creativity, to commission a work of art, or to develop and enhance the widest public access, knowledge, and understanding of the arts, and includes, where appropriate, rental or purchase of a facility, rental or purchase of land, and acquisition of equipment.

"(B) RENOVATION OR CONSTRUCTION.—Such term also includes—

"(i) the renovation of a facility if—

"(I) the amount of the expenditure of Federal funds for such purpose in the case of any facility does not exceed $250,000; and

"(II) two-thirds of the members of the National Council on the Arts (who are present and voting) recommend a grant involving an expenditure for such purpose; and

"(ii) with respect to a grant under section 202(d), the construction of a facility, if—

"(I) such construction is for demonstration purposes or under unusual circumstances in which there is no other manner by which to accomplish an artistic purpose; and

"(II) two-thirds of the members of the National Council on the Arts (who are present and voting) recommend a grant involving an expenditure for such purpose.

"(7) WORKSHOP.—The term 'workshop' means a program the primary purpose of which is to encourage the artistic development or enjoyment of amateur, student, or other participants.

"SEC. 202. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS.

"(a) ESTABLISHMENT.—There is established within the Foundation a National Endowment for the Arts (referred to in this title as the 'Endowment').

"(b) CHAIRPERSON.—

"(1) APPOINTMENT.—The Endowment shall be headed by a chairperson, to be known as the Chairperson of the Endowment (referred to in this title as the 'Chairperson'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—

"(A) IN GENERAL.—The term of office of the Chairperson shall be 4 years, except that any Chairperson appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the Chairperson was appointed. Notwithstanding any other provision of this subparagraph, on the expiration of the term of office of the Chairperson, the Chairperson shall serve until the successor to the Chairperson is appointed and has qualified.

"(B) REAPPOINTMENT.—The Chairperson shall be eligible for reappointment.

"(c) PARTNERSHIP GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to States and regional groups to support arts activities, with preference to arts education and projects that reach rural and urban underserved communities.

"(2) GRANTS TO STATES.—

"(A) AUTHORITY.—Using the funds reserved under section 106(a)(1)(D), the Chairperson, acting on the recommendation of the National Council on the Arts, shall establish and carry out a program of basic State grants to assist States—

"(i)(I) in supporting projects, productions, or workshops that meet the standard of artistic excellence and artistic merit and that fulfill the purposes of this Act; and

"(II) in developing projects, productions, or workshops that will furnish programs, facilities, and services in the arts to people and communities in each of the States; and

"(ii) in carrying out activities that—

"(I) stimulate artistic activity and awareness, and broaden public access to the arts, in rural and urban underserved communities;

"(II) enhance the artistic capabilities of developing arts organizations through artistic, programmatic, and staff development; or

"(III) provide technical assistance to developing arts organizations to improve managerial and organizational skills, financial systems management, and long-range fiscal planning.

"(B) APPLICATION.—In order to receive a grant under this paragraph for any fiscal year, a State shall submit an application described in section 203 for such grant at such time and in such manner as shall be specified by the Chairperson and accompany such application with a State plan that the Chairperson finds—

"(i) designates or provides for the establishment of a State agency (referred to in this section as the 'State agency') as the sole agency for the administration of the State plan;

"(ii) provides that funds paid to the State under this paragraph will be expended solely on projects, productions, or workshops described in subparagraph (A) and approved by the State agency;

"(iii) provides that the State agency will make such reports, in such manner and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the objectives of the State plan;

"(iv) provides—

"(I) an assurance that the State agency has held, after reasonable notice, public meetings in the State to allow the public, interested groups, and groups of artists to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and the response of the State agency to such recommendations; and

"(v) contains—

"(I) for the most recent preceding year for which information is available, a description of the level of participation by artists, artists' organizations, and arts groups in projects, productions, or workshops supported by funding from the State agency under this paragraph, and a description of the extent to which projects, productions, or workshops supported by funding from the State agency under this paragraph were available to all people and communities in the State, especially underserved communities; and

"(II) a description of projects, productions, or workshops supported by funding from the State agency under this paragraph that exist or are being developed to address the availability of the arts to all people or communities described in subclause (I) or to secure wider participation of artists and arts organizations described in subclause (I).

"(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying State plan satisfies the requirements specified in subparagraph (B).

"(D) ALLOTMENTS.—

"(i) IN GENERAL.—Of the sums available to carry out this paragraph for any fiscal year, each State that has an application approved by the Chairperson shall be allotted at least $200,000.

"(ii) INSUFFICIENT FUNDS.—If the sums available to carry out this paragraph for any fiscal year are insufficient to make the allotments under clause (i) in full, such sums shall be allotted so that each such State receives an equal amount.

"(iii) EXCESS FUNDS.—In any case in which the sums available to carry out this paragraph for any fiscal year are in excess of the amount required to make the allotments under clause (i)—

"(I) the amount of such excess that is not greater than 25 percent of the sums available to carry out this paragraph for such fiscal year shall be available to the Chairperson for making grants under this paragraph to States and, in accordance with subparagraph (H), regional groups; and

"(II) the amount of such excess for such fiscal year, if any, that remains after reserving in full for the Chairperson the amount required under subclause (I) shall be allotted so that each State that has an application approved by the Chair receives an equal amount;

but in no event shall any State be allotted less than $200,000 under this paragraph.

"(E) FEDERAL SHARE.—

"(i) IN GENERAL.—Funding provided through a grant made under this paragraph to a State for any fiscal year shall be available to each State that has an application approved by the Chairperson, and has the

State plan accompanying the application in effect on the first day of such fiscal year, to pay not more than 50 percent of the total cost of carrying out any activity described in subparagraph (A).

"(ii) EXCESS PORTION.—Except as provided in clause (iii), the portion of the funding provided through any grant made under subparagraph (D)(i) to a State for any fiscal year that exceeds $125,000 shall be available, at the discretion of the Chairperson, to pay not more than 100 percent of such cost of carrying out an activity under this paragraph if such activity would be unavailable to the residents of the State without such portion.

"(iii) PERCENTAGE OF GRANT FUNDS.—The portion of the funding described in clause (ii) for any fiscal year that is available to pay not more than 100 percent of such cost, as described in clause (ii), shall not exceed 20 percent of the total funding provided through such grant for such fiscal year.

"(F) PROHIBITION ON SUPPLANTING NON-FEDERAL FUNDS.—Funds made available under this paragraph shall be used to supplement, and shall not supplant, non-Federal funds expended for supporting activities described in subparagraph (A).

"(G) UNOBLIGATED FUNDS.—Any amount allotted to a State under subparagraph (D)(i) for any fiscal year that is not obligated by the State earlier than 60 days prior to the end of the fiscal year for which the amount is appropriated shall be available for making grants to regional groups.

"(H) SPECIAL RULE.—The provisions of this paragraph (other than subparagraph (D)) shall apply to regional groups receiving grants under this paragraph in such manner, and to such extent, as the Chairperson shall by regulation prescribe.

"(I) DEFINITION.—In subparagraph (D)(iii)(II) and notwithstanding section 3(8), the term 'State' includes, in addition to the several States of the United States, only the jurisdictions specified in such section that have a population of 200,000 or more, according to the latest decennial census.

"(d) NATIONAL SIGNIFICANCE GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to groups of demonstrated and substantial artistic and cultural importance, for projects, productions, and workshops that will increase the access of all the people of the United States, especially underserved communities, to the best of the arts and culture of the United States.

"(2) IN GENERAL.—Using funds reserved under section 106(a)(1)(E), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to groups who meet the standard of artistic excellence and artistic merit and who are engaged in or concerned with the arts, for the purpose of paying for the Federal share of the cost of—

"(A) enabling the groups to provide or support projects, productions, or workshops described in paragraph (3) that will have a national, regional, or otherwise substantial artistic or cultural impact;

"(B) providing administrative and management improvements for the groups, particularly in the field of long-range financial planning, including increasing levels of community support and the range of contributors to the programs of such groups; or

"(C) enabling the groups to provide or support projects, productions, or workshops that will serve as models for arts education.

"(3) PROJECTS, PRODUCTIONS, AND WORKSHOPS.—

"(A) REQUIRED ELEMENTS.—Each such project, production, or workshop shall—

"(i) have substantial national or regional cultural significance, and encourage professional excellence; or

"(ii)(I) have significant merit; and

"(II) be a project, production, or workshop that, if such a group did not receive a grant, might otherwise be unavailable to citizens for geographic or economic reasons.

"(B) PERMISSIBLE ELEMENTS.—Each such project, production, or workshop may—

"(i) encourage access to, education in, and knowledge, understanding, enjoyment, and appreciation of, the arts by the public;

"(ii) enhance managerial and organizational skills and capabilities;

"(iii) use technology to broaden public access to the arts;

"(iv) expand access to the arts for individuals with disabilities; or

"(v) promote access to the arts for minority or underserved populations.

"(4) FEDERAL SHARE REQUIREMENT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any grant made under this subsection, the Federal share described in paragraph (2) shall be 25 percent.

"(B) CERTAIN GROUPS.—In the case of any grant made under this subsection to a group with an annual budget in excess of $3,000,000, the Federal share described in paragraph (2) shall be 16.67 percent.

"(C) ADJUSTMENTS.—The Chairperson may increase the Federal share applicable under this subsection for a designated grant recipient, with review and approval by the National Council on the Arts. The Chairperson shall not increase the Federal share above 50 percent for the recipient. Not more than 10 percent of the funds made available by the Endowment for grants under this subsection for any fiscal year may be available for grants for the fiscal year for which the Chairperson increases the applicable Federal share.

"(5) PRIORITY.—In awarding grants under this subsection, the Chairperson shall give priority to projects, productions, and workshops that increase the access of the public of the United States, especially underserved communities, to culture and the arts, including access by touring, by regional or national dissemination, or by geographic dispersion.

"(e) DIRECT GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to groups, and individuals, that are broadly representative of the cultural heritage of the United States and broadly geographically representative, for projects, productions, and workshops of the highest artistic excellence and artistic merit.

"(2) IN GENERAL.—Using funds reserved under section 106(a)(1)(F), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to groups, or individuals who are engaged in or concerned with the arts, to pay for the Federal share of the cost of projects, productions, or workshops that meet the standard of artistic excellence and artistic merit and that fulfill the purposes of this Act.

"(3) FEDERAL SHARE REQUIREMENT.—The Federal share described in paragraph (2) shall be 50 percent.

"(4) PRIORITY.—In awarding grants under this subsection, the Chairperson shall give priority to projects, productions, and workshops that will be disseminated widely after completion.

"(5) ADJUSTMENTS.—The Chairperson may increase the Federal share applicable under this subsection for a designated grant recipient, with review and approval by the National Council on the Arts. Not more than 20 percent of the funds made available by the Endowment for grants under this subsection for any fiscal year may be available for grants for the fiscal year for which the Chairperson increases the applicable Federal share.

"(6) SPECIAL RULE FOR GRANTS TO INDIVIDUALS.—The Chairperson shall only award a grant in accordance with this subsection to an individual described in paragraph (2) if such grant is awarded to such individual for a literature fellowship, a National Heritage Fellowship, or a Jazz Masters Fellowship.

"(f) ARTS EDUCATION AND UNDERSERVED COMMUNITIES GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to make grants to State arts agencies and other groups to carry out activities in arts education and to carry out arts-related activities in underserved communities.

"(2) IN GENERAL.—Using the funds reserved under section subparagraphs (C) (as may be appropriate) and (G) of section 106(a)(1), the Chairperson, acting on the recommendation of the National Council on the Arts, may establish and carry out a program of grants to State arts agencies or other groups to pay for the Federal share of the cost of carrying out activities that—

"(A) promote and improve the availability of arts instruction, and improve the quality of arts education, through support of lifelong learning in the arts;

"(B) provide—

"(i) instruction in the arts by integrating and incorporating the arts in the teaching of English, math, science, foreign languages, civics and government, economics, history, and geography; or

"(ii) courses in the arts through school programs;

"(C) enhance the quality of arts instruction in programs of teacher education;

"(D) develop arts faculty resources and talents;

"(E) support and encourage the development of improved curriculum materials in the arts;

"(F) support apprenticeships, internships, and other career oriented work-study experiences for artists and arts teachers, and encourage residencies of artists at all educational levels;

"(G) stimulate artistic activity and awareness, and broaden public access to the arts, in underserved communities;

"(H) enhance the artistic capabilities of developing arts organizations in underserved communities through artistic, programmatic, and staff development; or

"(I) provide technical assistance to developing arts organizations in underserved communities to improve managerial and organizational skills, financial systems management, and long-range fiscal planning.

"(3) FEDERAL SHARE.—The Federal share described in paragraph (2) shall be 50 percent.

"(4) EVALUATION AND REPORTS FOR CERTAIN ACTIVITIES.—

"(A) IN GENERAL.—Each State arts agency or other group that receives a grant under this subsection to carry out the activity described in paragraph (2)(B) shall conduct an ongoing evaluation of the activity.

"(B) EVALUATION COMPONENTS.—In conducting the evaluation under subparagraph (A), a State arts agency or other group shall, in the case of students who participate in an activity described in paragraph (2)(B), monitor the progress of the student participants throughout the period of participation.

"(C) REPORT TO CHAIRPERSON.—Not later than 60 days after the date of the completion of an activity by a State arts agency or other group under subparagraph (A), the State arts agency or other group shall prepare and submit to the Chairperson a report on the evaluation conducted under subparagraph (A).

"(D) REPORT TO CONGRESS.—Not later than 60 days after the date of the submission of the report under subparagraph (C), the Chairperson shall prepare and submit to Congress a report on—

"(i) the activities funded under paragraph (2)(B); and

"(ii) the evaluations conducted by recipients under subparagraph (A).

"SEC. 203. APPLICATION PROCEDURES.

"(a) APPLICATION REQUIREMENT.—No grant shall be made under this title to any person unless the person submits an application to the Chairperson in accordance with regulations and procedures established by the Chairperson.

"(b) PROCEDURES.—

"(1) IN GENERAL.—

"(A) CONSIDERATIONS.—In establishing such regulations and procedures for applications, the Chairperson shall ensure that—

"(i) artistic excellence and artistic merit of the projects, productions, and workshops described in the application are the criteria by which the applications are judged by advisory panels described in section 204, taking into consideration general standards of decency and respect for the diverse beliefs and values of the public of the United States;

"(ii) in selecting groups as recipients of grants under section 202, the Chairperson shall give preference to artistically rural and urban underserved communities and artists and artistic groups that have traditionally been underrepresented in the arts; and

"(iii) the projects, productions, and workshops described in the applications, and awards of grants under this title, are consistent with the objectives of section 202 and this section.

"(B) OBSCENITY PROVISIONS.—Such regulations and procedures shall clearly indicate that obscenity is without artistic merit, is not protected speech, and shall not be funded under this title. Projects, productions, and workshops that are determined to be obscene shall be prohibited from receiving grants under this title from the Endowment.

"(2) CONSIDERATIONS FOR THE CHAIRPERSON.—In considering an application for a grant under this title, the Chairperson shall consider the extent to which the projects, productions, and workshops described in the application fulfill the purposes of this Act, as well as their artistic excellence and artistic merit, as determined by the Chairperson.

"(3) CONSTRUCTION.—The disapproval or approval by the Chairperson of an application for a grant under this title shall not be construed to mean, and shall not be considered to be evidence that, the project, production, or workshop, for which the applicant requested a grant, is or is not obscene.

"SEC. 204. ADVISORY PANELS.

"(a) IN GENERAL.—The Chairperson shall utilize review by advisory panels—

"(1) as the first step in the review of applications submitted under this Act; and

"(2) to make recommendations to the National Council on the Arts in all cases involving requests for grants authorized under this title, except cases in which the Chairperson exercises authority delegated under section 205(f)(2).

"(b) PROCEDURES.—

"(1) CRITERIA.—In reviewing the applications, such panels shall recommend applications for projects, productions, and workshops on the basis of artistic excellence and artistic merit, consistent with section 203(b)(1)(A)(i).

"(2) AMOUNTS.—The panels may recommend only general ranges of funding to be provided through the grants and may not recommend specific amounts of such funding.

"(3) REGULATIONS AND PROCEDURES.—The Chairperson shall issue regulations and establish procedures to—

"(A) ensure that all the panels are composed, to the extent practicable, of individuals providing a wide geographic, ethnic, and minority representation as well as individuals reflecting diverse artistic and cultural points of view;

"(B) ensure that all the panels include at least 2 members representing lay individuals who are—

"(i) knowledgeable about the arts;

"(ii) not engaged in the arts as a profession; and

"(iii) not employees of either artists' organizations or arts organizations;

"(C) ensure that, when feasible, the procedures used by the panels to carry out their responsibilities are standardized;

"(D) require each such panel—

"(i) to create written records summarizing—

"(I) all meetings and discussions of such panel; and

"(II) the recommendations made by such panel to the Council; and

"(ii) to make such records available to the public in a manner that protects the privacy of individual applicants and panel members;

"(E) permit, when necessary and feasible, a site visit to view the work of an applicant and deliver a written report on the work being reviewed, in order to assist panelists in making their recommendations;

"(F)(i) require that the membership of each such panel change substantially from year to year; and

"(ii) provide that no individual be eligible to serve on such a panel for more than 5 years, no 2 of which may be consecutive; and

"(G) ensure that the panels recommend more applicants for grants than are anticipated can be provided funding through the grants with available funds.

"(4) PROHIBITION ON CONFLICTS OF INTEREST.—

"(A) IN GENERAL.—In making appointments to the panels, the Chairperson shall ensure that an individual who has a pending application for a grant authorized under this title, who is an employee or agent of an organization with such a pending application, or who has a direct or indirect financial interest in any application under consideration by such a panel, does not serve as a member of any panel before which such application is pending.

"(B) DURATION.—The prohibition described in subparagraph (A) shall commence with respect to such individual beginning on the date such application is submitted, and shall continue until a final decision on the application has been reached by the Chairperson.

"SEC. 205. NATIONAL COUNCIL ON THE ARTS.

"(a) ESTABLISHMENT.—There is established within the Endowment a National Council on the Arts (referred to in this section as the 'Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Council shall be composed of the Chairperson of the Endowment, who shall be the Chairperson of the Council, and 20 other members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

"(A) from among private citizens of the United States who—

"(i) are widely recognized for their broad knowledge of, or expertise in, the arts; and

"(ii) have established records of distinguished service, or achieved eminence, in the arts;

"(B) so as to include practicing artists, members of cultural professions, educators, civic cultural leaders, and others who are professionally engaged in the arts; and

"(C) so as collectively to provide an appropriate distribution of members among the major art fields.

"(2) QUALIFICATIONS.—The President may, in making such appointments, give consideration to such recommendations as may, from time to time, be submitted to the President by leading national organizations in the major art fields. In making such appointments, the President shall give due regard to equitable representation of women, racially and ethnically diverse individuals, and individuals with disabilities, who are involved in the arts. Members of the Council shall be appointed so as to represent equitably geographical areas in the United States, including rural and urban underserved communities.

"(c) TERMS.—

"(1) IN GENERAL.—

"(A) STAGGERED TERMS.—Each member of the Council shall serve for a term of 6 years, and the terms shall be staggered.

"(B) EXPIRATION.—Except as provided in paragraph (2), the terms of all Council members shall expire on the third day of September in the year of expiration.

"(C) REAPPOINTMENT AFTER PARTIAL TERM.—Each member who has served on the Council for 1 term of less than 3 years shall be eligible for reappointment for 1 term of 6 years.

"(D) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(E) HOLDOVER SERVICE.—Notwithstanding any other provision of this subsection, a member of the Council shall serve after the expiration of the term of the member until the successor to the member takes office.

"(2) ADJUSTMENT TO REDUCE COUNCIL.—

"(A) MEMBERS WHOSE TERMS EXPIRED IN 1996 BUT CONTINUE TO SERVE.—

"(i) IN GENERAL.—The terms of 10 members of the Council whose terms expired on September 3, 1996 and who continue to serve because a successor has not been appointed shall be deemed to expire on the date of enactment of the Arts and Humanities Amendments of 1997.

"(ii) SUCCESSORS.—The President shall appoint 7 members of the Council to succeed members whose terms are deemed to expire as described in clause (i). The terms of the successors shall expire on September 3, 2002.

"(B) MEMBERS WHOSE TERMS EXPIRE IN 1998.—The President shall appoint 6 members

of the Council to succeed the 8 members of the Council whose terms expire on September 3, 1998. The terms of the successors shall expire on September 3, 2004.

"(C) MEMBERS WHOSE TERMS EXPIRE IN 2000.—The President shall appoint 7 members of the Council to succeed the 8 members of the Council whose terms expire on September 3, 2000. The terms of the successors shall expire on September 3, 2006.

"(d) COMPENSATION.—Members of the Council shall receive compensation at a rate to be fixed by the Chairperson but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, and be allowed travel expenses including per diem in lieu of subsistence, in the same amounts and to the same extent, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(e) MEETINGS AND DUTIES.—

"(1) MEETINGS.—The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Eleven members of the Council shall constitute a quorum. All policy meetings of the Council shall be open to the public.

"(2) DUTIES.—The Council shall—

"(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the functions of the Chairperson under this title;

"(B) review applications for grants authorized under this title and make recommendations to the Chairperson with respect to—

"(i) whether to approve particular applications for grants authorized under this title that have been determined by advisory panels to have artistic excellence and artistic merit; and

"(ii) the amount of funding that the Chairperson should provide through such a grant with respect to each such application the Council recommends for approval;

"(C) use as criteria for the recommendations of the Council—

"(i) the extent to which the works described in the applications fulfill the purposes of this Act and the requirements under the provisions of this Act;

"(ii) the artistic excellence and artistic merit of the works described in the applications; and

"(iii) the extent to which the applicant serves an underserved community,

as determined by each Council member;

"(D) recommend more applications for funding through grants than are anticipated can be provided funding through the grants with available funds;

"(E) create written records summarizing—

"(i) all meetings and discussions of the Council; and

"(ii) recommendations made by the Council to the Chairperson; and

"(F) make such records available to the public in a manner that protects the privacy of individual applicants for grants authorized under this title, advisory panel members, and Council members.

"(f) ACTIONS BY CHAIRPERSON.—

"(1) IN GENERAL.—The Chairperson shall not approve or disapprove any application for a grant authorized under this title until the Chairperson has received the recommendation of the Council on such application. The Chairperson shall have final authority to approve each such application, and shall determine the final amount of funding through any grant awarded. The Chairperson may not approve an application with respect to which the Council makes a negative recommendation.

"(2) DELEGATIONS.—In the case of an application, or amendment of an application, submitted under this title and involving $35,000 or less, or a request for change in a grant amount of 20 percent or less, the Chairperson may approve or disapprove such application, amendment, or request, if such action is taken pursuant to the terms of an express and direct delegation of authority from the Council to the Chairperson, and if each such action by the Chairperson is reported to the Council at the next regularly scheduled meeting of the Council. Such action by the Chairperson shall be used with discretion and shall not become a normal practice of providing funding through a grant authorized under this title. The terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year that exceed an amount equal to 2 percent of the sums appropriated for the fiscal year pursuant to section 106(a)(1)(A).

"SEC. 206. LIMITATIONS ON GRANTS.

"(a) PROHIBITION ON SUBGRANTS.—The Chairperson shall establish procedures to ensure that no funding provided through a grant under this title, except a grant made to a State agency, a regional group, or a local arts agency that is an agency of local government, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods or services rendered.

"(b) PROHIBITION ON SEASONAL SUPPORT.—No grant awarded under this title shall be used for seasonal support to a group, unless the application submitted by the group for such a grant specifically identifies the content of each activity to be carried out under such a grant for the season involved, including a specific identification of any project, production, or workshop.

"(c) USE OF FUNDS FOR PROJECTS, PRODUCTIONS, AND WORKSHOPS IN SPECIFIED DISCIPLINES.—Each project, production, or workshop funded under this title shall relate to arts, as defined in section 3.

"(d) LABOR STANDARDS.—

"(1) IN GENERAL.—It shall be a condition of the receipt of any grant under this title that the grant recipient furnish adequate assurances to the Secretary of Labor that—

"(A) all professional performers and related or supporting professional personnel employed on projects or productions, or in workshops, that are financed in whole or in part under this title will be paid, without subsequent deduction or rebate on any account, not less than the minimum compensation as determined by the Secretary of Labor to be the prevailing minimum compensation for persons employed in similar activities; and

"(B) no part of any project, production, or workshop that is financed in whole or in part under this title will be performed or engaged in under working conditions that are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project, production, or workshop.

"(2) EVIDENCE.—Compliance with the safety and sanitary laws of the State in which the project, production, or workshop described in paragraph (1)(B) is to take place shall be prima facie evidence of compliance with the assurance described in paragraph (1)(B).

"(3) STANDARDS, REGULATIONS, AND PROCEDURES.—The Secretary of Labor shall have the authority to prescribe such standards, regulations, and procedures as the Secretary of Labor may determine to be necessary or appropriate to carry out this subsection.

"(e) LIMITATION ON GRANT AWARD.—

"(1) INDIVIDUALS.—No individual may receive more than 2 grant awards under this title.

"(2) AGENCIES AND ORGANIZATIONS.—No group, other than a State arts agency, may receive more than 3 grant awards in a fiscal year under this title, except that this paragraph shall not apply to a group that has entered into a cooperative agreement with the Endowment to receive assistance under this title.

"(f) REQUIREMENTS FOR GROUPS.—A group shall be eligible for a grant under this title if—

"(1) no part of the net earnings of the group inures to the benefit of any private stockholder, or individual; and

"(2) a donation to such group is allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1986.

"(g) CITIZENSHIP REQUIREMENTS FOR INDIVIDUALS.—An individual shall be eligible to receive a direct grant under this title if at the time such grant is received such individual—

"(1) is a citizen or other national of the United States; or

"(2) is an alien lawfully admitted to the United States for permanent residence who—

"(A) has filed an application for naturalization in the manner prescribed by section 334 of the Immigration and Nationality Act (8 U.S.C. 1445); and

"(B) is not permanently ineligible to become a citizen of the United States.

"(h) INSTALLMENTS.—The Chairperson shall establish procedures to provide for the distribution of funding provided through grants made under this title to recipients in installments except in exceptional cases in which the Chairperson determines that installments are not practicable. In providing any such installments to a recipient of a grant under this title, the Chairperson shall ensure that—

"(1) not more than two-thirds of such funding may be provided at the time the application for the grant is approved; and

"(2) the remainder of such funding may not be provided until the Chairperson finds that the recipient of such grant is complying substantially with this Act and with the conditions under which such funding is provided to such recipient.

"(i) LOANS.—Any loan made by the Chairperson under this title shall be made in accordance with terms and conditions approved by the Secretary of the Treasury.

"SEC. 207. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITIES OF CHAIRPERSON.—In addition to any authorities vested in the Chairperson by other provisions of this Act, the Chairperson, in carrying out the functions of the Chairperson, shall have authority—

"(1) to prescribe such regulations and procedures as the Chairperson determines to be necessary, governing the manner in which the functions of the Chairperson shall be carried out;

"(2) to appoint and determine the compensation of such employees, subject to title 5, United States Code, as may be necessary to carry out the functions of the Chairperson, to define the duties of such employees, and to supervise and direct the activities of such employees;

"(3) to procure the temporary and intermittent services of experts and consultants, including panels of experts, and compensate the experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) to accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service;

"(5) to make advance, progress, and other payments without regard to section 3324 of title 31, United States Code;

"(6) to rent office space in the District of Columbia; and

"(7) to make other necessary expenditures.

"(b) PUBLICATIONS.—Official publications of the Endowment under this title may be supported without regard to the provisions of section 501 of title 44, United States Code, if the Chairperson consults with the Joint Committee on Printing of the Congress.

"(c) COORDINATION.—The Chairperson shall coordinate the programs of the Endowment, insofar as practicable, with other Federal programs and programs undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this title that can be made by other Federal agencies under the existing programs. The Chairperson may enter into interagency agreements to promote or assist with the arts-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated to carry out this title to pay for the costs of such promotion or assistance.

"SEC. 208. REPORTS.

"(a) ANNUAL REPORT OF CHAIRPERSON.—The Chairperson shall submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year. The report shall summarize the activities of the Endowment for the preceding year, and shall include such recommendations as the Chairperson determines to be appropriate.

"(b) FINANCIAL REPORTS AND COMPLIANCE.—

"(1) IN GENERAL.—It shall be a condition of the receipt of a grant made under this title by the Chairperson that—

"(A) each applicant for such grant include in the application described in section 203—

"(i) a detailed description of the proposed project, production, or workshop for which the grant is requested;

"(ii) a timetable for the completion of such proposed project, production, or workshop; and

"(iii) an assurance that the applicant will meet the standards of artistic excellence and artistic merit;

"(B)(i) each grant recipient under this title carry out the proposal consistent with the description contained in the application, as approved by the Chairperson for funding through the grant; and

"(ii) each such grant recipient seeking to change the activities carried out under the grant justify the requested change by a written request subject to approval by the Chairperson; and

"(C) each such grant recipient agree to and comply with requirements to submit to the Chairperson—

"(i) interim reports, including an annual report for each project, production, or workshop carried out under the grant during a period exceeding 1 year, describing the progress of the grant recipient in carrying out such project, production, or workshop and compliance by the grant recipient with the conditions of receipt of such grant;

"(ii) financial reports containing such information as the Chairperson determines to be necessary to ensure that the funding made available through the grant is expended in accordance with the terms and conditions under which the grant is made;

"(iii) a final report describing the project, production, or workshop carried out with the funding provided through the grant and the compliance by the grant recipient with the conditions of receipt of such grant, including the condition that the work assisted meet the standards of artistic excellence and artistic merit; and

"(iv) in the case of a project or production, and if practicable, as determined by the Chairperson, a copy of such project or production.

"(2) REPORT REQUIREMENTS.—The Chairperson shall determine the appropriate form and timing of interim reporting described in paragraph (1)(C)(i) for a grant recipient under this title. The reports and copy described in clauses (ii), (iii), and (iv) of paragraph (1)(C) shall be due not later than 90 days after the end of the period for which such grant recipient receives funding through the grant or 90 days after the completion of the project, production, or workshop, whichever occurs earlier. The Chairperson may extend the 90-day period if the recipient shows good cause why such an extension should be granted.

"(c) EVALUATION.—The Chairperson shall conduct a post-award evaluation of activities for which grants are made by the Chairperson under this title. Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by grant recipients under subsection (b).

"(d) REPORTS.—The Chairperson shall establish procedures to require that no additional funding shall be provided to a recipient of a grant authorized under this title unless such recipient has submitted to the Chairperson all required interim, financial, and final reports under subsection (b).

"SEC. 209. SANCTIONS AND PAYMENTS.

"(a) FAILURE TO SATISFY PURPOSES.—If any recipient of a grant made under this title, or an indirect recipient of funding provided through the grant, substantially fails to satisfy the purposes for which such grant is made, as determined by the Chairperson, the Chairperson may—

"(1) for purposes of determining whether to make any subsequent funding to the direct or indirect recipient under this title, take into consideration the results of the post-award evaluation conducted under section 208(c);

"(2) prohibit the direct and indirect recipients from using the name of, or in any way associating the project, production, or workshop for which the grant was received with, the Endowment; and

"(3) if such project, production, or workshop is published, require that the publication contain the following statement: 'The opinions, findings, conclusions, and recommendations expressed in this publication do not reflect the views of the National Endowment for the Arts.'.

"(b) NONCOMPLIANCE.—

"(1) IN GENERAL.—The Chairperson shall take the actions described in paragraph (2) whenever the Chairperson, after providing reasonable notice and an opportunity for hearing, finds that—

"(A) a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the provisions of this title;

"(B) a State agency or regional group that received a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the terms and conditions of the State plan accompanying the application approved for the grant under this title; or

"(C) any funding provided under this title to a recipient, State agency, or regional group described in subparagraph (A) or (B) has been diverted from the purposes for which such funding was provided.

"(2) ACTIONS.—On making the finding described in paragraph (1), the Chairperson shall immediately notify the direct recipient, State agency, or regional group that received the funding at issue that—

"(A) no further funding will be provided under this title to such recipient, agency, or group until there is no longer any default or failure to comply or the diversion is corrected; or

"(B) if compliance or correction is impossible, until such recipient, agency, or group repays or arranges the repayment of the Federal funds that were improperly diverted or expended.

"(c) OBSCENE WORKS.—

"(1) DETERMINATION.—If, after providing reasonable notice and opportunity for a hearing on the record, the Chairperson determines that a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, used the funding for a project, production, or workshop that is determined to be obscene, the Chairperson shall require that until the direct recipient repays such funding (in such amount, and under such terms and conditions, as the Chairperson determines to be appropriate) to the Endowment, no subsequent funding shall be provided under this title to such recipient.

"(2) CREDITING.—Funds repaid under this subsection to the Endowment shall be deposited in the Treasury of the United States and credited as miscellaneous receipts.

"(3) APPLICATION.—

"(A) TIMING.—This subsection shall not apply with respect to grants made before October 1, 1990.

"(B) DURATION.—This subsection shall not apply with respect to a project, production, or workshop after the expiration of the 7-year period beginning on the latest date on which a grant is made under this title for such project, production, or workshop.

"(d) RECAPTURE.—

"(1) IN GENERAL.—A recipient of funding under this title shall pay the amount described in paragraph (2) to the Endowment if the Chairperson finds that the recipient has derived net program income in excess of the match required under the terms of the agreement from a commercially successful project, production, or workshop funded that exceeds the lesser of—

"(A) $50,000; or

"(B) twice the amount of the funding.

"(2) AMOUNT.—At the discretion of the Chairperson, the amount referred to in paragraph (1) is not less than ⅓ and not more than ½ of the amount of the net program income generated within 5 years after the end of the grant period, but not more than the

amount of the funding, unless the Chairperson has reached an agreement with the grantee upon the award of a grant that the amount referred to in paragraph (1) shall exceed the amount of the grant.

"(e) ACCOUNT.—Except as otherwise provided in this Act, the Treasurer of the United States shall deposit funds paid under subsection (d), or repaid under this Act, in a special interest bearing account to the credit of the Endowment.

"SEC. 210. NATIONAL MEDAL OF ARTS AWARDS.

"(a) NATIONAL MEDAL OF ARTS AWARDS.—

"(1) ESTABLISHMENT.—There is established a National Medal of Arts, which shall be a medal of such design as is determined to be appropriate by the President, on the basis of recommendations submitted by the National Council on the Arts, and which shall be awarded as provided in this subsection.

"(2) AWARDS.—The President shall from time to time award the National Medal of Arts, on the basis of recommendations from the National Council on the Arts, to individuals or groups who in the judgment of the President are deserving of special recognition by reason of their outstanding contributions to the excellence, growth, support, and availability of the arts in the United States.

"(3) NUMBER OF MEDALS.—Not more than 12 of such medals may be awarded in any calendar year.

"(4) QUALIFICATIONS.—An individual may be awarded the National Medal of Arts if at the time such award is made such individual meets the requirements of section 206(g).

"(5) GROUPS.—A group may be awarded the National Medal of Arts if such group is organized or incorporated in the United States.

"(6) CEREMONIES.—The presentation of the National Medal of Arts shall be made by the President with such ceremonies as the President may determine to be appropriate, including attendance by appropriate Members of Congress.

"(b) FUNDS.—The Chairperson shall use amounts received by the National Endowment for the Arts under section 105(b)(1)(A) to carry out this section.

"TITLE III—NATIONAL ENDOWMENT FOR THE HUMANITIES

"SEC. 301. DEFINITIONS.

"In this title:

"(1) PROJECT.—

"(A) IN GENERAL.—The term 'project' means an activity organized to carry out the objectives of this title.

"(B) RENOVATION OR CONSTRUCTION.—Such term also includes—

"(i) the renovation of a facility if—

"(I) the amount of the expenditure of Federal funds for such purpose in the case of any facility does not exceed $250,000; and

"(II) two-thirds of the members of the National Council on the Humanities (who are present and voting) recommend a grant involving an expenditure for such purpose; and

"(ii) for purposes of subsections (d) and (e) of section 302, the construction of a facility if—

"(I) such construction is for demonstration purposes or under unusual circumstances in which there is no other manner by which to accomplish a humanistic purpose; and

"(II) two-thirds of the members of the National Council on the Humanities (who are present and voting) recommend a grant involving an expenditure for such purpose.

"(2) WORKSHOP.—The term 'workshop' means an activity the primary purpose of which is to promote scholarship and teaching among the participants.

"SEC. 302. ESTABLISHMENT OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES.

"(a) ESTABLISHMENT.—There is established within the Foundation a National Endowment for the Humanities (referred to in this title as the 'Endowment').

"(b) CHAIRPERSON.—

"(1) APPOINTMENT.—The Endowment shall be headed by a chairperson, to be known as the Chairperson of the Endowment (referred to in this title as the 'Chairperson'), who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) TERM.—

"(A) IN GENERAL.—The term of office of the Chairperson shall be 4 years, except that any Chairperson appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the Chairperson was appointed. Notwithstanding any other provision of this subparagraph, on the expiration of the term of office of the Chairperson, the Chairperson shall serve until the successor to the Chairperson is appointed and has qualified.

"(B) REAPPOINTMENT.—The Chairperson shall be eligible for reappointment.

"(c) PARTNERSHIP GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to support programs of humanities councils at the State and local levels.

"(2) DEFINITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in this subsection, the term 'State entity' means—

"(i) a State that obtains approval of an application submitted under paragraph (4); or

"(ii) in a case in which a State fails to submit an application under paragraph (4), an appropriate entity that obtains approval of an application submitted under paragraph (5).

"(B) JURISDICTION.—

"(i) STATE ENTITY.—In paragraph (6)(C)(ii), the term 'State entity' means a State entity, as defined in subparagraph (A), for a State.

"(ii) STATE.—In clause (i), and notwithstanding section 3(8), the term 'State', includes, in addition to the several States of the United States, only the jurisdictions specified in such section that have a population of 200,000 or more, according to the latest decennial census.

"(3) GENERAL AUTHORITY.—Using funds reserved under section 106(b)(1)(C), the Chairperson, acting on the recommendation of the National Council on the Humanities, is authorized, in accordance with the provisions of this subsection, to establish and carry out a program of grants to assist State entities—

"(A) in paying for not more than 50 percent of the cost (except as otherwise provided in this subsection) of supporting activities that achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and in subparagraphs (A) and (B) of subsection (e)(2); or

"(B) in matching contributions from non-Federal sources made to a trust fund the purpose of which is to provide long-term financial support for such activities.

"(4) GRANTS THROUGH STATE AGENCIES.—

"(A) DESIGNATION.—In order to receive a grant under this subsection for any fiscal year, if a State desires to designate or to provide for the establishment of a State agency (referred to in this section as a 'State agency') as the sole agency for the administration of the State plan referred to in subparagraph (B) relating to the grant, such State shall designate as the State agency the humanities council or shall provide for the establishment of such a council.

"(B) APPLICATION AND STATE PLAN.—In any State that designates or provides for the establishment of a State agency as described in subparagraph (A), the chief executive officer of the State shall submit, before the beginning of each fiscal year, an application for a grant and accompany such application with a State plan that the Chairperson finds—

"(i) designates or provides for the establishment of a State agency;

"(ii) provides that the chief executive officer of the State will appoint new members to the State humanities council designated or established under subparagraph (A), as vacancies occur as a result of the expiration of the terms of members of such council, until the chief executive officer has appointed all of the members of such council;

"(iii) provides for the expenditure, from State funds, of an amount equal to 50 percent of the portion of the funding received by such State through a grant made under paragraph (6)(A) (relating to the minimum State allotment), or 25 percent of the total amount of funding received by such State through grants made under this subsection, whichever is greater, for the fiscal year involved (except as otherwise provided in paragraph (7));

"(iv) provides that funds paid to the State under this subsection will be expended solely on activities, approved by the State agency, that—

"(I) achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and subparagraphs (A) and (B) of subsection (e)(2); and

"(II) are designed to bring the humanities to the public;

"(v) provides assurances that State funds will be made available for the purpose of meeting the requirements of this subparagraph;

"(vi) provides that the State agency will make such reports, in such manner and containing such information, as the Chairperson may from time to time require, including a description of the progress made toward achieving the objectives of the State plan;

"(vii) provides—

"(I) an assurance that the State agency has held, after reasonable notice, public meetings in the State to allow the public, interested organizations, and scholars to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and of the response of the State agency to such recommendations; and

"(viii) contains—

"(I) for the most recent preceding year for which information is available, a description of the extent to which the activities supported by funding from the State agency under this subsection were available to all people and communities in the State and a description of the level of participation by scholars and scholarly organizations in activities supported by funding from the State agency under this subsection; and

"(II) a description of activities supported by funding from the State agency under this subsection that exist or are being developed to address the availability of the humanities to all people or communities described in subclause (I) or to secure wider participation of scholars and scholarly organizations described in subclause (I).

"(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying State plan satisfies the requirements specified in subparagraph (B).

"(5) GRANTS TO APPROPRIATE ENTITIES.—

"(A) DESIGNATION.—In any State in which the chief executive officer of the State fails to submit an application under paragraph (4)(B) for a fiscal year, the Chairperson may make grants under paragraph (3) to an appropriate entity in the State, and each such entity shall establish a procedure that ensures that 8 members of the governing body of such entity shall be appointed by an appropriate officer or agency of such State, except that in no event may the number of such members exceed ⅓ of the total membership of such governing body. The officer or agency shall select the members from among individuals who have knowledge of or experience in the humanities.

"(B) APPLICATION AND PLAN.—If a State fails to submit an application under paragraph (4)(B) for a fiscal year, any appropriate entity in the State desiring to receive a grant under this subsection for the fiscal year shall submit an application for such grant at such time and in such manner as shall be specified by the Chairperson, and accompany such application with a State plan that the Chairperson finds—

"(i) provides assurances that such entity will comply with the requirements of subparagraph (A);

"(ii) provides that funds paid to such entity under this paragraph will be expended solely on activities that—

"(I) achieve the objectives described in subparagraphs (A) through (F) of subsection (d)(2) and subparagraphs (A) and (B) of subsection (e)(2); and

"(II) are designed to bring the humanities to the public;

"(iii) establishes a membership policy that is designed to ensure broad public representation with respect to activities administered by such entity;

"(iv) provides for a nomination process that ensures opportunities for nomination to membership in the governing body from various groups in such State and from a variety of segments of the population of such State, including individuals who by reason of their achievement, scholarship, or creativity in the humanities, are especially qualified to serve as members of the body;

"(v) provides for a membership rotation process that ensures the regular rotation of the membership and officers of such entity;

"(vi) establishes reporting procedures that are designed to inform the chief executive officer of such State, and other appropriate officers and agencies, of the activities of such entity;

"(vii) establishes procedures to ensure public access to information relating to such activities;

"(viii) provides that such entity will make such reports, at such times, in such manner, and containing such information, as the Chairperson may require, including a description of the progress made toward achieving the objectives of the State plan;

"(ix) provides—

"(I) an assurance that the entity has held, after reasonable notice, public meetings in the State to allow the public, interested organizations, and scholars to present views and make recommendations regarding the State plan; and

"(II) a summary of such recommendations and of the response of the entity to such recommendations; and

"(x) contains—

"(I) for the most recent preceding year for which information is available, a description of the extent to which activities supported by funding from the entity under this subsection were available to all people and communities in the State and a description of the level of participation by scholars and scholarly organizations in activities supported by funding from the entity under this subsection; and

"(II) a description of activities supported by funding from the entity under this subsection that exist or are being developed to address the availability of the humanities to all people or communities described in subclause (I) or to secure wider participation of scholars and scholarly organizations described in subclause (I).

"(C) APPROVAL.—The Chairperson may not approve an application described in subparagraph (B) unless the accompanying plan satisfies the requirements specified in subparagraph (B).

"(6) ALLOTMENTS.—

"(A) IN GENERAL.—Of the sums available to carry out this subsection for any fiscal year, each State entity shall be allotted at least $200,000.

"(B) INSUFFICIENT SUMS.—If the sums available to carry out this subsection for any fiscal year are insufficient to make the allotments under subparagraph (A) in full, such sums shall be allotted so that each State entity receives an equal amount.

"(C) EXCESS FUNDS.—In any case in which the sums available to carry out this subsection for any fiscal year are in excess of the amount required to make the allotments under subparagraph (A)—

"(i) 34 percent of the amount of such excess for such fiscal year shall be available to the Chairperson for making grants under this subsection to State entities;

"(ii) 44 percent of the amount of such excess for such fiscal year shall be allotted so that each State entity receives an equal amount; and

"(iii) the remainder of the amount of such excess for such fiscal year shall be allotted so that each State entity receives an amount that bears the same ratio to such remainder as the population of the State for which the application is approved bears to the population of all the States.

"(7) LIMITATIONS.—

"(A) FEDERAL SHARE.—

"(i) IN GENERAL.—Funding provided through a grant made under this subsection to a State entity for any fiscal year shall be available to each State entity that has an application approved by the Chairperson, and has the State plan accompanying the application in effect on the first day of such fiscal year, to pay not more than 50 percent of the total cost of carrying out any activity described in paragraph (3).

"(ii) EXCESS PORTION.—Except as provided in clause (iii), the portion of the funding provided through any grant made under paragraph (6)(A) to a State entity for any fiscal year that exceeds $125,000 shall be available, at the discretion of the Chairperson, to pay not more than 100 percent of such cost of carrying out an activity under this subsection if such activity would be unavailable to the residents of the State without such portion.

"(iii) PERCENTAGE OF GRANT FUNDS.—The portion of the funding described in clause (ii) for any fiscal year that is available to pay not more than 100 percent of such cost, as described in clause (ii), shall not exceed 20 percent of the total of the funding provided through such grant for such fiscal year.

"(B) PROHIBITION ON SUPPLANTING NON-FEDERAL FUNDS.—Funds made available under this subsection shall be used to supplement, and shall not supplant, non-Federal funds expended for supporting activities described in paragraph (3).

"(8) UNOBLIGATED FUNDS.—Any amount allotted to a State entity under paragraph (6) for any fiscal year that is not obligated by the State entity earlier than 60 days prior to the end of the fiscal year for which the amount is appropriated shall be available for making grants under subsections (d) and (e).

"(9) LIMITATION ON MULTIPLE ENTITIES.—The Chairperson may not make grants under this subsection to more than 1 entity in any State.

"(d) NATIONAL GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to provide support for grants to groups, individuals, and State agencies or entities to carry out activities relating to education and the public humanities that have a national audience and are of national significance, such as activities relating to education in the humanities, media projects, projects in museums and by historical organizations, projects in libraries and archives, public humanities projects, endowment building, and technology activities.

"(2) GENERAL AUTHORITY.—Using funds reserved under section 106(b)(1)(D), the Chairperson, acting on the recommendation of the National Council on the Humanities, may establish and carry out a program of grants to groups, or in appropriate cases individuals, who or which meet the standard of excellence in the humanities and significance in the humanities, or State agencies or entities, to pay for the Federal share of the cost of activities, in accordance with subsection (f), to—

"(A) develop and encourage the pursuit of a national policy to further the public good through public funding of the humanities;

"(B) initiate and support research and programs to strengthen the research and teaching potential of the United States in the humanities;

"(C) foster the exchange of information in the humanities;

"(D) foster education in, and public understanding and appreciation of, the humanities;

"(E) support projects that foster or promote literacy;

"(F) ensure that the benefit of the programs of the Endowment will also be available to the citizens of the United States where such programs would otherwise be unavailable due to geographic or economic reasons;

"(G) enable the groups to increase the levels of continuing support and to increase the range of contributors to the program of the groups;

"(H) provide administrative and management improvements for the groups, particularly in the field of long-range financial planning;

"(I) enable the groups to increase audience participation in, and appreciation of, programs sponsored by the groups;

"(J) develop new sources of long-term support for educational, scholarly, and public programs in the humanities, including renovating or constructing facilities, augmenting or establishing endowment funds, and purchasing capital equipment to ensure financial stability;

"(K) stimulate greater cooperation among the groups especially designed to serve better the communities in which the groups are located; and

"(L) foster greater citizen involvement in planning the cultural development of a community.

"(e) RESEARCH AND SCHOLARSHIP GRANTS.—

"(1) PURPOSE.—The purpose of this subsection is to encourage the development and dissemination of significant scholarship in the humanities by groups, individuals, and State agencies or entities by such means as fellowships for college and university faculty and independent scholars, dissertation grants, summer stipends, and funds for scholarly publications, reference materials, basic research, institutional programs, and preservation.

"(2) GENERAL AUTHORITY.—Using funds reserved under section 106(b)(1)(E), the Chairperson, acting on the recommendation of the National Council on the Humanities, may establish and carry out a program of grants to groups, individuals, State agencies, and State entities for the purpose of paying for the Federal share of the cost, in accordance with subsection (f), of—

"(A) initiating and supporting (including supporting through fellowships) training, workshops, programs, research, and publications, in the humanities, that have substantial scholarly and cultural significance and that reach or reflect the cultural heritage of the United States;

"(B) fostering projects that provide access to, and preserving materials important to research, education, and public understanding regarding, the humanities;

"(C) enabling the groups to increase the levels of continuing support and to increase the range of contributors to the program of the groups;

"(D) providing administrative and management improvements for the groups, particularly in the field of long-range financial planning; and

"(E) developing new sources of long-term support for educational, scholarly, and public programs in the humanities, including renovating or constructing facilities, augmenting or establishing endowment funds, and purchasing capital equipment to ensure financial stability.

"(3) TRAINING; WORKSHOPS; RESEARCH.—A fellowship awarded to an individual under paragraph (2)(A) may be used for the purpose of supporting study or research at an appropriate nonprofit institution selected by the individual, for a stated period of time. The total amount of any grant under paragraph (2)(A) to any group engaging in workshop activities for which an admission or other charge is made to the general public shall not exceed 30 percent of the total cost of such activities.

"(4) CONSIDERATIONS.—In selecting a group or individual as a recipient of a grant to be made under this subsection, the Chairperson shall give particular regard to scholars, and educational and cultural institutions, that traditionally have been underrepresented in the humanities.

"(f) FEDERAL SHARE AND NON-FEDERAL SHARE FOR NATIONAL GRANTS AND RESEARCH AND SCHOLARSHIP GRANTS.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in paragraph (3), and subject to subparagraph (B), the Federal share described subsection (d)(2) or (e)(2) shall be determined by the Chairperson, after recommendation from the Council.

"(B) SPECIAL RULE.—With respect to a fiscal year, the Chairperson shall ensure that the aggregate amount of funding provided by the Chairperson through grants under subsections (d)(2) and (e)(2) for that fiscal year shall equal the aggregate amount of non-Federal contributions made for that fiscal year, in accordance with paragraph (2), by recipients of grants awarded under subsections (d)(2) and (e)(2).

"(2) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in paragraph (3) and subject to subparagraph (B), the Chairperson shall have the discretion in determining the amount of non-Federal contribution that a recipient of a grant under subsection (d)(2) or (e)(2) shall be required to make toward the cost of an activity funded under the grant.

"(B) SPECIAL RULE.—With respect to a fiscal year, the Chairperson shall ensure that the aggregate amount of non-Federal contributions provided by recipients of grants under subsections (d)(2) and (e)(2) for that fiscal year shall equal the aggregate amount of funding that the Chairperson provided through grants under subsections (d)(2) and (e)(2) for that fiscal year.

"(3) SPECIAL RULES FOR ACTIVITIES RELATING TO NEW SOURCES OF LONG-TERM SUPPORT.—

"(A) FEDERAL SHARE.—The Federal share described in subsection (d)(2) or (e)(2) for an activity described in subsection (d)(2)(J) or (e)(2)(E) shall be an amount equal to 25 percent of the cost of the activity.

"(B) NON-FEDERAL SHARE.—A recipient that receives a grant under subsection (d) to carry out an activity described in paragraph (2)(J) of such subsection, or subsection (e) to carry out an activity described in paragraph (2)(E) of such subsection, shall make available non-Federal contributions toward the costs of the activity in an amount equal to 75 percent of such costs ($3 for each $1 of Federal funds provided in the grant).

"SEC. 303. APPLICATION PROCEDURES.

"To be eligible to receive a grant under this title, a State, group, individual, agency, or, organization shall submit an application to the Chairperson at such time, in such manner, and containing such information as the Chairperson may prescribe.

"SEC. 304. REVIEW PANELS.

"The Chairperson may select panels of experts under section 307(a)(3) to review and make recommendations with respect to the approval of applications for grants authorized under this title. In selecting the panels, the Chairperson shall appoint individuals who have exhibited expertise and leadership in the field under review, who broadly represent diverse humanistic perspectives and geographic factors, and who broadly represent cultural diversity.

"SEC. 305. NATIONAL COUNCIL ON THE HUMANITIES.

"(a) ESTABLISHMENT.—There is established within the Endowment a National Council on the Humanities (referred to in this section as the 'Council').

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Council shall be composed of the Chairperson of the Endowment, who shall be the Chairperson of the Council, and 20 other members appointed by the President, by and with the advice and consent of the Senate, who shall be selected—

"(A) from among private citizens of the United States who—

"(i) are recognized for their broad knowledge of, or expertise in, the humanities; and

"(ii) have established records of distinguished service, or achieved eminence, in the humanities;

"(B) so as to include scholars and others who are professionally engaged in the humanities; and

"(C) so as collectively to provide an appropriate distribution of members among the major humanities fields.

"(2) QUALIFICATIONS.—The President may, in making such appointments, give consideration to such recommendations as may, from time to time, be submitted to the President by leading national organizations in the major humanities fields. In making such appointments, the President shall give due regard to equitable representation of women, racially and ethnically diverse individuals, and individuals with disabilities, who are involved in the humanities. Members of the Council shall be appointed so as to represent equitably geographical areas in the United States.

"(c) TERMS.—

"(1) IN GENERAL.—

"(A) STAGGERED TERMS.—Each member of the Council shall serve for a term of 6 years, and the terms shall be staggered.

"(B) EXPIRATION.—Except as provided in paragraph (2), the terms of all Council members shall expire on the third day of September in the year of expiration.

"(C) REAPPOINTMENT AFTER PARTIAL TERM.—Each member who has served on the Council for 1 term of less than 3 years shall be eligible for reappointment for 1 term of 6 years.

"(D) VACANCY APPOINTMENTS.—Any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed.

"(E) HOLDOVER SERVICE.—Notwithstanding any other provision of this subsection, a member of the Council shall serve after the expiration of the term of the member until the successor to the member takes office.

"(2) ADJUSTMENT TO REDUCE COUNCIL.—

"(A) MEMBERS WHOSE TERMS EXPIRED IN 1996 BUT CONTINUE TO SERVE.—

"(i) IN GENERAL.—The terms of 6 members of the Council whose terms expired on September 3, 1996 and who continue to serve because a successor has not been appointed shall be deemed to expire on the date of enactment of the Arts and Humanities Amendments of 1997.

"(ii) SUCCESSORS.—The President shall appoint 3 members of the Council to succeed members whose terms are deemed to expire as described in clause (i).

"(B) MEMBERS WHOSE TERMS EXPIRE IN 2000.—

"(i) IN GENERAL.—The terms of 2 members of the Council whose terms expire on September 3, 2000 shall be deemed to expire on September 3, 2002.

"(ii) SUCCESSORS.—The President shall not appoint any members to succeed the members whose terms are deemed to expire as described in clause (i).

"(d) COMPENSATION.—Members of the Council shall receive compensation at a rate to be fixed by the Chairperson but not to exceed the daily equivalent of the maximum rate authorized for a position above grade GS–15 of the General Schedule under section 5108 of title 5, United States Code, and be allowed travel expenses including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service.

"(e) MEETINGS AND DUTIES.—

"(1) MEETINGS.—The Council shall meet at the call of the Chairperson but not less often than twice during each calendar year. Eleven

members of the Council shall constitute a quorum.

"(2) DUTIES.—The Council shall—

"(A) advise the Chairperson with respect to policies, programs, and procedures for carrying out the functions of the Chairperson under this title; and

"(B) review applications for grants authorized under this title and make recommendations to the Chairperson with respect to the approval of each application.

"(f) ACTIONS BY CHAIRPERSON.—

"(1) IN GENERAL.—The Chairperson shall not approve or disapprove any application for a grant authorized under this title until the Chairperson has received the recommendation of the Council on such application, unless the Council fails to make a recommendation on the application within a reasonable time.

"(2) DELEGATIONS.—In the case of an application submitted under this title and involving $35,000 or less, the Chairperson may approve or disapprove such application if such action is taken pursuant to the terms of an express and direct delegation of authority from the Council to the Chairperson, and if each such action by the Chairperson is reviewed by the Council. The terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year that exceed an amount equal to 3 percent of the sums appropriated for the fiscal year pursuant to section 106(b)(1)(A).

"SEC. 306. LIMITATIONS ON GRANTS.

"(a) CRITERIA FOR ELIGIBILITY FOR GRANTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) PRODUCTION ENTITY.—The term 'production entity' means any partnership, corporation, business enterprise, or other organization engaged in the production of a film or publication.

"(B) GROUP.—The term 'group' includes any State or local government, State or local public agency, Indian tribe, or nonprofit association, organization, institution, or society.

"(C) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' means a citizen of the United States or a person who owes permanent allegiance to the United States.

"(2) CRITERIA.—The Chairperson, with the advice of the National Council on the Humanities, shall establish criteria for eligibility for grants made under this title. The criteria shall provide the following:

"(A) GROUP.—A group shall be eligible to receive a grant under this title if—

"(i) no part of the net earnings of the group inures to the benefit of any private stockholder, or individual; and

"(ii) a donation to such group is allowable as a charitable contribution under section 170(c) of the Internal Revenue Code of 1986.

"(B) PRODUCTION ENTITY.—A production entity that is a nonprofit group shall be eligible to receive a grant under this title if the Chairperson, with the advice of the National Council on the Humanities, determines that providing such a grant will significantly advance the knowledge or understanding of the humanities in the United States.

"(C) INDIVIDUAL.—An individual shall be eligible to receive a grant under this title if—

"(i) the individual is a citizen or national of the United States; and

"(ii) the Chairperson, with the advice of the National Council on the Humanities, determines that providing the grant will significantly advance the knowledge or understanding of the humanities in the United States.

"(b) ADMISSION CHARGES.—No grant shall be made under this title for an activity (other than an activity conducted by a school, college, or university) for which a direct or an indirect admission charge is requested if the proceeds, after deducting reasonable costs, are used for purposes other than assisting the grant recipient to develop high standards of scholarly excellence or encourage greater appreciation of the humanities by the citizens of the United States.

"(c) LABOR STANDARDS.—The provisions of section 206(d) shall apply to activities financed under this title in the same manner and to the same extent as the provisions apply to activities financed under title II.

"SEC. 307. ADMINISTRATIVE PROVISIONS.

"(a) AUTHORITIES OF CHAIRPERSON.—In addition to any authorities vested in the Chairperson by other provisions of this Act, the Chairperson, in carrying out the functions of the Chairperson, shall have authority—

"(1) to prescribe such regulations and procedures as the Chairperson determines to be necessary, governing the manner in which the functions of the Chairperson shall be carried out;

"(2) to appoint and determine the compensation of such employees, subject to title 5, United States Code, as may be necessary to carry out the functions of the Chairperson, to define the duties of such employees, and to supervise and direct the activities of such employees;

"(3) to procure the temporary and intermittent services of experts and consultants, including panels of experts, and compensate the experts and consultants in accordance with section 3109 of title 5, United States Code;

"(4) to accept and utilize the voluntary services of individuals and reimburse the individuals for travel expenses, including per diem in lieu of subsistence, in the same amounts and to the same extent as authorized under section 5703 of title 5, United States Code, for persons employed intermittently in Federal Government service;

"(5) to make advance, progress, and other payments without regard to section 3324 of title 31, United States Code;

"(6) to rent office space in the District of Columbia; and

"(7) to make other necessary expenditures.

"(b) PUBLICATIONS.—Official publications of the Endowment under this title may be supported without regard to the provisions of section 501 of title 44, United States Code, if the Chairperson consults with the Joint Committee on Printing of the Congress.

"(c) COORDINATION.—The Chairperson shall coordinate the programs of the Endowment, insofar as practicable, with other Federal programs, programs of designated State humanities agencies, and programs undertaken by other public agencies or private groups, and shall develop the programs of the Endowment with due regard to the contribution to the objectives of this title that can be made by other Federal agencies under the existing programs. The Chairperson may enter into interagency agreements to promote or assist with the humanities-related activities of other Federal agencies, on a reimbursable or nonreimbursable basis, and may use funds authorized to be appropriated to carry out this title to pay for the costs of such promotion or assistance.

"SEC. 308. REPORTS.

"(a) ANNUAL REPORT OF CHAIRPERSON.—The Chairperson shall submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year. The report shall summarize the activities of the Endowment for the preceding year, and may include such evaluations and other reports as the Chairperson determines to be appropriate.

"(b) FINANCIAL REPORTS AND COMPLIANCE.—

"(1) IN GENERAL.—It shall be a condition of the receipt of a grant made under this title by the Chairperson that each such grant recipient agree to and comply with requirements to submit to the Chairperson—

"(A) financial reports containing such information as the Chairperson determines to be necessary to ensure that the funding provided through the grant is expended in accordance with the terms and conditions under which the grant is made;

"(B) a report describing the activity carried out with the funding provided through the grant and the compliance by the grant recipient with the conditions of receipt of such grant, including the condition that the work assisted meets the standards of excellence in humanities and significance in the humanities; and

"(C) if practicable, as determined by the Chairperson, a copy of the work resulting from the activity.

"(2) REPORTS.—The reports and copy described in paragraph (1) shall be due not later than 90 days after the end of the period for which such grant recipient receives funding through the grant or 90 days after the completion of the work, whichever occurs earlier. The Chairperson may extend the 90-day period if the recipient shows good cause why such an extension should be granted.

"(c) EVALUATION.—The Chairperson shall conduct a post-award evaluation of activities for which grants are made by the Chairperson under this title. Such evaluation may include an audit to determine the accuracy of the reports required to be submitted by grant recipients under subsection (b).

"(d) ANNUAL REPORT OF NATIONAL COUNCIL ON THE HUMANITIES.—

"(1) IN GENERAL.—The National Council on the Humanities may submit an annual report to the President for submission to the appropriate committees of Congress on or before the 15th day of April of each year.

"(2) CONTENTS.—The report shall include written records summarizing—

"(A) all meetings and discussions of the Council; and

"(B) recommendations made by the Council to the Chairperson.

"(3) PRIVACY.—The Council shall ensure that the information contained in the report will be presented in a manner that protects the privacy of individual applicants for grants authorized under this title and Council members.

"SEC. 309. SANCTIONS AND PAYMENTS.

"(a) FAILURE TO SATISFY PURPOSES.—If any recipient of a grant made under this title, or an indirect recipient of funding provided through the grant, substantially fails to satisfy the purposes for which such grant is made, as determined by the Chairperson, the Chairperson may—

"(1) for purposes of determining whether to make any subsequent funding to the direct or indirect recipient under this title, take into consideration the results of the post-award evaluation conducted under section 308(c);

"(2) prohibit the direct and indirect recipients from using the name of, or in any way

associating the project, production, or workshop for which the grant was received with, the Endowment; and

"(3) if such project, production, or workshop is published, require that the publication contain the following statement: 'The opinions, findings, conclusions, and recommendations expressed in this publication do not reflect the views of the National Endowment for the Humanities.'.

"(b) NONCOMPLIANCE.—

"(1) IN GENERAL.—The Chairperson shall take the actions described in paragraph (2) whenever the Chairperson, after providing reasonable notice and an opportunity for hearing, finds that—

"(A) a direct recipient of a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with the provisions of this title;

"(B) a State agency or entity that received a grant under this title, or an indirect recipient of funding provided through the grant, is not complying substantially with terms and conditions of the State plan accompanying the application approved for the grant under this title; or

"(C) any funding provided under this title to a recipient or State agency or entity described in subparagraph (A) or (B) has been diverted from the purposes for which such funding was provided.

"(2) ACTIONS.—On making the finding described in paragraph (1), the Chairperson shall immediately notify the direct recipient, or State agency or entity, that received the funding at issue that—

"(A) no further funding will be provided under this title to such recipient or State agency or entity until there is no longer any default or failure to comply or the diversion is corrected; or

"(B) if compliance or correction is impossible, until such recipient or State agency or entity repays or arranges the repayment of the Federal funds that were improperly diverted or expended.

"(c) RECAPTURE.—

"(1) IN GENERAL.—A recipient of funding under this title shall pay the amount described in paragraph (2) to the Endowment if the Chairperson finds that the recipient has derived net program income in excess of the match required under the terms of the agreement from the commercially successful activities funded that exceeds the lesser of—

"(A) $50,000; or

"(B) twice the amount of the funding.

"(2) AMOUNT.—At the discretion of the Chairperson, the amount referred to in paragraph (1) is not less than ⅓ and not more than ½ of the amount of the net program income generated within 5 years after the end of the grant period, but not more than the amount of the funding, unless the Chairperson has reached an agreement with the grantee upon the award of a grant that the amount referred to in paragraph (1) shall exceed the amount of the grant.

"(d) ACCOUNT.—Except as otherwise provided in this Act, the Treasurer of the United States shall deposit funds paid under subsection (c), or repaid under this Act, in a special interest bearing account to the credit of the Endowment.

"SEC. 310. AWARDS.

"(a) JEFFERSON LECTURE IN THE HUMANITIES AWARD.—The Chairperson may award annually the Jefferson Lecture in the Humanities Award to 1 individual for distinguished intellectual achievement in the humanities. Each such award shall not exceed $10,000.

"(b) NATIONAL HUMANITIES MEDAL.—

"(1) IN GENERAL.—The President may award the National Humanities Medal to individuals or groups whose work—

"(A) has expanded the understanding of citizens of the United States in the area of humanities;

"(B) has broadened such citizens engagement with the humanities; or

"(C) has helped preserve and expand the access of such citizens to important resources in the humanities.

"(2) NUMBER OF MEDALS.—Not more than 12 of such medals may be awarded in any calendar year.

"(3) CEREMONIES.—The presentation of the National Humanities Medal shall be made by the President with such ceremonies as the President may determine to be appropriate, including attendance by appropriate Members of Congress.".

SEC. 102. CONFORMING AMENDMENTS.

Section 8G of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "the National Endowment for the Arts, the National Endowment for the Humanities," and inserting "the portion of the National Foundation on the Arts and the Humanities consisting of the National Endowment for the Arts and the National Endowment for the Humanities,"; and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking at the end "and";

(ii) in subparagraph (B), by inserting after the semicolon "and"; and

(iii) by adding at the end the following:

"(C) with respect to the National Endowment for the Arts and the National Endowment for the Humanities, the term means the Chairperson of the National Endowment for the Arts with respect to matters relating to the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities with respect to matters relating to the Chairperson of the National Endowment for the Humanities;";

(2) in subsection (c), by inserting before the period the following: ", except that the Inspector General for the National Endowment for the Arts and the National Endowment for the Humanities shall be jointly appointed by the Chairperson of the National Endowment for the Arts and the Chairperson of the National Endowment for the Humanities"; and

(3) in the first sentence of subsection (d), by inserting before the period the following: ", except as provided in section 103 of the National Foundation on the Arts and the Humanities Act of 1965".

TITLE II—ARTS AND ARTIFACTS INDEMNITY ACT

SEC. 201. ARTS AND ARTIFACTS.

The Arts and Artifacts Indemnity Act (20 U.S.C. 971 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Arts and Artifacts Indemnity Act'.

"SEC. 2. INDEMNITY FOR EXHIBITIONS OF ARTS AND ARTIFACTS.

"The Federal Council on the Arts and Humanities (referred to in this Act as the 'Council') established under section 8, may enter into agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 3—

"(1) in accordance with the provisions of this Act; and

"(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the objectives of this Act and, consistent with such objectives, to protect the financial interest of the United States.

"SEC. 3. ELIGIBLE ITEMS.

"(a) TYPES OF ITEMS.—The Council may enter into an indemnity agreement under section 2 with respect to items—

"(1) that are—

"(A) works of art, including tapestries, paintings, sculpture, folk art, and graphics and craft arts;

"(B) manuscripts, rare documents, books, or other printed or published materials;

"(C) other artifacts or objects; or

"(D) photographs, motion pictures, or audio and video tape;

"(2) that are of educational, cultural, historical, or scientific value; and

"(3) the exhibition of which is certified (where appropriate) by the Secretary of State or the designee of the Secretary of State as being in the national interest.

"(b) ITEMS ON EXHIBITION.—

"(1) SCOPE.—An indemnity agreement made under this Act shall cover eligible items while on exhibition, generally when the items are part of an exchange of exhibitions. An item described in subsection (a) that is part of an exhibition that originates either in the United States or outside the United States and that is touring the United States shall be considered to be an eligible item.

"(2) DEFINITION.—For purposes of this subsection, the term 'on exhibition' includes the period of time beginning on the date the eligible items leave the premises of the lender or place designated by the lender and ending on the date such items are returned to the premises of the lender or place designated by the lender.

"SEC. 4. APPLICATIONS.

"(a) IN GENERAL.—Any person, nonprofit agency, institution, or government desiring to enter into an indemnity agreement for eligible items under this Act shall submit an application to the Council at such time, in such manner and in accordance with such procedures, as the Council shall, by regulation, prescribe.

"(b) CONTENTS.—An application submitted under subsection (a) shall—

"(1) describe each item to be covered by the agreement (including an estimated value of such item);

"(2) show evidence that the item is an item described in section 3(a); and

"(3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the item, and any transportation related to such item.

"(c) APPROVAL.—On receipt of an application under this section, the Council shall review the application as described in section 5 and, if the Council agrees with the estimated value described in the application and if such application conforms with the requirements of this Act, approve the application and enter into an indemnity agreement with the applicant under section 2. On such approval, the agreement shall constitute a contract between the Council and the applicant pledging the full faith and credit of the United States to pay any amount for which

the Council becomes liable under such agreement. The Council, for such purpose, is authorized to pledge the full faith and credit of the United States.

"SEC. 5. INDEMNITY AGREEMENT.

"(a) REVIEW.—On receipt of an application meeting the requirements of subsections (a) and (b) of section 4, the Council shall review the estimated value of the items for which coverage by an indemnity agreement is sought. If the Council agrees with such estimated value, for the purposes of this Act, the Council shall, after approval of the application as provided for in subsection (c) of section 4, make an indemnity agreement.

"(b) AGGREGATE AMOUNT OF LOSS OR DAMAGE.—The aggregate amount of loss or damage covered by indemnity agreements made under this Act shall not exceed $3,000,000,000, at any one time.

"(c) INDIVIDUAL AMOUNT OF LOSS OR DAMAGE.—No indemnity agreement for a single exhibition shall cover loss or damage in excess of $300,000,000.

"(d) EXTENT OF COVERAGE.—If the estimated value of the items covered by an indemnity agreement for a single exhibition is—

"(1) $2,000,000 or less, then coverage under this Act shall extend only to loss or damage in excess of the first $15,000 of loss or damage to the items covered;

"(2) more than $2,000,000 but less than $10,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $25,000 of loss or damage to the items covered;

"(3) not less than $10,000,000 but less than $125,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $50,000 of loss or damage to the items covered;

"(4) not less than $125,000,000 but less than $200,000,000, then coverage under this Act shall extend only to loss or damage in excess of the first $100,000 of loss or damage to the items covered; or

"(5) $200,000,000 or more, then coverage under this Act shall extend only to loss or damage in excess of the first $200,000 of loss or damage to the items covered.

"SEC. 6. REGULATIONS AND CERTIFICATION.

"(a) REGULATIONS.—The Council shall prescribe regulations providing for prompt adjustment of valid claims for loss or damage to items that are covered by an agreement entered into pursuant to section 2, including provision for arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such covered items.

"(b) CERTIFICATION.—In the case of a claim of loss or damage with respect to an item that is covered by an agreement entered into pursuant to section 2, the Council shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President pro tempore of the Senate.

"SEC. 7. REPORT.

"The Council shall prepare, and submit at the end of each fiscal year to the appropriate committees of Congress, a report containing information on—

"(1) all claims paid pursuant to this Act during such year;

"(2) pending claims against the Council under this Act as of the end of such year; and

"(3) the aggregate face value of contracts entered into by the Council that are outstanding at the end of such year.

"SEC. 8. ESTABLISHMENT OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established a Federal Council on the Arts and the Humanities.

"(2) STATUS AS AN AGENCY.—For the purposes of this Act, the Council shall be an agency within the meaning of the appropriate definitions of such term in title 5, United States Code.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The Council shall be composed of the Chairperson of the National Endowment for the Arts, the Chairperson of the National Endowment for the Humanities, the Director of the Institute of Museum and Library Services, the Secretary of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, the Assistant Secretary for Aging, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior, a member designated by the Chairman of the Senate Commission on Art and Antiquities, and a member designated by the Speaker of the House of Representatives.

"(2) DESIGNATION OF PRESIDING OFFICER.—The President shall designate the presiding officer of the Council from among the members.

"(3) AUTHORITY TO CHANGE THE MEMBERSHIP.—The President is authorized to change the membership of the Council as the President deems necessary to meet changes in Federal programs or executive branch organization.

"(c) FUNCTIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Council shall—

"(A) carry out the functions of the Council described in sections 1 through 7;

"(B) promote coordination between the programs and activities of the National Foundation on the Arts and Humanities and related programs and activities of other Federal agencies; and

"(C) encourage an ongoing dialogue in support of the arts and the humanities among Federal agencies.

"(2) RESTRICTIONS.—The following members of the Council shall not carry out the functions described in paragraph (1)(A):

"(A) The Secretary of the Smithsonian Institution.

"(B) The Director of the National Gallery of Art.

"(C) The member of the Council designated by the Chairman of the Senate Commission on Art and Antiquities.

"(D) The member of the Council designated by the Speaker of the House of Representatives.

"(3) LIMITATION ON USE OF EMPLOYEES.—No employee (other than a member of the Council) of the Council may carry out the activities described in subparagraphs (B) and (C) of paragraph (1).

"SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary—

"(1) to enable the Council to carry out the functions (except the functions described in subparagraphs (B) and (C) of section 8(c)(1)) of the Council under this Act; and

"(2) to pay claims certified pursuant to section 6(b).".

Mr. KENNEDY. Mr. President, it is an honor to be a sponsor of this 5-year reauthorization of the National Endowments for the Arts and Humanities. I commend Chairman JEFFORDS for his leadership in support of these two important Endowments. We intend to do all we can to support them and keep them active because of their well-known success in enhancing the cultural life of the Nation.

The arts and humanities have, and deserve to have, a central role in the life of America. The National Endowments for the Arts and Humanities have contributed immensely to that role. They encourage the growth and development of the arts and humanities in communities across the Nation, giving new emphasis and vitality to American creativity and scholarship, and to the cultural diversity that is one of America's greatest strengths.

Americans have a great deal to celebrate—and also to learn—about our extraordinary cultural traditions, our complex modern society, and our country's many possibilities for the future. The arts and humanities are essential parts of this experience. If we shortchange the arts and humanities, we shortchange America itself.

There are critics who continue to seek the elimination of the Endowments—despite the fact that the American people themselves want the arts to be an active and significant part of their lives, and despite the recognized need for greater support to enable people from all walks of life to have realistic opportunities to enjoy America's artistic and scholarly traditions and innovations.

Unfortunately, the critics gained undeserved strength with the Republican takeover of Congress in 1994. The Arts Endowment is currently under intense ideological attack by Republican leaders in the House of Representatives who are bent on eliminating the agency.

One of the few gratifying aspects of the current debate is the outrage the House assault has created in communities across the country. As last week's 217 to 216 vote demonstrated, the House Republican leadership was forced into an embarrassing public display of arm-twisting to salvage its untenable position. The reason is obvious. Angry citizens are contacting Congress. Editorials and opinion pieces supporting the Endowment are proliferating in newspapers large and small across the country, labeling this threat for what it is—a frontal assault on the arts in America.

These citizens and these communities understand the importance and the success of the Arts Endowment. As a result of its leadership over the past three decades, the country now has

double the number of community orchestras, 11 times the number of community dance companies, and 50 times the number of community arts agencies. Clearly, the crass Republican attempt to mug the Arts Endowment is doomed to fail. I am confident that sanity will return to the House of Representatives before the debate is ultimately over. There is simply too much at stake.

The arts and humanities are vital and essential parts of our national experience, and Congress has an obligation to ensure that they are more accessible, not less accessible, to all Americans in every community.

The current legislation which we introduce today to reauthorize the Endowments is well designed to increase access to arts programs and cultural programs in underserved communities and areas that do not yet have such access on a regular or widespread basis, but that would be greatly enriched by these programs.

In addition, under the legislation, arts education grants will provide funds to make the arts more accessible in schools, where they are increasingly becoming an effective way to strengthen education. Young people deserve to have music, theater, dance, poetry, and the other arts as basic parts of their school years. These investments in students and schools will bring major long-term benefits to the nation.

Students receive short-term benefits too. According to a recent study, high school students who took an arts course in each year of high school scored 59 points higher on the verbal portion of the SAT and 44 points higher on the math portion than students with no courses in the arts.

Unfortunately, in spite of these obvious and very tangible benefits, the arts and humanities must now exist in an environment where there are fewer public dollars and greater competition for private support. Adequate Federal funding for the Endowments is more important than ever. Our bill, therefore, authorizes $175 million for the Arts Endowment and $175 million for the Humanities Endowment for the next fiscal year, compared to appropriations of $99.5 million for the Arts Endowment and $110 million for the Humanities Endowment in the current fiscal year. Authorizations for the following 4 fiscal years are open-ended; our bill specifies "such sums as may be necessary."

President Kennedy understood the importance of the arts in our daily lives. As he said in 1963:

> I look forward to an America which will reward achievement in the arts as we reward achievement in business or statecraft. I look forward to an American which will steadily raise the standard of artistic accomplishment and which will steadily enlarge cultural opportunities for all of our citizens. And I look forward to an America which commands respect throughout the world not only for its strength but also for its civilization as well.

Preserving and supporting the Arts and Humanities Endowments are among one of the most important and effective ways that Congress can help to make this vision a reality.

Throughout history, governments have recognized their responsibility to support and encourage the arts and humanities. In times of rapid change, it is particularly important for us to find effective ways to celebrate our common American community and our shared cultural heritage and values.

Again, I commend Chairman JEFFORDS for his commitment to the Endowments. This legislation deserves broad bipartisan support in Congress, and I look forward to its enactment.

Mr. CHAFEE. Mr. President, I am delighted to join with the chairman and ranking member of the Senate Labor and Human Resources Committee, Senators JEFFORDS and KENNEDY, in introducing legislation to reauthorize the National Endowment for the Arts and the National Endowment for the Humanities. Later this month, we will vote on funding for the Endowments, and it is my sincere hope that the Senate will show its determination to continue Federal support for the arts, as it has in years past.

Although other countries have long histories of government support for cultural activities, Federal support for artists in the United States began during the Great Depression, when the WPA hired scores of writers, musicians, painters, sculptors, and other artists to work on public art projects. But that support was short lived. It wasn't until 1964 that the National Endowment for the Arts first was created. The NEA saw profound growth during the Nixon and Ford administrations.

Regrettably, its funding has been reduced by about 40 percent over the past few years primarily because of a few grants that were deemed to have been inappropriate. With regard to this issue of "obscene art," I believe that any such debate should be framed in terms of the overall record of the NEA, not in terms of a few grants that may have escaped appropriate scrutiny. Of the more than 100,000 grants provided by the NEA in its almost 30-year history, only a handful have been the subject of controversy. That is an excellent track record, and I do not believe that those few grants should be used as the yardstick by which the Endowment is judged.

Mr President, the public's support for the NEA and NEH is very strong. In Rhode Island, we have a vigorous and growing arts community. The Rhode Island School of Design is among the most prestigious fine arts and design schools in the Nation. It attracts the most talented students and teachers who often make Rhode Island their permanent home. Many Rhode Islanders, and people in the city of Providence in particular, are enormously enthusiastic about the arts community, which has contributed greatly to our economic redevelopment efforts.

The NEA and NEH support a wide array of artists, writers, actors, musicians, and other artists. During the past several weeks, I have heard from a number of Rhode Island artists. I would like to share an excerpt from a Rhode Island musician with you. Rebecca Truitt, a cellist in the Rhode Island Philharmonic, wrote to me on March 8. This is what she said:

> The declining state of public support for the arts in America is of great concern to me. . . . Equally critical is the possibility that our cultural agencies may fail to receive authorization for Fiscal Year 1998. Should that happen, it would be an embarrassing day for the United States, making us unique among cultured nations by eliminating the arts from our priorities. Whether all orchestras, including my orchestra, the Rhode Island Philharmonic Orchestra, receive funding or not, one thing is clear, the NEA has helped raise the standard of all professional performing groups in the U.S., catapulting American music and musicians to the forefront of the international music scene. Moreover, the NEA has helped to promote and sustain American jobs.

Throughout my years in the Senate, I have supported funding for both the National Endowment for the Arts and the National Endowment for the Humanities. Once again, I am delighted to introduce this reauthorization bill with Senators JEFFORDS and KENNEDY.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Utah [Mr. BENNETT], the Senator from North Dakota [Mr. DORGAN], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 766

At the request of Ms. SNOWE, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 865

At the request of Mr. GRAHAM, the name of the Senator from Iowa [Mr.

GRASSLEY] was added as a cosponsor of S. 865, a bill to provide for improved coordination, communications, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes.

S. 932

At the request of Mr. GRAMM, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 932, a bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication and, in conjunction with the Board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes.

S. 963

At the request of Mr. CHAFEE, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 963, a bill to establish a transportation credit assistance pilot program, and for other purposes.

S. 985

At the request of Mr. TORRICELLI, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 985, a bill to designate the post office located at 194 Ward Street in Paterson, New Jersy, as the "Larry Coby Post Office".

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. HUTCHINSON, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and, fortitude.

SENATE CONCURRENT RESOLUTION 39—EXPRESSING THE SENSE OF THE CONGRESS THAT THE GERMAN GOVERNMENT SHOULD EXPAND AND SIMPLIFY ITS REPARATIONS SYSTEMS TO HOLOCAUST SURVIVORS

Mr. MOYNIHAN (for himself, Mr. GRAHAM, Mr. HATCH, and Mr. DODD) submitted the following resolution which was referred to the Committee on Foreign Relations.

S. CON. RES. 39

Whereas the annihilation of 6,000,000 European Jews during the Holocaust and the murder of millions of others by the Nazi German state constitutes one of the most tragic episodes in the history of man's inhumanity to man;

Whereas there are more than 125,000 Holocaust survivors living in the United States and approximately 500,000 living around the world;

Whereas aging Holocaust survivors throughout the world are still suffering from permanent injuries suffered at the hands of the Nazis, and many are unable to afford critically needed medical care;

Whereas, while the German Government has attempted to address the needs of Holocaust survivors, many are excluded from reparations because of onerous eligibility requirements imposed by the German Government;

Whereas the German Government often rejects Holocaust survivors' claims on the grounds that the survivor did not present the claim correctly or in a timely manner, that the survivor cannot demonstrate to the Government's satisfaction that a particular illness or medical condition is the direct consequence of persecution in a Nazi-created ghetto or concentration camp, or that the survivor is not considered sufficiently destitute;

Whereas tens of thousands of Holocaust survivors in the former Soviet Union and other formerly Communist countries in Eastern and Central Europe have never received reparations from Germany and a smaller number has received a token amount;

Whereas, after more than 50 years, hundreds of thousands of Holocaust survivors continue to be denied justice and compensation from the German Government;

Whereas the German Government pays generous disability pensions to veterans of the Nazi armed forces, including non-German veterans of the Waffen-SS;

Whereas in 1996 the German Government paid $7,700,000,000 in such pensions to 1,100,000 veterans, including 3,000 veterans and their dependents now living in the United States;

Whereas such pensions are a veteran's benefit provided over and above the full health coverage that all German citizens, including veterans of the Waffen-SS, receive from their government; and

Whereas it is abhorrent that Holocaust survivors should live out their remaining years in conditions worse than those enjoyed by the surviving former Nazis who persecuted them: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the German Government should expand and simplify its system of reparations so that all Holocaust survivors can receive reparations, regardless of their nationality, length or place of internment, or current financial situation;

(2) the German Government should provide reparations to Holocaust survivors in the former Soviet Union and other former Communist countries in Eastern and Central Europe;

(3) the German Government should fulfill its responsibilities to victims of the Holocaust and immediately set up a comprehensive medical fund to cover the medical expenses of all Holocaust survivors worldwide; and

(4) the German Government should help restore the dignity of Holocaust survivors by paying them sufficient reparations to ensure that no Holocaust survivor be forced by poverty to live in conditions worse than those generally enjoyed by the surviving former Nazis who persecuted them.

Mr. MOYNIHAN. Mr. President, it is now over half a century since the end of the Second World War. Millions of us who served in that war returned home to resume our lives and enjoy the blessings of peace. To all of us the end of the war was a relief. To the survivors of the Nazi concentration camps it was the difference between certain death and a chance to continue life after years of unspeakable deprivation and horror.

Much has been written and said about the 6 million European Jews who were slaughtered during the Holocaust. A magnificent museum not far from this building pays moving and appropriate tribute to them, and to the millions of non-Jewish victims of Nazi Germany, as well. Much has been said about the dead. But far too little has been said about, or done for, the survivors. Almost half a million of them are still alive, including over 125,000 in this country and about the same number in Eastern and Central Europe and Israel. The youngest among them are now in their sixties; most of them are in their seventies and eighties and in increasingly frail health, complicated in many cases by the suffering they endured over half a century ago.

The German Government has long recognized its moral obligation to assist the survivors of the Holocaust. The landmark reparations agreements of the early 1950's between the West German Government and Jewish groups were predicated on this simple premise. Yet, as years go by, it has become increasingly apparent that a large number of survivors, particularly those living in Eastern and Central Europe, were excluded from these agreements and are now being denied assistance on the flimsiest of technical grounds. In addition, tens of thousands of Holocaust survivors in North America and Israel have been similarly refused reparations for a variety of reasons that all pale when contrasted to Germany's half-century of generous pensions to German and non-German veterans of the notorious Waffen-SS. It is only fair and logical that the survivors of the Holocaust be treated in their old age with at least the same measure of support being afforded their torturers and prison guards. It is also only fair and logical that these aging survivors, as well as those who already receive reparations, be assisted in meeting their increasing medical expenses.

It is for this purpose that I join Senators GRAHAM, HATCH, and DODD in submitting this resolution which speaks to the simple proposition that it is the sense of Congress that the German Government should expand and simplify its reparations system, provide reparations to Holocaust survivors in Eastern and Central Europe, and set up

a fund to help cover the medical expenses of Holocaust survivors.

Mr. GRAHAM. Mr. President, I rise today with Senator MOYNIHAN and my other colleagues to submit a resolution that will allow Holocaust survivors to receive the reparations they so rightly deserve.

There are over 125,000 Holocaust survivors living in the United States. My State of Florida is home to the second largest population in the United States. Approximately 500,000 survivors worldwide are living out their final days. Many still suffer from the injuries they received during the Nazi occupation. While the German Government has acted in good faith in attempting to take responsibility for the horrible actions of the Nazi regime, many survivors have been prevented from receiving reparations due to burdensome eligibility requirements.

We recognize that since 1952, Germany has contributed to the compensation of those that survived the Holocaust. However, after 50 years, hundreds of thousands of elderly Holocaust survivors are still unable to afford critically needed medical care, and many of their medical problems are a direct result of their years in Nazi concentration camps.

In May, it was acknowledged that, in addition to the regular pensions and medical insurance the German Government provides, war disability pensions are still being paid to veterans of the Nazi armed forces and the non-German Waffen-SS, Hitler's special death squads. According to the Wiesenthal Center, the SS disability pensions alone are three times the reparations paid to the Holocaust survivors.

This resolution calls for the German Government to expand and simplify its system of reparations so that a medical fund may be established to cover medical expenses for Holocaust survivors throughout the world. Regardless of nationality or the length or place of internment, Holocaust survivors will be guaranteed the opportunity to live the remainder of their lives with the knowledge that they will always be able to receive the medical care they need.

Holocaust survivors have lived enough of their life in suffering. We must now insure that they live the rest of their lives in dignity. We hope the German Government will continue to accept responsibility and set up a fund to help the victims of Nazi terror. I urge my colleagues to join us in this endeavor.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT FOR FISCAL YEAR 1998

HUTCHISON (AND OTHERS) AMENDMENT NO. 849

Mr. STEVENS (for Mrs. HUTCHISON for herself, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. WARNER, Mr. SMITH of Oregon, Mr. LUGAR, and Mr. LEVIN) proposed an amendment to the bill, S. 1005, making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes, supra; as follows:

At the appropriate place in the bill, insert the following:

It is the sense of the Senate that—

(1) International efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords should be supported as an important element in creating a self-sustaining peace in the region;

(2) The Administration should consult closely with the Congress on all efforts to bring indicted war criminals to justice in Bosnia and Herzegovina consistent with the 1995 Dayton Accords; and

(3) The Administration should consult closely and in a timely manner with the Congress on the NATO-led Stabilization Force's mission concerning the apprehension of indicted war criminals, including any changes in the mission which could affect American forces.

DORGAN AMENDMENT NO. 850

Mr. STEVENS (for Mr. DORGAN) proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place, insert the following:

SEC. . Up to $4.5 million of funds available to the Department of Defense may be available for the payment of claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997 by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

ROBB AMENDMENT NO. 851

Mr. STEVENS (for Mr. ROBB) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. Of the total amount appropriated under title II for the Navy, the Secretary of the Navy shall make $36,000,000 available for a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps, including demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program.

MCCAIN AMENDMENT NO. 852

Mr. MCCAIN proposed an amendment to the bill, S. 1005, supra; as follows:

Strike out section 8097.

MCCAIN AMENDMENT NO. 853

Mr. MCCAIN proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) The Secretary of Defense shall waive generally with respect to a foreign country each limitation on procurements from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede arrangements for the reciprocal procurement of defense items entered into under section 2531 of title 10, United States Code, or under any other provision of law, and the country does not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(b) Subsection (a) applies with respect to—

(1) contacts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a wavier granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of warships.

INOUYE AMENDMENT NO. 854

Mr. INOUYE proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place, insert: "*Provided further*, That none of th funds provided in this or any other Act may be obligated for the tooling to construct or the construction of vessels addressed by this section".

COATS AMENDMENT NO. 855

Mr. STEVENS (for Mr. COATS) proposed an amendment to the bill, S. 1005, supra; as follows:

On page 24, line 6, after "2000" insert the following: ": *Provided*, That, of the amount appropriated under this heading, $15,708,000 is available for the Information System Security Program, of which $5,500,000 is available for procurement of Airterm KY-100 devices".

FEINSTEIN AMENDMENT NO. 856

Mr. STEVENS (for Mrs. FEINSTEIN) proposed an amendment to the bill, S. 1005, supra; a follows:

At the appropriate place, insert:

SEC. . SENSE OF CONGRESS.

It is the Sense of Congress that should the Senate ratify NATO enlargement, current proportional cost-sharing arrangements will remain in place and that the proportional cost of the U.S. share of the NATO common budget should not increase.

GRAHAM (AND MACK) AMENDMENT NO. 857

Mr. STEVENS (for Mr. GRAHAM, for himself and Mr. MACK) proposed an amendment to the bill, S. 1005, supra; as follows:

At the end of title VIII, add the following:

SEC. 8099. (a) Congress finds that the Defense Base Closure and Realignment Commission directed the transfer of only 10 electro-magnetic test environment systems from Eglin Air Force Base, Florida, to Nellis Air Force Base, Nevada.

BUMPERS AMENDMENT NO. 858

Mr. STEVENS (for Mr. BUMPERS) proposed an amendment to the bill, S. 1005, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) FUNDING.—The Department of Defense budget is insufficient to fulfill all the requirements on the unfunded priorities lists of the military services and defense agencies.

(b) The documented printing expenses of the Department of Defense amount to several hundred million dollars per year, and a similar amount of undocumented printing expenses may be included in external defense contracts.

(c) Printing in two or more colors generally increases costs.

(d) The Joint Committee on Printing of the Congress of the United States has established regulations intended to protect taxpayers from extravagant government printing expenses.

(e) The Government Printing and Binding Regulations published by the Joint Committee on Printing direct that, ". . . it is the responsibility of the head of any department, independent office or establishment of the Government to assure that all multicolor printing shall contribute demonstrable value toward achieving a greater fulfillment of the ultimate end-purpose of whatever printed item in which it is included."

(f) The Department of Defense publishes a large number of brochures, calenders, and other products in which the use of multicolor printing does not appear to meet the demonstrably valuable contribution requirement of the Joint Committee on Printing, but instead appears to be used primarily for decorative effect.

(g) The Department of Defense could save resources for higher priority needs by reducing printing expenses:

Therefore, it is the sense of the Senate that:

(1) the Secretary of Defense should ensure that the printing costs of the Department of Defense and military services are the lowest amount possible;

(2) the Department of Defense should strictly comply with the Printing and Binding Regulations published by the Joint Committee on Printing of the Congress of the United States; and

(3) that the Department of Defense budget submission for fiscal year 1999 should reflect the savings that will result from the stricter printing guidelines in (1) and (2).

THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT FOR FISCAL YEAR 1998

BYRD AMENDMENT NO. 859

Mr. DOMENICI (for Mr. BYRD) proposed an amendment to the bill (S. 1004) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes; as follows:

Following Section 503, insert the following new section:

SEC. 504. (a) The State of West Virginia shall receive credit towards its required contribution under Contract No. DACW59–C–0071 for the cost of recreational facilities to be constructed by a joint venture of the State in cooperation with private interests for recreation development at Stonewall Jackson Lake, West Virginia, except that the State shall receive no credit for costs associated with golf course development and the amount of the credit may not exceed the amount owed by the State under the Contract.

(b) The Corps of Engineers shall revise both the 1977 recreation cost-sharing agreement and the Park and Recreation Lease dated October 2, 1995 to remove the requirement that such recreation facilities are to be owned by the Government at the time of their completion as contained in Article 2–06 of the cost-sharing agreement and Article 36 of the lease.

(c) Nothing in this section shall reduce the amount of funds owed the United States Government pursuant to the 1977 recreation cost-sharing agreement.

DASCHLE AMENDMENT NO. 860

Mr. DOMENICI (for Mr. DASCHLE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $80,000 of funding appropriated herein to complete the feasibility study of alternatives for meeting the drinking water needs on the Cheyenne River Sioux Reservation and surrounding communities in South Dakota".

KEMPTHORNE AMENDMENT NO. 861

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $2,500,000 of funds appropriated herein to initiate construction of the McCall Area Wastewater Reclamation and Reuse, Idaho project".

BINGAMAN (AND DOMENICI) AND AMENDMENT NO. 862

Mr. DOMENICI (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $300,000 of funding appropriated herein to undertake feasibility planning studies and other activities for the Ute Reservoir Pipeline (Quay County portion), New Mexico project".

WYDEN AMENDMENT NO. 863

Mr. DOMENICI (for Mr. WYDEN) proposed an amendment to the bill, S. 1004, supra; as follows:

At the appropriate place, insert the following new general provision:

SEC. . (a) IN GENERAL.—For fiscal year 1998 and each fiscal year thereafter, appropriations made for the Bureau of Reclamation may be used by the Secretaries of Interior for the purpose of entering into cooperative agreements with willing private landowners for restoration and enhancement of fish, wildlife, and other resources on public or private land or both that benefit the water and lands within a watershed that contains a Bureau of Reclamation project.

(b) DIRECT AND INDIRECT WATERSHED AGREEMENTS.—The Secretary of Interior may enter into a watershed restoration and enhancement agreement—

(1) directly with a willing private landowner, or

(2) indirectly through an agreement with a state, local, or tribal government or other public entity, educational institution, or private non-profit organization.

(c) TERMS AND CONDITIONS.—In order for the Secretary to enter into a watershed restoration and enhancement agreement—

(1) the agreement shall—

(A) include such terms and conditions mutually agreed to by the Secretary and the landowner,

(B) improve the viability of and otherwise benefit the fish, wildlife, and other resources in the watershed;

(C) authorize the provision of technical assistance by the Secretary in the planning of activities that will further the purposes of the agreement;

(D) provide for the sharing of costs of implementing the agreement among the Federal government, the landowner, and other entities, as mutually agreed on by the affected interests, and

(E) ensure that any expenditures by the Secretary pursuant to the agreement is determined by the Secretary to be in the public interest, and

(2) the Secretary may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Secretary and the landowner.

BIDEN (AND ROTH) AMENDMENT NO. 864

Mr. DOMENICI (for Mr. BIDEN, for himself, and Mr. ROTH) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 2, line 26, insert the following before the period:

": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use $200,000 of funding appropriate herein to initiate preconstruction engineering and design for the Delaware Coast from Cape Henlopen to Fenwick Island, Delaware project".

BUMPERS AMENDMENT NO. 865

Mr. DOMENICI (for Mr. BUMPERS) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 19, on line 7, insert before the period the following:

": *Provided*, That from funds available herein, the Department of Energy will assess the cost of decommissioning the Southwest Experimental Fast Oxide Reactor site".

BOXER AMENDMENT NO. 866

Mr. DOMENICI (for Mrs. BOXER) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 23 of the bill, line 5, and insert the following before the colon: ", of which

$2,000,000 is provided for improvements to Greenville Road in Livermore, California".

BUMPERS AMENDMENT NO. 867

Mr. BUMPERS proposed an amendment to the bill, S. 1004, supra; as follows:

Reduce the amount on line 4 of page 23 by $258,000,000.

FEINGOLD (AND OTHERS) AMENDMENT NO. 868

Mr. FEINGOLD (for himself, Mr. BROWNBACK, and Mr. MCCAIN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 15, line 10, after "appropriated", insert the following: ": *Provided further*, That the Secretary of the Interior shall, not later than November 15, 1997, provide a report to Congress on a revised project plan for the Animas-LaPlata project that reduces the total cost of the program to the Federal Government, limits the diversion of water from the Animas River to an amount recommended by the U.S. Fish and Wildlife Service, and ensures the project will be designed and implemented in the most cost-effective manner for the Federal Government: *Provided further*, that none of the funds appropriated in this or any prior act may be expended for construction until a project has been authorized at a date subsequent to the enactment of this appropriations act".

TORRICELLI AMENDMENT NO. 869

Mr. DOMENICI (for Mr. TORRICELLI) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 12, between lines 12 and 13, insert the following:

SEC. . GREEN BROOK SUB-BASIN FLOOD CONTROL PROJECT, NEW JERSEY.

No funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out any plan for, or otherwise construct, the Oak Way detention structure or the Sky Top detention structure in Berkeley Heights, New Jersey, as part of the project for flood control, Green Brook Sub-basin, Raritan River Basin, New Jersey, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4119).

KEMPTHORNE AMENDMENT NO. 870

Mr. DOMENICI (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 18, line 22, insert the following before the period: ": *Provided*, That $1,500,000 of the funds appropriated herein may be used to continue the cost-shared, fish-friendly turbine program".

BUMPERS AMENDMENT NO. 871

Mr. DOMENICI (for Mr. BUMPERS) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 9, line 12, insert the following before the period: ": *Provided further*, That, using funds appropriated in this Act, the Secretary of the Army may construct the Ten and Fifteen Mile Bayou channel enlargement as an integral part of the work accomplished on the St. Francis Basin, Arkansas and Missouri Project, authorized by the Flood Control Act of 1950".

DASCHLE (AND JOHNSON) AMENDMENT NO. 872

Mr. DOMENICI (for Mr. DASCHLE, for himself and Mr. JOHNSON) proposed an amendmnent to the bill, S. 1004, supra; as follows:

On page 15, line 10, insert the following before the period: ": *Provided further*, That the Secretary of the Interior may use $185,000 of the funding appropriated herein for a feasibility study of alternatives for the Crow Creek Rural Water Supply System to meet the drinking water needs on the Crow Creek Sioux Indian Reservation".

LEVIN AMENDMENT NO. 873

Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 12, between lines 12 and 13, insert the following:

SEC. 1 . GREAT LAKES BASIN.

No funds made available under this Act may be used by the Secretary of the Army to consider any application for a permit that, if granted, would result in the diversion of ground water from the Great Lakes Basin.

MOSELEY-BRAUN AMENDMENT NO. 874

Mr. DOMENICI (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 7, line 2 insert the following before the period: "*Provided further*, That the Assistant Secretary of the Army for Civil Works shall consider the recommendations of the Special Reevaluation Report for the McCook Reservoir as developed by the Corps of Engineers Chicago District".

DORGAN AMENDMENT NO. 875

Mr. DOMENICI (for Mr. DORGAN) proposed an amendment to the bill, S. 1004, supra; as follows:

On page 7, line 2, before the period, insert the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, may use up to $5,000,000 of the funding appropriated herein to initiate construction of an emergency outlet from Devils Lake, North Dakota, to the Sheyenne River, and that this amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)(i)); except that funds shall not become available unless the Secretary of the Army determines that an emergency (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) exists with respect to the emergency need for the outlet and reports to Congress that the construction is technically sound, economically justified, and environmentally acceptable and in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the economic justification for the emergency outlet shall be prepared in accordance with the principles and guidelines for economic evaluation as required by regulations and procedures of the Army Corps of Engineers for all flood control projects, and that the economic justification be fully described, including the analysis of the benefits and costs, in the project plan documents: *Provided further*, That the plans for the emergency outlet shall be reviewed and, to be effective, shall contain assurances provided by the Secretary of State, after consultation with the International Joint Commission, that the project will not violate the requirements or intent of the Treaty Between the United States and Great Britain Relating to Boundary Waters Between the United States and Canada, signed at Washington January 11, 1909 (36 Stat. 2448; TS 548) (commonly known as the 'Boundary Waters Treaty of 1909') *Provided further*, That the Secretary of the Army shall submit the final plans and other documents for the emergency outlet to Congress: *Provided further*, That no funds made available under this Act or any other Act for any fiscal year may be used by the Secretary of the Army to carry out the portion of the feasibility study of the Devils Lake Basin, North Dakota, authorized under the Energy and Water Development Appropriations Act, 1993 (Public Law 102-377), that addresses the needs of the area for stabilized lake levels through inlet controls, or to otherwise study any facility or carry out any activity that would permit the transfer of water from the Missouri River Basin into Devils Lake".

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, July 17, 1997, 2 p.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is Improving the Quality of Child Care. For further information, please call the committee, 202/224-5375.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Tuesday, July 29, 1997, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 967, a bill to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act, and for other purposes, and S. 1015, a bill to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Tuesday, July 15, at 10 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 15, 1997, at 10 a.m., 2 p.m., and 4 p.m. to hold hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Tuesday, July 15, 1997, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. STEVENS. 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 15, 1997, at 10 a.m. to hold a hearing in room 226, Senate Dirksen Building, on: "Judicial Activism: Assessing the Impact."

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

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet jointly during the session of the Senate on Tuesday, July 15, 1997, to conduct a hearing on the Real Estate Settlement Procedures Act [RESPA], the Truth in Lending Act [TILA] and problems surrounding the mortgage origination process.

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

ADDITIONAL STATEMENTS

TRIBUTE TO THE TOWN OF BARRINGTON ON ITS 275TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Barrington, NH. On July 20, 1997, the people of Barrington will gather in celebration of the 275th anniversary of the town's charter.

On May 10, 1722 Gov. Samuel Shute signed Barrington's charter on behalf of King George I, encouraging the settlement of a new plantation of 50 dwelling houses, a meeting house for public worship, a parsonage, and a school. However, when Barrington's first settlers crossed the 20 miles between the harbor town of Portsmouth and their new plots of white pine forest land, they found the terrain wrought with the tough, plow-bending granite which has come to make New Hampshire famous. Early accounts depict fields overrun with rattle snakes and forests brimming with less-than-hospitable native tribes.

Nevertheless, in quintessential Yankee fashion, the people of Barrington cut out a tiny foothold for themselves. Together, they burned back the brush, felled the towering hardwoods, and quarried the granite using crude hand-held drills and chisels. By 1742, granite boulders had been hewn into foundations and apple orchards had been planted. By 1750, Barrington's lumber mills were providing the timber for ships' masts in England, posts and beams for homes in surrounding towns, and chord wood for firing the seacoast's early ironworks.

Mr. President, on Sunday I will join with the people of Barrington on the steps of its landmark Calef's Country Store to commemorate this historic birthday. Since its rudimentary beginnings the town of Barrington has grown into a prosperous township of 6,600 people. Joining me on Sunday will be members of Barrington's volunteer fire department, Barrington's volunteer emergency medical service and Barrington's volunteer youth association. I am pleased to report the unwavering dedication to community is alive and well in Barrington after 275 years.

Happy birthday, Barrington. Live Free or Die.•

TRIBUTE TO THE 1997 GRADUATES OF THE AMERICAN ASSOCIATION OF HEALTH PLANS' MINORITY MANAGEMENT DEVELOPMENT PROGRAM

• Ms. MIKULSKI. Mr. President, I rise today to congratulate 14 individuals who recently completed the American Association of Health Plans [AAHP] Minority Management Development Program [MMDP]. This intensive yearlong fellowship program prepares minority managers for middle management positions in network-based health plans.

The 1997 graduates are: Cheryl Bitoun, M.H.A.; Michelle Browne, M.P.A., M.S.W.; Kendrick Carpenter; Janice Cartera; Bernadette Cooper, M.H.A.; Lisa Lawrence Eggleston, R.N., M.H.A.; Juli Harkins, M.S.H.A.; Lisa Little Axe; Elizabeth Mendoza, M.B.A., M.H.A.; and Erik Thorne, M.P.H.

The Minority Management Development Program was created in 1994 when AAHP and the health plan community recognized the need to develop diverse management teams—especially in light of the growing number of minorities joining health plans. Since the MMDP's inception in 1992, 42 fellows of diverse ethnic backgrounds have participated in this innovative management training program and have distinguished themselves as leaders throughout the health care community. The MMDP is a comprehensive program designed to provide managerial training, work experience, and knowledge of health plans through focused didactic and practical interactive training opportunities. The program's varied curriculum is focused on key health care related management tools, including quality management and accreditation, marketing, delivery systems, financial management, and operations.

Fellows in the 1997 class trained at health plans in Washington, DC, and in several neighboring counties in Maryland. This year's training sites were Kaiser Foundation Health Plan/Mid-Atlantic States, Rockville, MD; NYLCare Health Plans, Greenbelt, MD; Blue Cross & Blue Shield of the National Capital Area and Chartered Health Plan in Washington, DC, and Total Health Care, Inc. and Prudential Health Care Plan in Baltimore, MD. Next year, the program will expand to provide training at additional sites in four southwestern States: Arizona, New Mexico, Texas, and California.

AAHP is the national association representing health maintenance organizations [HMO's], preferred provider organizations [PPO's], and other similar health plans. Together, these health plans provide care for more than 140 million Americans.

I hope that this Congress will recognize that programs such as the Minority Management Development Program are of vital importance and that they meet a critical need in the education and training of America's health professionals.•

TRIBUTE TO JAMES BOWSE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to James Bowse. Jim died unexpectedly on Tuesday, June 17. As president/chief executive officer at the Rutland Regional Medical Center since 1989, Jim was considered to be one of the most progressive and effective leaders in the field of health care.

Jim understood the challenges facing community hospitals, but never lost sight of the human element in medicine. During his tenure at the Rutland

facility Jim was instrumental in creating the first State-owned health maintenance organization [HMO]. He established a Rutland-based system of physicians to provide high quality service while simultaneously containing costs.

Jim strove to develop a community approach in medicine. To that end, he maintained reserves to cover the costs associated with patients that could not afford the treatment they required. Jim was able to freeze patient fees since 1991, while doubling annual revenues to $100 billion. In addition, he played a vital role in the establishment of an orthopedic clinic and the expansion of outpatient services as well as preventative health projects.

Jim had a great sense of humor and an uncanny ability to make the most complex issues seem simple. His dedication to the people of Vermont is in the State's finest tradition. Through his efforts, Jim made a lasting impression upon the community which will be slow to fade. I extend my condolences to his family and friends.•

PLEASANT HILL ELEMENTARY SCHOOL—A 1997 NATIONAL BLUE RIBBON SCHOOL OF EXCELLENCE

• Mr. ROCKEFELLER. Mr. President, I would like to take a moment to recognize a worthy school in my State.

The National Blue Ribbon Schools Program annually identifies elementary and middle schools which attain high academic standards, foster an educational community, productive communication and strong leadership, and indicate a hopeful future. These schools are acknowledged for their achievements and held up publicly as models for other schools.

In testament to West Virginia's strong commitment to education, I am proud that my State contains more blue ribbon schools this year than most others—7 schools out of the 263 honored across the country. Of these, I wish to highlight the achievement of one today: Pleasant Hill Elementary School in Grantsville, WV.

Pleasant Hill's two-story brick building is tucked among the forests of Calhoun County, far from any city or even a fast-food restaurant. It is a place where West Virginians face many financial challenges, yet those at Pleasant Hill have struggled and succeeded in the face of these obstacles. They see that education is the way to a better future.

For 8 years, under a community vision that every child must first master a backbone of basic skills, the school has steadily improved its standing. When teachers were not satisfied with math scores, they examined their teaching methods and implemented a new approach which emphasized practicing skills after they were learned. Now Pleasant Hill students placed in the 91 percentile in math. With this strategy, directing attention to one needy area at a time, the whole school has raised itself to a level which deserves notice.

But the whole community—not just the teachers—has also changed the atmosphere at Pleasant Hill. Under the leadership of administrators like Principal Lawrence Stinn, the faculty and parents see themselves as members of the same team aspiring together to teach the children. When a school community is so united, perhaps the most important aspect of education is already achieved: a sense of optimism. And the Pleasant Hill community certainly has reason to see a bright future.

During a time when our public schools face innumerable obstacles, it is comforting to see places like Pleasant Hill. They reassure us that, with a little determination, all schools in America can improve. Thus I am pleased to congratulate the accomplishments and continuing efforts of the people of Grantsville. I am proud they are from West Virginia and know that they will continue to represent the best that our State has to offer.•

TRIBUTE TO MILDRED SOSH

• Mr. MCCONNELL. Mr. President, I rise today to commend an extraordinary woman for her lifelong dedication to service and charity. Ninety-two-year-old Mildred Sosh volunteers at the Wayside Christian Mission in Louisville one morning every week where she showers needy infants with loving care.

Mrs. Sosh never had children of her own, so she loves the children at Wayside with all her heart. Mrs. Sosh also taught first grade for 44 years. This remarkable woman has volunteered at Wayside Christian Mission for 28 years where she first worked with the Mission's auxiliary mending clothes and making homemade gravy. She later volunteered in the day care where she remains today. Mrs. Sosh also volunteers at Salem United Church of Christ where she is a member. Mrs. Sosh was deservedly honored this spring at the J.C. Penney Golden Rule Awards Banquet for her dedication to helping the homeless.

Despite her dependence on a cane to walk, Mrs. Sosh arrives at Wayside every Tuesday morning to rock the babies. She recruited a friend about 4 years ago to volunteer also so that she would always have a ride to the mission. Although not everyone can volunteer as extensively as Mildred Sosh, we can all take inspiration from her selfless sacrifice for the sake of others.

Mr. President, I ask that you join me in honoring Mildred Sosh.•

ORDERS FOR WEDNESDAY, JULY 16, 1997

Mr. DOMENICI. Mr. President, in behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, July 16. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then proceed to a period of morning business until the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes, with the following exceptions: Senators HAGEL and CLELAND, 20 minutes; Senator TORRICELLI, 15; Senator DORGAN, 20.

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

Mr. DOMENICI. On behalf of the leader, I also ask that at 11 a.m. the Senate begin consideration of S. 955, the foreign operations appropriations bill.

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

Mr. DOMENICI. I thank the Chair.

PROGRAM

Mr. DOMENICI. For the information of all Senators, in behalf of the leader, I state the following. Tomorrow, the Senate will be in a period of morning business until the hour of 11 a.m. By previous consent, at 11 a.m. the Senate will begin consideration of S. 955, the foreign operations appropriations bill. By previous consent, a vote on final passage of S. 1004, the energy and water appropriations bill, will occur following the first vote relative to the foreign operations bill.

Thus far, we have been able to make considerable progress on four appropriations bills cleared for floor action. It is the leader's hope that this progress with respect to the foreign operations appropriations bill and the legislative branch appropriations bill will continue.

Senators are reminded that the Senate hopes to complete action on two more appropriations bills this week, so the cooperation of Members in the scheduling of floor action is appreciated.

I thank my colleagues for their attention.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOMENICI. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:21 p.m., adjourned until Wednesday, July 16, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 15, 1997:

DEPARTMENT OF DEFENSE

JOHN J. HAMRE, OF SOUTH DAKOTA, TO BE DEPUTY SECRETARY OF DEFENSE, VICE JOHN P. WHITE, RESIGNED.

THE JUDICIARY

CHARLES J. SIRAGUSA, OF NEW YORK, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NEW YORK, VICE MICHAEL A. TELESCA, RETIRED.

RICHARD L. YOUNG, OF INDIANA, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA, VICE GENE E. BROOKS, RETIRED.

DEPARTMENT OF JUSTICE

SHARON J. ZEALEY, OF OHIO, TO BE U.S. ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF 4 YEARS, VICE EDMUND A. SARGUS, JR.

HOUSE OF REPRESENTATIVES—*Tuesday, July 15, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. STEARNS].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 15, 1997.

I hereby designate the Honorable CLIFF STEARNS 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 from Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, N.Y.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1119. An act 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 message also announced that the Senate insists upon its amendments to the bill (H.R. 1119) "An Act 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," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. MCCAIN, Mr. COATS, Mr. SMITH of New Hampshire, Mr. KEMPTHORNE, Mr. INHOFE, Mr. SANTORUM, Ms. SNOWE, Mr. ROBERTS, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. GLENN, Mr. BYRD, Mr. ROBB, Mr. LIEBERMAN, and Mr. CLELAND, to be the conferees on the part of the Senate.

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

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes;

S. 423. An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason;

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site;

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; and

S. 936. An act 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 message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the Democratic leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

Robert V. Burns, of South Dakota; and

Clare M. Cotton, of Massachusetts.

The message also announced that pursuant to Public Law 105-18, the Chair, on behalf of the majority leader, appoints the following individuals to serve as members of the National Commission on the Cost of Higher Education:

William D. Hansen, of Virginia;
Frances M. Norris, of Virginia; and
William E. Troutt, of Tennessee.

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 Massachusetts [Mr. FRANK] for 5 minutes.

UNJUSTIFIED CRITICISM OF JUDICIAL ACTIVISM

Mr. FRANK of Massachusetts. Mr. Speaker, we have recently heard a lot of criticism of judicial activism. People, especially on the conservative side of our spectrum, have denounced justices, Supreme Court Justices and judges, who, with their life-tenured appointments, have stricken laws passed by the elected officials, and there has been a great deal of criticism that this is essentially undemocratic.

I disagree with the criticism. I think the role of the judiciary in defending our rights, particularly when legislative majorities err and disregard those rights, is a very important one. I am, therefore, pleased to note that there are high-ranking judicial officials who are not deterred. I am here to congratulate in particular two Justices who have repudiated implicitly this criticism of judicial activism. I am here to call attention to the work of two Justices who have consistently upheld the finest traditions of judicial activism by striking laws, by overruling administrative decisions, even on occasion being in the minority and trying to strike laws. Now, they have been criticized.

For instance, in a recent decision, one of the dissenting Justices who sought to uphold an act of Congress said, what basis is there in any of those sources, talking about the majority's history, for concluding that it is the members of this Court, rather than the elected representatives of the people, who should determine whether the Constitution contains the unwritten rule that the Court announces today.

In other words, the dissenter says to this majority, what gives you the right in this ambiguous area, because nothing is explicit, to overrule what the elected officials have said? That same dissenting Justice said in a footnote, referring to what he thought was shoddy history and poor logic on the part of the majority, he said, "If this sort of unexplained congressional action provides sufficient historical evidence to support the fashioning of judge-made rules of constitutional law, the doctrine of judicial restraint has a brief, though probably colorful, life expectancy." Here again, the dissenting Justice says to those in the majority, you are making a mockery of judicial restraint.

Well, in this particular case I agreed with the dissenting Justice on the substance, I am talking about Justice Stevens, he wrote the dissent, and he was dissenting in the Brady bill case. Justice Stevens wanted to uphold the Brady bill. He wanted to uphold the mandate that we ask local officials to cooperate in a very small way, but he was overruled. And while I disagree with the majority here, I want to pay tribute to Justices Scalia and Thomas for not being in any way deterred by criticism of judicial activism. Indeed, in the past term of the Supreme Court,

Justices Scalia and Thomas voted to invalidate more acts of Congress than all but one of the Justices. Justice Kennedy I think tied them.

For instance, Justices Scalia and Thomas said, when this Congress passed the Communications Decency Act in an effort to keep indecent material off the Internet, which did seem to me to violate the Constitution. I voted against it. I was one of a small number of Members who voted against it. Over 400 Members of this House voted for that bill. But were Justices Thomas and Scalia deterred from declaring it unconstitutional? No, they were not. Four hundred Members may have said we want to keep indecent material off the Internet. I think they misread the Constitution, and Justices Scalia and Thomas joined in the opinion that invalidated that.

When an overwhelming majority of this Congress passed the Religious Freedom Restoration Act to protect people's religious practices from laws that might unfairly impinge on them, there I was in the majority. I thought the Constitution allowed us to do it. Justices Thomas and Scalia disagreed.

Now, I disagree with their disagreement. I think they were wrong on the substance, but I do have to pay tribute to the fact that they said an overwhelming majority of people in Congress think it is protecting people's religions, but when two of the Supreme Court Justices disagree and we will strike that law down and strike it down they did. I disagreed with them also, as I said, on the Brady bill. That was passed by a narrower majority. Very ambiguous language. They were in the majority to strike it down.

When the Securities and Exchange Commission, a Federal agency due certain amount of deference from the courts in statutory interpretation, tried to uphold the current practice regarding insider trading, a man who had benefited from insider trading, illegitimately in my opinion, brought a lawsuit and the Court 6 to 3 upheld the Securities and Exchange Commission. But among the three who said no, we the Justices will overrule this Federal agency, we will not show them that deference, were Justices Scalia and Thomas.

When Congress passed the must-carry rule as part of the Telecommunications Act, when we mandated that TV stations and cable companies carry broadcast stations, Congress upheld that. So the Court upheld that by 5 to 4. In the minority were Scalia and Thomas.

So I simply want to call note to the fact that these two justices have repudiated critics of Judicial activism and have been as active in this past term as any Justices in our past history.

Mr. Speaker, I include for the RECORD examples of judicial activism on the part of Justices Scalia and Thomas.

EXAMPLES OF JUDICIAL ACTIVISM ON THE PART OF JUSTICES SCALIA AND THOMAS

1. They both voted to declare unconstitutional part of the Brady bill regulating the sale of handguns.

2. They both voted to declare unconstitutional the Religious Freedom Restoration Act, which sought to protect the rights of religious people where laws were passed that impinged on their religious practice.

3. They both joined in the decision holding the Communications Decency Act unconstitutional. The CDA sought to ban indecent material from being sent on the Internet.

4. They both voted to declare unconstitutional the federal law requiring cable TV systems to carry the signals broadcast by local over the air stations. The law was upheld, however, because they were part of a four member minority.

5. They were again in the minority in seeking to overrule the decision of the Securities and Exchange Commission as to who is covered by the statute prohibiting insider trading. The SEC has taken a broad view of the coverage of this statute, and Justices Thomas and Scalia were in a 6 to 3 minority in seeking to overrule the SEC.

6. Justices Scalia and Thomas continue to join three others to form a majority holding that the Voting Rights Act has severe constitutional defects and have continued to strike down voting districts created under the Voting Rights Act—at the time often at the urging of the Bush led Justice Department as well as groups representing African Americans.

PROBLEMS WITH THE QUADRENNIAL DEFENSE REVIEW

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Colorado [Mr. HEFLEY] is recognized during morning hour debates for 5 minutes.

Mr. HEFLEY. Mr. Speaker, I rise this morning to continue the ongoing discussions in the House concerning the Quadrennial Defense Review. The QDR has emerged as a blueprint for the administration's defense program. The assumptions of the QDR, particularly as they affect budgets, are as critical as the policy choices contained in the review.

One of the most often discussed recommendations contained in the QDR is the recommendation for two more rounds of base closures, but the QDR itself says very little about base infrastructure beyond that recommendation. The Congress still does not have a clear understanding how the Department came to the conclusion that it did.

That is critically important, because DOD has made assumptions about future Defense budgets based on that recommendation. But those budget assumptions appear to be based on elementary projects of DOD's estimates of costs and savings of the current base closure effort, and those projections may turn out to be wrong.

To date, the Congress has been skeptical of Secretary Cohen's rush to judgment on the need for more base closure rounds in the near term. The House version of the Defense authorization bill does not contain such authority. The other body adopted an amendment to its version of the Defense bill offered by Senator DORGAN that gets to the heart of the issue. The Senate bill asks for a comprehensive study and assessment of the true costs and actual savings, not estimates, of the four previous rounds of base closure which we will be implementing through 2001.

The actions of both bodies have been misinterpreted. I, along with many other Members, voted in 1990 to establish the Commission process that governed the last three rounds. The Congress has overwhelmingly supported those base closure decisions as I have, even though some of the recommendations cause great unease and I think that perhaps we will regret some of the decisions made from it, but overall I think the process was a good process.

We supported this because we thought it was best for the country. We have put aside our own parochial interests for the greater good. But now some have criticized Congress for not adopting blindly the Secretary's recommendation. Why have we not done so? Because those of us who have supported the base closure process believe now is not the time.

Why do we believe that to be the case? Some commentators have chosen to focus solely on the President's politization of the process. Clearly, the McClellan and Kelly depot issue will not go away and is a major factor, but it is not the only one, nor is it the most important.

Let us review where we are now. Through four rounds of base closure that began a decade ago, we have slashed 21 percent of the U.S.-based plant replacement value of base structure. Ninety-seven major bases have been closed in the United States. We have cut our overseas basing structure by 43 percent, ceasing operations at over 960 facilities. The Army in Europe alone has closed the equivalent of 12 United States major maneuver bases.

Taken together, we have gotten rid of 27 percent of the base structure at a very high price, but it had to be done. By 2001, the taxpayer will have spent an estimated $23 billion to close just the U.S.-based infrastructure closing or realigning under the BRAC.

Will we save money? I do not doubt that measured over a 20-year period in terms of net present value that money will be saved. But there is a real question about how much. No one knows. Every savings figure is merely an estimate, and an incomplete one at that.

I want to cite three examples of where these problems are. In its budget estimates to accompany the fiscal year 1996 budget request, DOD estimated that revenues from the sale and disposal of land from the first three rounds of BRAC would amount to $815.3 million. This year DOD's estimate is

$277 million, a 66-percent reduction in just 2 years.

DOD projects annual recurring savings after 2001 for all BRAC rounds of $5.6 billion annually. However, that figure does not take into account the expected ongoing environmental cleanup costs or the caretaker cost for property that cannot be disposed of at that point. Those costs are estimated conservatively, in my judgment, at $500 million a year.

Approximately 51 percent of the savings which DOD assumes will come from BRAC during the implementation are due to assumed savings in operation and maintenance costs. Much of those assumed savings are due to reductions in civilian personnel.

What I am saying, Mr. Speaker, is that now is not the time. We need to do this in a more reasoned and careful manner.

CIVILIAN-MILITARY RELATIONS IN GUAM IS BEING FRACTURED

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, in Guam and many other American communities children are at the forefront of our Government policies, and like many communities, children are also at the forefront of our relationship with the military, whose large presence on Guam is well-known to many of the Members of this Chamber. Those in Guam and here in Washington must understand the dimensions of this history.

The military's recently announced intention to establish Department of Defense Dependent Schools on Guam will divide an island for which over the past few decades community leaders, elected leaders, and military leaders have worked hard to dismantle barriers that force the perception of two separate communities on Guam. The barriers were coming down until the military announced that they were returning the school system on Guam to the pre-World War II era.

The school system prior to the World War II was divided. Military dependents attended a school called the American School, while local Chamorro children attended local schools. The naval government's official policy on education at the time was "to provide every possible means to ensure that the children of American residents in Guam shall not suffer perhaps permanent injury" because of their residence on Guam. This was perceived as an indication that those native to Guam were not good enough.

After World War II, although the school system in name was integrated, in reality, the districting was manipulated by the Navy to maintain segregated schools. Although the naval government operated all of the schools on the island and was thus responsible for the quality of education on Guam, double standards were maintained. When the relationship was finally integrated in the 1960's, when I was in high school and completing my education, and just as the process took time to heal here on segregation in the United States, so did the feelings of segregation on Guam. It took years to build relationships between the civilian and military community on Guam, and now this is being destroyed.

What we have worked in Guam so hard to dismantle is easily built up by the military. The military has pursued this issue inexhaustibly. They call it Operation Bright Vision. Maybe in the shortsighted eyes of military planners on Guam, this is a bright vision. With the President's announced initiative of one America to bring together people of different races, setting up the dynamics to divide the community on Guam is clearly the wrong vision for all of America. Rather than bright vision, it is a dark cloud over Guam and the rest of the United States.

The military will attempt to characterize this issue as a failed contract. Yes, they did have a contract for monetary payment with the Government of Guam, but those were for administrative reports. The Government of Guam high schools are fully accredited; the teachers are certified and the system has graduated many outstanding doctors, lawyers, and educators who serve here as well as on Guam. This must be important to understand.

But the Department of Defense all along, while telling me that they may establish schools in the fall of 1998, have continued to pursue this and surprised the entire island by announcing that schools would be established this fall, in October of 1997.

They did all of this while failing to actively engage local leaders and education officials. They never talked to them. They let the contract become the mechanism of the discussion. The whole process is already symptomatic of a major breakdown between local military officials and the people of Guam.

Difficult times lie ahead, and this is exactly because of this move. This effort is hostile in nature. To my knowledge, this may be the first time that the Department of Defense has established domestic dependent schools contrary to the desires and warnings of local officials, local leaders, and the local community. This paves the road for very difficult times in the military-civilian relationship on Guam.

There is much more at stake here than the quality of education. This is a relationship issue. It is not just about schools; it is about military planning. It is more, even more than that. Our relationship is built upon people relating to other people, and the military will destroy this with their effort to divide our youth and to promote separate communities. Guam has to be seen as part of America by our fellow Americans.

This outrageous move by DOD is hostile in its nature, hostile towards the local community from whom it wishes to separate, hostile toward the schools, and hostile toward its outstanding professionals and toward a people who have heretofore welcomed the military to their homes, its families, and its lands.

Mr. Speaker, I include for the RECORD extraneous materials relating to this topic. These are letters by the current and former Speaker of the Guam Legislature. Speaker Unpingco characterize the island's sentiments well. Former Speaker San Agustin outlines the history of civilian-military relations on this issue.

OFFICE OF THE SPEAKER,
Agana, Guam, July 8, 1997.

Hon. ROBERT A. UNDERWOOD, M.C.,
House of Representatives,
Agana, Guam.

DEAR CONGRESSMAN UNDERWOOD: I am compelled to write to you regarding the recent decision by the Department of Defense to open DOD schools on Guam. Without any consideration of the social ramifications this would have, DOD has opted to segregate this community and pull over 2,700 military dependent school children out of the local public school system. What kind of message is the Department of Defense trying to send to the people of Guam?

Attached is a copy of my letter to Rear Admiral Martin E. Janczak, Commander, U.S. Naval Forces Marianas, wherein I state my concern over this decision on the part of DOD. To summarize the letter, the plan to open DOD schools on U.S. soil sends a strong message to the people of Guam that we are nothing more than second-class citizens in the eyes of the United States.

I must convey to you the sentiments of this community. The opening of DOD schools is just another sign of an ugly American attitude of treating Guam as a foreign country when it is convenient and treating it as a US possession when it suits its needs. This is no longer acceptable!

Most of all, opening DOD schools will revive racial tensions on the island. Simply put, this plan implies that white Americans are smarter than brown Chamorros. May I remind you that the 1954 Supreme Court decision in Brown vs. Board of Education of Topeka, Kansas ruled that racially segregated schools were unconstitutional because separate educational facilities are inherently unequal. After years of living harmoniously, the military will separate our children and pit them against each other. What good will come out of all this?

I urge you to review this situation which has a potential for disaster and find another alternative. Let's work together on this issue and not against each other. I look forward to your input regarding this matter of the utmost urgency.

Sincerely,

ANTONIO R. UNPINGCO.

JULY 15, 1997.

The Editor,
Pacific Daily News,
Agana, Guam.

I want to congratulate the Department of Defense establishment, principally the local Naval and Air Force command, for finally succeeding in their efforts to restore it's pre-World War II segregated educational policies on the island of Guam.

Since the liberation of Guam, the military commands have consistently pursued it's goal, and that is to have a segregated educational program for it's military dependents. I'm sure that there is enough historical documents that will reveal that at the immediate outset of World War II, a segregated school was indeed established, principally at the former Adelup school. During the Guerrero administration the Adelup school was gradually phased out and integrated with the Piti Elementary school and other local areas. Please note that the Piti Elementary School was located at the foot of Nimitz Hill, thereby accommodating military dependents living at Nimitz Hill and the people of the municipality of Piti.

Over the years, many accommodations were made for the military by locating schools either adjacent to or near military bases. Let me cite a few examples. (1) The Finegayan Elementary School was located directly across the NAVCOM station and near the FAA Housing Area to accommodate the military dependents residing at NAVCOM; (2) The Upi Elementary School was originally requested by the Anderson Air Force Base Command to be constructed "inside" the Anderson Air Force Base. Instead of consolidating and improving the Yigo Elementary School, a compromise was arrived. The compromise was to build the Upi Elementary School "right outside the fence" approximately 100 feet distance from the back gate of Anderson Air Force Base; (3) Truman Elementary School in Santa Rita. This site location in itself has an interesting historical sequence. It was decided to build this particular Truman Elementary School right next to the Apra Heights Housing Area and Naval Magazine Housing Area and also at the same time near the Santa Rita Village. It also was used as a "pawn" by the Navy's desire to build an ammunition wharf at Sella Bay. Fortunately Governor Camacho, during a meeting at the Pentagon (where I was present) prevailed on the DOD officials to release the school site and permit us to build the Truman Elementary School; and gave up their demand for the location of the ammunition wharf at Sella Bay. Indeed, this was rather unfortunate, in that the military tried to persuade GovGuam officials to agree to the Sella Bay ammunition wharf location in order for the Navy to release the school site designated as Truman Elementary School.

Government documents will also reveal that the Department of Defense, pursuant to Public Law 874, "the School Impact Aid", has been consistently "falling short in compliance" for full educational impact reimbursements. I'm sure former Speaker Franklin Quitugua will remember that he tried very hard, unsuccessfully, to seek full reimbursement from the federal government for military educational impact efforts under Public Law 874 for the last 25 years! The Federal government, having been delinquent for full reimbursement entitlements under this Public Law 874, the Ada Administration was persuaded to adopt an alternative source of financing that is the now so-called DoD Funds in lieu of the impact Aid funding under Public Law 874. This single action in itself truly paved the way for DoD to dictate as a "supplement" to local funding sources for education. Under Public Law 874, the funding, which comes under the purview of the Department of Health, Education and Welfare, is part of the overall basic budget cost to finance the entire educational system. The simple action under the Ada-DoD Funding Contract, gave the DoD the "unusual authority" to either withhold or release such funds under it's military terms, thereby DoD finally establishing educational standards for the local educational system.

Having established this position of financial strength, the DoD, then actively pursued it's original intention to "establish it's own segregated school" which they could not do for over 50 years since 1946.

In addition to the above, the local educational system was federally mandated under the Organic Act of Guam to educate all school children on Guam, regardless of their origin, principally local, military and from our neighboring islands. And I now wonder, if the DoD impetus, having achieved a financial strength of dictating it's educational funding, with a school population significantly divided into 3 basic groups, that is the local, Micronesians, and the military dependents, provided the resulting environment.

AMERICA'S FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. PAUL] is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, it is currently an accepted cliche to say foreign policy is a Presidential matter and Congress should not meddle. Frequently we hear the pleading to remain bipartisan with no dissent, especially when troops are placed in harm's way. Yet no place in the Constitution do we find any such explicit instruction. Instead, we find no mention of foreign policy.

To the contrary, we find strict prohibitions placed on the President when it comes to dealing with foreign nations.

The Constitution is clear. No treaties can be entered into without the consent of the Senate. No war may be fought without the declaration of war by the Congress.

No money shall be spent overseas without Congress first raising the money and then authorizing it and appropriating these funds for specific purposes.

Since the Constitution does not even assume a standing army, let alone stationing troops in peacetime in over 100 countries, with CIA clandestine activities in even more, the current foreign policy that has evolved over the past 100 years would surely be unrecognizable by the authors of that document.

The founders of this country were opposed to standing armies for fear they would be carelessly used. They were right.

The U.S. record of foreign intervention and its failures have not yet prompted a serious discussion of the need for an overall reassessment of this dangerous and out-of-control policy. Not only has Congress failed in its responsibilities to restrain our adventurous Presidents in pursuing war, spying, and imposing America's will on other nations by installing leaders and at times eliminating others throughout the world these past 50 years, we now, by default, have allowed our foreign policy to be commandeered by international bodies like NATO and the United Nations nations. This can only lead to trouble for the United States and further threaten our liberties, and we have already seen plenty of that in this century.

It looks like our current President, who was less than excited about serving in the military himself, was quite eager to promote U.S. complicity in the escalating dangerous activity in Bosnia. What has been done so frequently in the name of peace more often than not has led to war and suffering, considering Korea, Vietnam, Somalia, and even the Persian Gulf war.

Clinton has not been willing to phase out the Selective Service Department and has actually asked for additional funding to include the Selective Service process in his domestic so-called voluntary AmeriCorps program.

But this failed policy of foreign intervention is being pursued once again in Bosnia with full acknowledgment and funding by the Congress. Congress has failed to exert its veto over this dangerous game our President is determined to play in this region.

Sensing that maybe soon the Congress will finally cut the purse strings on this ill-advised military operation, pushed hard by Secretary of State Albright, policymakers are quietly and aggressively escalating the tension, placing our nearly 8,000 troops in even greater danger while further destabilizing a region never prone to be stable over this century, with the certain outcome that Congress will further capitulate and provide funding for extension and escalation of the military operation.

In spite of some resistance in the Congress, the current escalation is likely to prevent any chance of withdrawal of our troops by next summer.

The recent $2 billion additional funds in the supplemental appropriation bill was the cue to the President that the Congress will not act to stop the operation when under pressure to support the troops. Of course, common sense will tell us that the best way to support our troops is to bring them home as quickly as possible. This idea, that support for the troops once they are engaged means we must continue the operation no matter how ill-advised and perpetuate a conflict that makes no sense, but that is what President Clinton is depending on.

Last week the whole operation in Bosnia changed. The arrest and killing

of war criminals by occupation forces coming from thousands of miles away is a most serious escalation of the Bosnia conflict. For outside forces to pronounce judgment on the guilt or innocence of warring factions in a small region of the world is a guarantee that the conflict will escalate. I think those pursuing this policy know this. Prosecuting war criminals is so fraught with danger it seems the need to escalate surpassed all reason.

Yet immediately after the NATO operation, supported by the United States, that resulted in the death of a Serb leader, Clinton strongly suggested that the troops may well not be able to leave in June of 1998 as promised. They were first supposed to leave in December of 1996, and now 18 months after their arrival, the departure date is indefinite, and we in the Congress tragically continue to fund the operation.

This illegal and dangerous military operation will not go unnoticed and will embolden the Serbs and further stir the hatred of the region. Is this policy based on stupidity or is there a sinister motive behind what our world leaders do?

Must we have perpetual war to keep the military appropriations flowing? Does our military work hand in glove in securing new markets? It is not a hidden fact that our own CIA follows our international corporate interests around the globe engaging in corporate espionage and installing dictators when they serve these special interests.

Why would an Air Force plane, with a dozen leading industrialists, be flying into a war-torn region like Bosnia, along with the Secretary of Commerce? I doubt they were on a humanitarian mission to feed the poor and house the homeless.

The lobbyists who pushed the hardest to send troops to Bosnia came from corporations who are now reaping great profits from construction work in Bosnia. It may be the calculation is for a slight escalation of the conflict—that inevitably will accompany any attempt to try war criminals—and no one plans for another great war breaking out in this region.

What might be planned is just enough conflict to keep the appropriations coming. But the possibility of miscalculation is very real. The history of this region should surely warn us of the dangers that lurk around the corner.

We, in the Congress, have a great responsibility in reversing this policy. We must once again assume this responsibility in formulating foreign policy and not acquiesce to the President's pressure to perpetuate a serious misdirected policy of foreign meddling 4,000 miles away from home. We must not fall for the old line that we cannot leave, because to do so, we would not be patriotically "supporting our troops." That is blatant nonsense.

We have already invested $7.7 billion in this ill-advised military adventure. That money should have either remained in the pockets of working Americans or spent here in the United States.

The New York Times has praised this recent action by Clinton and the NATO forces and has called for more of the same. The New York Times and the Washington Post also support the notion that our troops will have to stay in this region for a lot longer than the middle of next year.

The military industrial complex and its powerful political supporters continue to be well represented in the media and in Washington. Unfortunately, the idea that America is responsible to police the world and provide the funding and the backup military power to impose "peace" in all the disturbed regions of the world remains a policy endorsed by leaders in both parties.

The sooner this policy is challenged and changed, the better off we will be. Our budget will not permit it; it threatens our national security, and worst of all, it threatens our personal liberties.

RELIGIOUS PERSECUTION IN RUSSIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from New Jersey [Mr. PAPPAS] is recognized during morning hour debates for 5 minutes.

Mr. PAPPAS. Mr. Speaker, less than 2 weeks ago our Nation celebrated its Independence Day, a day in which all Americans celebrate the many freedoms that were fought to achieve. Several hundred years ago, a group of colonists chose to come across the Atlantic Ocean to settle in and explore a new continent. For many, a prime motivation was to flee from restrictions on their ability to express themselves religiously.

One of the freedoms that we as Americans are so fortunate to have is the ability to associate, organize, express and freely believe in the religion that we so choose.

In Russia, several provisions of a piece of legislation threaten the liberties of its citizens by restricting their freedom to express themselves religiously. It is the most extreme attack on the civil rights of the Russian people since the collapse of the Soviet Union. This new law would terminate and restrict the normal legal status of all religious organizations except those that were registered under the former Soviet Government. This action would result in thousands of churches and schools being forced to end their services, including many American and foreign organizations that have gone to Russia to provide humanitarian and medical assistance to those in need. Even those informal groups that meet in someone's home could be under state control.

After making such tremendous progress in establishing a democratic system of government over the past few years, this action by the Russian Duma, or parliament, would clearly be a step backward for the Government of Russia.

The people of Russia have suffered and worked hard to achieve a system of government that would eventually give them the fruits of a truly free nation. While our Nation has no official religion and does not give preference to any religion, we recognize the important role that religious organizations have in the lives of our citizens. We can only hope and pray that the leaders of Russia will recognize the same.

This legislation is now sitting on President Boris Yeltsin's desk. I urge President Yeltsin and the leaders of the Russian Government to have the courage to stand up and protect the basic civil rights of Russia's people to express themselves freely and to worship as they so choose.

JUVENILE CRIME CONTROL ACT OF 1997

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

Mr. MCCOLLUM. Mr. Speaker, I rise today to address what I am seeing as an increasing number of ads and op-ed pieces that mischaracterize H.R. 3, the juvenile crime bill, which passed this body back in May and which is being deliberated in one version or another in the other body right now.

A number of op-eds have said lately things that just are not so. One of the myths is that H.R. 3 mandates that children as young as 13 must be prosecuted as adults and requires States to do the same. That is absolutely false. The juvenile crime bill, H.R. 3, that we passed includes a modest expansion of Federal law which already provides for discretionary prosecution of 13-year-olds. H.R. 3 does not require States to do the same.

Discretionary authority for Federal prosecution of 13-year-old juvenile offenders as adults for the most serious of crimes is nothing new. It became law in the 1994 crime bill through an amendment offered by Senator CAROL MOSELEY-BRAUN of Illinois, a Democrat. Moreover, H.R. 3 does not require States to have this same standard. H.R. 3 provides incentive grants to States to provide prosecuters the option of prosecuting as adults those juveniles who are 15 and older and who have committed murder, rape, or assault with a firearm.

Most States already provide for this option. We wanted to make certain, if they were going to get Federal moneys to improve their juvenile justice systems, that all States did this, and it would not make sense for States to not prosecute murderers and rapists who are 15-, 16-, and 17-year-olds, especially if they are repeat violent offenders, as adults, because if they do not prosecute them as adults and they did it as juveniles, they will be back on the streets when they do reach the age of adulthood.

The second myth that we are hearing a lot about is that H.R. 3 allows youths as young as 13 to be confined in adult jails and prisons. This also is absolutely false. Nothing in H.R. 3 authorizes or even encourages housing of juveniles with adults. In fact, H.R. 3 prohibits such housing in the Federal system and does nothing to change current laws and regulations affecting State housing policies.

Current Federal law explicitly prohibits housing juveniles with adults in the Federal juvenile justice system. The standard has long been codified in Federal law. It is unchanged by H.R. 3. It is one that prohibits any regular contact between juveniles and adult criminals during any stage of the justice process, pretrial, presentencing, or postsentencing.

So the myth that is out there is that somehow those of us who support H.R. 3 are not concerned with prevention. Well, that is not the purpose of the juvenile crime bill that came forward this time, prevention, but we are concerned with it. Trying to stop and interdict the young person before they get involved with a juvenile offense, misdemeanor or otherwise is very important. There are $4 billion of Federal at-risk grant programs already available out there and existing, and we are going to be reauthorizing one of them here very shortly dealing with OJJDP, which is the Office of Juvenile Justice and Delinquency Prevention, Mr. Speaker, 4 billion dollars' worth of prevention programs, 131 of those programs in 16 different agencies.

But what H.R. 3 is all about is an effort to try to fix the broken juvenile justice system of this Nation. Some critics are saying this is a State responsibility and the Federal Government does not have any business there. And that I would suggest is not the right way to look at this. Yes, juvenile justice types of programs are in the States, not the Federal system, but the system is broken and there is a Federal responsibility to deal with it.

Today, if a young person comes in contact with the law by having vandalized a home or a store or by spray-painting graffiti on a warehouse, well, the chances are the police will not even take that young person to a juvenile court. And when they do see a juvenile judge, it is often 10 or 12 appearances before they receive any kind of punishment at all. That is not a working juvenile justice system.

Is it any wonder that when a juvenile, having experienced that and some day does pick up a gun in a situation where he might use it, that he thinks about pulling that trigger, believing there are no consequences? There have to be consequences in the juvenile justice system of this Nation. We need more probation officers, more juvenile judges and more juvenile detention facilities so we can treat juveniles the proper way, and to put consequences into the juvenile justice system again so that there is punishment from the very first juvenile delinquent act.

It is a very important part of what we passed here on the floor with H.R. 3, because it is a requirement in order to get the $500 million a year authorized by that bill to improve the juvenile justice systems of the States that the State demonstrate to the Justice Department of the United States that they will have in place, and do have in place, a system to sanction the very first juvenile misdemeanor crime of every juvenile who commits one, and graduated, increasing sanctions for every one thereafter.

It is also important, and we have in place as part of this incentive grant program, that records be kept of those who commit felony crimes for the second offense.

H.R. 3 is a good bill. It is a juvenile crime bill. Prevention is also important. The myths about this bill are wrong, and we are proud we passed it. We look forward to seeing the bill from the other body so we can get one to the President shortly.

MEDICARE AND THE BUDGET

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

Mr. STEARNS. Mr. Speaker, let me take my colleagues back to 1995. Congressional colleagues passed and sent to the President a balanced budget plan that slowed Medicare spending in order to perpetuate and preserve the program. Of course, it being before an election year, the President promptly vetoed the bill, citing, quote, "excessive cuts in Medicare," unquote, as the primary reason for his veto.

Amazingly, the President and his Democrat friends went even further. They based their entire campaign for the Presidency in 1996 and for Congress on the Medicare cuts, the so-called Mediscare campaign.

Of course, most Americans knew that the Democrats' fear tactics were baseless, that there were no cuts in Medicare spending. In fact, the budget we passed 2 years ago contained $1.252 trillion in spending on Medicare for the next 5 years, an increase in funding that more than exceeded twice the rate of inflation.

I call the attention of my colleagues to the first chart on my left. In 1996, the President said, "you remember that budget I vetoed last year because it had excessive cuts in Medicare?" Well, 8 months later the President changed his tune on Medicare, but of course that is not surprising; the election was over.

In 1997, the President said, "America needs a balanced budget that is in balance with our values, that protects Medicare. That is exactly what this budget does. It keeps our fundamental commitment to our parents, preserving and protecting Medicare."

My colleagues, we may be having a heat wave here in Washington, but it just cannot compare with the President's hot air. Look at this second chart. Under our 1995 budget plan, the one of course that was vetoed by President Clinton because it claimed it had excessive Medicare cuts, total spending on Medicare would have exceeded $1.25 trillion from 1998 to the year 2002. The balanced budget agreement reached this year between the President and Congress has total Medicare spending of less than $1.25 trillion over those same years.

The 1995 budget plan, the one which proposes excessive cuts in Medicare, had more funding than the current budget plan. In 1996, $1.25 trillion in Medicare spending was labeled as having excessive cuts. This year, less than $1.25 trillion in Medicare spending, is used to preserve and protect this program. As the chart shows, the 1995 budget plan would have provided $4 billion more in Medicare spending than the current budget. Let me repeat, we spent more on Medicare in the 1995 plan than this 1997 plan endorsed by the President.

I am glad that the President has joined us in an effort to save Medicare, but I hope that he also realizes that Medicare is just too important a program for political theater. If he and his supporters had put politics aside, had rejected petty demagoguery and had rolled up their sleeves to work with us in saving Medicare, be could have put the program in place back then on the path to financial security 2 years ago.

My colleagues, there is no room for partisan games when the health of 30 million Americans is at stake. I am proud of our efforts to protect, preserve, and strengthen Medicare in 1995. It is sad, unfortunately, that others jeopardize the future of Medicare to score political points. We owe it to our 30 million fellow citizens to work together to ensure the solvency of the Medicare Program. Let us put our duty ahead of politics and build a brighter future for all Americans.

STOP TAX HIKES ON GRADUATE STUDENTS

The SPEAKER pro tempore. 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, a terrible miscarriage of justice is taking place in the House Republican tax bill, an attack on graduate university students across this country. At a time when House Republicans are proposing

that more than 50 percent of tax relief should benefit the wealthiest 2 percent of Americans, they have targeted graduate students for tax increases. This is absolutely outrageous, and it simply must be remedied.

The House Republican tax bill eliminates section 117(d) of the Tax Code, a provision that excludes tuition from taxable income. What this means is simple: Graduate students who work as teaching assistants or research assistants to help pay their tuition currently get a tax break on that income. With the loss of this tuition tax break, many graduate students may actually see their taxes rise by thousands of dollars per year. The National Association of Graduate-Professional Students has indicated that many graduate students will see their take-home pay cut by 50 percent or more, and Federal and State income taxes increased by as much as 350 percent.

Tuition waivers greatly benefit students struggling to finance postgraduate work. The vast majority of these students are studying to earn Ph.D.'s and masters degrees in academic disciplines. Many will go on to modestly paid, but important university positions, or will pursue careers in science and technology research.

While in school, they work hard as teachers and researchers, and their pay is very meager. But because of their hard work and dedication, many of these students can take academic courses for free. Under the House Republican tax bill, the value of this education package would be considered taxable income.

Many of these graduate students will be unable to continue their studies with the loss of the tuition tax waiver, endangering the educational future of America in the process.

In June, the 500 graduate students at the Massachusetts Institute of Technology wrote me expressing their deep concern about this provision in the House-approved tax bill. They stated, and I quote:

> The tuition waiver granted by MIT for graduate teaching and research assistants makes graduate school a financially viable opportunity for us. If tuition is now redefined as taxable income, many of us will no doubt be driven out of graduate school and away from careers in research and teaching.

Mr. Speaker, at a time when Congress should be increasing the affordability of higher education for all Americans, the Republican House tax bill will shut out some of the best and brightest of our students from receiving advanced higher education. If America is to remain competitive in the 21st century, we need more students to become active in scientific research and development, not less. The House Republican tax bill seriously threatens national research efforts in medicine, national defense, product development, and technology.

Graduate students are valuable assets of the academic and research communities. They should not be penalized for their hard work and sacrifice, and they certainly do not deserve to be taxed for their service to our Nation.

But this is not the only attack on graduate students in the House Republican tax bill. Graduate students are also hurt by changes made to section 127 of the Tax Code. This provision allows workers to exclude from their income the first $5,250 of educational benefits paid by their employers. This tax exemption should be permanent for both graduate and undergraduate students. But the House Republican tax bill says no.

More than 800,000 graduate and undergraduate students benefited from this provision in 1994, and those numbers have increased significantly over the past 3 years.

Section 127 has been hailed by both the business and higher education communities as a low-cost measure that makes it possible for hundreds of thousands of workers to return to school while continuing to work full-time jobs. Companies use it to retrain workers who need improved skills, and employees use it to keep abreast of new information and technologies that would help make advances in their field.

At a time when Congress has recognized that lifelong learning will keep the American work force competitive, the House Republican tax bill penalizes workers and businesses who are attempting to achieve this goal.

Mr. Speaker, this is bad public policy; it is bad tax policy, and it is simply unfair. Republicans that give tax breaks to those who fly on corporate jets, but only by raising taxes on our hard-working graduate students. Republicans can cut taxes for those with large investment portfolios, but only by raising taxes on graduate students. Well, Mr. Speaker, I would rather invest in America's future by investing in our graduate students rather than raising taxes on their tuition.

The House Republican tax bill also denies students from deducting the interest on their student loans, and it eliminates tuition waivers for the children of modestly paid academic faculty and staff. These provisions are antieducation, they are antifamily and undermine America's economic and competitive future. I urge my colleagues to lobby the budget conferees to reinstate section 117(d) and permanently extend section 127 to graduate as well as undergraduate students.

Mr. Speaker, I submit for the RECORD a letter from 500 MIT graduate students on these issues.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, MA, June 27, 1997.

DEAR CONGRESSMAN: We, 500 MIT graduate students, write to express our great shock and disappointment regarding the proposed elimination of Subsection 117(d) of the Internal revenue code which excludes tuition from taxable income.

A graduate teaching or research assistant who receives a stipend of $1300/month and tuition waiver of $22,000/year (excluding summer tuition) will expect to pay $650/month in State and Federal taxes under the proposed new legislation. For many students this is a 3.5 times increase in tax!

The tuition waiver granted by MIT for graduate teaching and research assistants makes graduate school a financially viable opportunity for us. If tuition is now redefined as taxable income, many of us will no doubt be driven out of graduate school and away from careers in research and teaching.

The proposed changes in tax code will force universities to dramatically increase teaching and research assistant salaries to maintain a reasonable standard of living for graduate students. In turn, this could increase tuition for undergraduates and dramatically increase pressures on already burdened federal research programs. The proposed elimination of Subsection 117(d) is a dramatic step in the wrong direction.

The new provisions will make graduate school unaffordable to millions of Americans throughout the next decade. We urge you to represent our views in the Congress by working against the new legislation which eliminates Subsection 117(d) of the IRS code. We respectfully ask you to oppose this provision in the House bill and to support provisions which are more encouraging of graduate education. The future of our nation requires it.

We thank you for your cooperation.

Sincerely,

GRADUATE STUDENTS AT THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

RECESS

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

Accordingly (at 11 o'clock and 11 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

For gifts and grace, for hope and help, for all the marvelous promises that surround us day by day, we offer these words, O God, of thanksgiving and gratitude. We know that we are not worthy of Your blessings, O God, and we too often fail and miss the mark. Yet, in Your mercy the spirit of reconciliation and peace never leaves us, but continues to encourage us and points us in the way of truth. For this blessing and all Your guidance in our daily lives, we offer this prayer. Amen.

THE JOURNAL

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

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

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

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

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia [Mr. BOUCHER] come forward and lead the House in the Pledge of Allegiance.

Mr. BOUCHER 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.

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

JOHN WESLEY DAVIS

The Clerk called the bill (H.R. 584) for the relief of John Wesley Davis.

There being no objection, the Clerk read the bill as follows:

H.R. 584

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

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(b) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

With the following committee amendment in the nature of a substitute: Strike out all after the enacting clause and insert:

SECTION 1. WAIVER OF TIME LIMITATIONS.

The time limitations set forth in section 3702(c) and 3328(a)(1) of title 31, United States Code, shall not apply with respect to a claim by John Wesley Davis, of Forestville, Maryland, for the amounts due to him by the—

(1) Department of the Navy in the amount of $42,123.84; and

(2) Department of the Treasury in the amount of $12,508.20.

The amounts due are represented by checks that were received but not negotiated by John Wesley Davis.

SEC. 2. DEADLINE.

Section 1 shall apply only if John Wesley Davis or his authorized representative submits a claim pursuant to such subsection before the expiration of the 6-month period beginning on the date of the enactment of this Act.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

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

HERACLIO TOLLEY

The Clerk called the bill (H.R. 378) for the relief of Heraclio Tolley.

There being no objection, the Clerk read the bill as follows:

H.R. 378

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

SECTION 1. IMMEDIATE RELATIVE STATUS FOR HERACLIO TOLLEY.

(a) IN GENERAL.—Heraclio Tolley shall be classified as a child under section 101(b)(1)(E) of the Immigration and Nationality Act for purposes of approval of a relative visa petition filed under section 204 of such Act by his adoptive parent and the filing of an application for an immigrant visa or adjustment of status.

(b) ADJUSTMENT OF STATUS.—If Heraclio Tolley enters the United States before the filing deadline specified in subsection (c), he shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of the enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the petition and the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of the enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBER.—Upon the granting of an immigrant visa or permanent residence to Heraclio Tolley, the Secretary of State shall instruct the proper officer to reduce by 1, for the current or next following fiscal year, the worldwide level of family-sponsored immigrants under section 201(c)(1)(A) of the Immigration and Nationality Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Heraclio Tolley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

MICHEL CHRISTOPHER MEILI, GIUSEPPINA MEILI, MIRJAM NAOMI MEILI, AND DAVIDE MEILI

The Clerk called the Senate bill (S. 768) for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili.

There being no objection, the Clerk read the Seante bill as follows:

S. 768

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

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The actions of Swiss banks and their relations with Nazi Germany before and during World War II and the banks' actions after the war concerning former Nazi loot and heirless assets placed in the banks before the war have been the subject of an extensive and ongoing inquiry by the Committee on Banking, Housing, and Urban Affairs of the Senate and a study by a United States interagency group.

(2) On January 8, 1997, Michael Christopher Meili, while performing his duties as a security guard at the Union Bank of Switzerland in Zurich, Switzerland, discovered that bank employees were shredding important Holocaust-era documents.

(3) Mr. Meili was able to save some of the documents from destruction and then turned them over to the Jewish community in Zurich and to the Swiss police.

(4) Following Mr. Meili's disclosure of the destruction of the Holocaust-era documents, Mr. Meili was suspended and then terminated from his job. He was also interrogated by the local Swiss authorities who tried to intimidate him by threatening prosecution for his heroic actions.

(5) Since this disclosure, Mr. Meili and his family have been threatened and harassed, and have received many death threats. Mr. Meili also received a hand-delivered note threatening the kidnapping of his children in return for the "Jewish money" he would receive for his actions, and urging him to emigrate to the United States or be killed.

(6) Because of his courageous actions, Mr. Meili and his family have suffered economic hardship, mental anguish, and have been forced to live in fear of their lives.

SEC. 2. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 3. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

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

The SPEAKER. This concludes the call of the Private Calendar.

MORAL BASIS OF CUTTING TAXES

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

Mr. GINGRICH. Mr. Speaker, yesterday I made the case in a special order on the moral basis of cutting taxes; a moral basis because lower taxes means that parents have more money to raise their children and their family; a moral basis because lower taxes means that citizens have more time and more take-home pay to be good citizens, to be involved in charitable events, to be involved as volunteers in helping their community; a moral basis for cutting taxes because with lower taxes and more take-home pay, people have more opportunity to create jobs, to save, and to invest and to help the economy keep growing.

For every American who is interested in noting how the tax bill we are proposing would help them, they can check on the Internet GOP tax calculator at http://hillsource.house.gov.

I will repeat that. For those who are involved in the Internet, this is an opportunity for them to look directly at the tax bill to check for themselves how they would benefit under our tax relief plan. It is on the Internet, GOP tax calculator, and the address is http://hillsource.house.gov.

Our goal is to have all Americans have an opportunity to look at their tax cut and the opportunity they will have. This is the first tax cut in 16 years. We believe that working middle-class Americans deserve tax relief. We believe that tax relief should focus on families with children. It should focus on small business and family farms. It should focus on job creation, and it should focus on helping people get a better education.

So I urge Members to look at the Internet site to find out the information for the tax cut.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 255 through 266 last week due to a death in my family.

Had I been present I would have voted "yea" or "aye" on roll call votes 255, 256, 257, 258, 260, 261, 263, 264, and 265, and "nay" or "no" on rollcall votes 259, 262, and 266.

EXPRESSING OPPOSITION TO THE INTERIOR APPROPRIATIONS BILL WITHOUT PROVISION FOR CONTINUED FUNDING OF THE NEA

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

Ms. SLAUGHTER. Mr. Speaker, I rise today to reluctantly oppose the Interior appropriations bill we will be voting on today because it contains no funding for the National Endowment for the Arts. The rule did not allow us to have a vote, an up-or-down vote, on NEA on the grounds that the NEA was not authorized. However, later today we will be voting on an appropriations bill that has at least 40 unauthorized and protected measures in it. I believe if we had had an up-or-down vote on the NEA, that it would have been fully funded for the next year.

The Federal support for the arts is an incredibly worthwhile investment, and as many of our Members know, students with 4 years of arts study score 59 points higher on their verbal scores and 45 points higher on the math portion of their SAT's than students with no arts classes.

Recent studies about the development of the human brain show the importance of arts for early childhood development. At the University of California at Irvine, researchers found that music training is far superior to computer instruction in dramatically enhancing children's abstract reasoning skills.

THE JUVENILE CRIME AND DELINQUENCY PREVENTION ACT

(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, today the House will consider a very important issue of juvenile crime. It should be noted that 20 percent, 1 out of 5, of all murders, rapes, robberies, and assaults in this country are committed by individuals under the age of 18. Furthermore, population experts are predicting a 31 percent increase in the youth population by the year 2010.

We must act on this issue immediately. H.R. 1818, the Juvenile Crime and Delinquency Prevention Act, is a very important piece of legislation in this battle. This bill, authored by my Republican colleague, the gentleman from California [Mr. RIGGS] provides block grants to States in order to fund juvenile crime control activities, giving much greater flexibility to local officials to best utilize their resources. Equally important, this bill reauthorizes programs to serve runaways and homeless youth and the National Missing Children's Center.

Mr. Speaker, earlier this year this body passed H.R. 3, which provided for more effective punishment of juvenile offenders. This legislation will focus on prevention of juvenile crime. I commend the gentleman from California [Mr. RIGGS] and the Republican leadership for bringing this bill to the floor, and I urge its passage.

THE WHITE HOUSE COVERUP ON NAFTA

(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, surprise, surprise. The White House issued a glowing report on NAFTA. However, the Economic Policy Institute says the White House cannot handle the truth. The truth is our trade deficit with Mexico has ballooned to $16 billion. Our trade deficit with Canada has ballooned to $23 billion. In addition, in the first 32 months of NAFTA, America has lost 500,000 jobs, that is half a million; 15,000 jobs a month, 1,850 jobs a week, 765 jobs a day. But the White House says, do not worry, we are going to find new jobs.

Tell me, how many people can "Mickey D" hire in America, Mr. Speaker? Who is kidding whom? The White House has not issued a report on NAFTA, the White House has issued a cover-up on NAFTA. I yield back the balance of any jobs we might have left.

TAX CUTS SHOULD BE FOR THOSE WHO PAY TAXES

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

Mr. BALLENGER. Mr. Speaker, remember when a tax cut meant paying less taxes? That was not too long ago. Taxes were something you paid, not something you got. The tax cuts I am talking about are tax cuts that reduce the amount you pay. A tax cut does not mean that anyone gives me anything, it means the Government is taking less.

I have no hope whatsoever that the other side will understand this point, but my constituents asked that I keep trying. When the Government takes a little less from the taxpayers, no one else is worse off. However, when the Government gives somebody some money, like the earned income tax credit, for example, that is at the expense of somebody else. The taxpayers pay for that.

Some Members' idea of a tax cut means that the taxpayers pay more. That is nonsense. A tax cut is not at the expense of other taxpayers. A tax cut to those who do not pay income taxes is at the expense of others. That makes all the difference.

THE REPUBLICAN TAX PLAN FAILS THE SPEAKER'S OWN MORALITY TEST

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

Ms. DELAURO. Mr. Speaker, last week Speaker Gingrich said, and I quote, "We believe there is a moral case for cutting taxes." But unfortunately for American families, the Republican tax plan fails the Speaker's own morality test.

The Republican tax proposal denies the child tax credit to 15 million working American families who make less than $30,000. These parents work hard and in fact they pay taxes. They are trying to raise families and make ends meet. My Republican colleagues say they do not deserve a tax break simply because they do not make a lot of money. We are talking about nurses and policemen. These are the people who, for nearly two decades, have lost ground or have barely been able to keep up.

Are these the values and the priorities of this great Nation? I do not think so. The Republican tax bill leaves behind 15 million American working families, while giving an average $24,000 tax break to the richest 1 percent of American families. Democrats believe it is the middle-class families who could use some tax relief. That is why the Democratic tax proposal gives the tax break to all families who work and who pay taxes.

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TAX FAIRNESS

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

Ms. PRYCE of Ohio. Mr. Speaker, I would like to talk about tax fairness. I do not think that it is fair that the Government waste so much of our money.

I do not think it is fair that people have to pay between a quarter and a half of all the money that they earn to the Government, the same government that turns around and wastes it on massive programs that barely work. I also do not think it is fair when I think about how much prior generations paid in taxes compared to how much we have to pay in taxes.

Back in 1950, the average family paid less than 5 percent of its income in taxes to the Federal Government. Now that same family pays over a quarter of everything that it earns. When we add up all the State taxes, property taxes, sales taxes, all the other taxes, families are paying nearly half of what they earn to the Government. It just seems like the Government is not doing much with it. We are becoming less and less accountable every year.

I just do not think it is fair. We are going to change it. Support tax relief for American families.

WELFARE FAMILIES

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

Mr. McDERMOTT. Mr. Speaker, in about 15 minutes the conference committee on taxes will meet downstairs.

I continue to be appalled by the Republican attempt to create the image of people who have children and who have worked and make $24,000 a year and calling them a welfare family.

Now, I do not understand why a rookie policeman making $23,000, has two kids, is considered a welfare family and, therefore, is not entitled to the child tax credit. If there is any family that needs a tax break for its kids, it is families that are working and making less than $25,000. And to call those people, whether they be school teachers or nurse's aides or rookie policemen or road workers or whatever, anybody working ought to be eligible for the $500 tax credit. They are not on welfare.

MORE ON TAX FAIRNESS

(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, I would like to continue the discussion of fairness started by the gentlewoman from Ohio.

I begin with the proposition that it is not fair and it is not compatible with freedom that the Government has the power to take half of everything a person earns, no matter how much money that person earns. I would like to focus rather on fairness to the poorest Americans, those who are most in need of an expanding economy, those who are most in need of an economy with job opportunities, and those who are most in need of a tax system that allows for prosperity.

Mr. Speaker, people who do not have a lot of money, even if the liberals do not realize it, realize that there is no substitute for prosperity. When the economy is in hard times, the poor get hurt the most. We know that the Government can set up a tax system that either encourages or discourages prosperity.

Notice I did not say create prosperity because the Government cannot do that, only the people can. The Government can only stand in the way.

Mr. Speaker, taxes are too high. We all know it. That definitely is not fair.

THE MISSING AND EXPLOITED CHILDREN'S CAUCUS

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

Mr. LAMPSON. Mr. Speaker, as chairman of the Missing and Exploited Children's Caucus, it is my pleasure to announce another reunion of a missing child with his family. Fourteen-year-old Vincent Clayton wandered away from his Montrose, MI, home in May 1996. Vincent suffers from seizures and developed amnesia. He was living in a foster home in Toledo, OH.

Recently Vincent's foster mother received a "Have You Seen Me" card in the mail and saw a picture of her foster son. She got in touch with the authorities and Vincent was reunited with his family back in Michigan.

"Have You Seen Me" is a joint effort by the National Center for Missing and Exploited Children and ADVO, a direct mail company.

That is why I have begun printing the pictures and vital statistics of missing children on my office envelopes and why I encourage every Member of this body to do the same. Pictures work. We must work harder to get pictures of missing children in front of as many people as we possibly can.

Mr. Speaker, I urge my colleagues to join me and join the Missing and Exploited Children's Caucus.

FEELING AGGRIEVED ABOUT TAXES

(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, it turns out that Jerry Seinfeld and George Kastanza are talking about taxes again. As usual, George is feeling aggrieved. Apparently the problem is that George, who works for the New York Yankees and earns $45,000 a year, is upset with what he is hearing from the Democrats in Washington. Let us listen in on their conversation.

Jerry asks, "Okay, George, what is it now?"

George responds, "Did you hear what they're doing to me now?"

Jerry says, "What do you mean, they?"

George says, "I don't know, they, the politicians in Washington."

"Well, what are they doing?"

"They're out of their minds. They're trying to tell me that my income is not $45,000, but it's actually $75,000."

Jerry says, "I'm sorry, George, I don't follow."

George says, "Neither do I. All I know is that there are politicians who are saying that I'm now rich, that I shouldn't get a tax cut."

Jerry says, "George, I never thought I'd see the day, and I'm not exactly sure what you are talking about, but I think I agree with you."

"Well, it's about time."

STUDY THE EFFECTS OF NAFTA

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

Mr. METCALF. Mr. Speaker, the House is considering a fast track for an extension of NAFTA at this time. NAFTA only passed this body by the narrowest of margins back in 1994. I would like to ask, would it not make a lot of sense to have a full congressional study or a hearing to determine the impact that NAFTA has had before we grant this fast track? Do Members suppose a little bit of information or a little more information is not a good idea? I think it is a real good idea. I think we should proceed to get the information before we extend NAFTA, especially on a fast track.

FAMILIES SHOULD HAVE MORE

(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, there was a fascinating article on the front page of the Washington Post last week. The article is entitled "Voters Feeling Remote From Issues In Capital." One person is quoted as saying, "Politics in Washington doesn't seem to affect me directly."

Well, Mr. Speaker, many people do not realize it but Washington does affect them directly. Political choices made in Washington have a direct impact on the amount of taxes they pay. Perhaps people feel that regardless of what politicians say, they know that the tax bill will keep going up.

That, in fact, is the way things have been going here in Washington. The family tax burden has steadily climbed upwards from 5 percent in 1950 to 25 percent today. Let me remind my colleagues that is only the Federal tax burden. When we add that with hidden taxes, with State and local taxes, it goes to over 50 percent.

Now it is time for a change. It is time for Washington to spend a little less so families can have a little more.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

Mr. RIGGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1818) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1998, 1999, 2000, and 2001, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1818

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Delinquency Prevention Act of 1997".

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Name of office.
Sec. 105. Concentration of Federal effort.
Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 107. Annual report.
Sec. 108. Allocation.
Sec. 109. State plans.
Sec. 110. Juvenile delinquency prevention block grant program.
Sec. 111. Research; evaluation; technical assistance; training.
Sec. 112. Demonstration projects.
Sec. 113. Authorization of appropriations.
Sec. 114. Administrative authority.
Sec. 115. Use of funds.
Sec. 116. Limitation on use of funds.
Sec. 117. Rule of construction.
Sec. 118. Leasing surplus Federal property.
Sec. 119. Issuance of Rules.
Sec. 120. Technical and conforming amendments.
Sec. 121. References.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

Sec. 201. Findings.
Sec. 202. Authority to make grants for centers and services.
Sec. 203. Eligibility.
Sec. 204. Approval of applications.
Sec. 205. Authority for transitional living grant program.
Sec. 206. Eligibility.
Sec. 207. Authority to make grants for research, evaluation, demonstration, and service projects.
Sec. 208. Temporary demonstration projects to provide services to youth in rural areas.
Sec. 209. Sexual abuse prevention program.
Sec. 210. Assistance to potential grantees.
Sec. 211. Reports.
Sec. 212. Evaluation.
Sec. 213. Authorization of appropriations.
Sec. 214. Consolidated review of applications.
Sec. 215. Definitions.
Sec. 216. Redesignation of sections.
Sec. 217. Technical amendment.

TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

Sec. 301. Duties and functions of the Administrator.
Sec. 302. Grants for prevention programs.
Sec. 303. Repeal of definition.
Sec. 304. Authorization of appropriations.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅓ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(12) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified

by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;",

(iii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(vi) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vii) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(ix) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(x) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(xi) by amending subparagraph (M) to read as follows:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;",

(xii) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xiii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

"(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

"(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

"(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

"(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

"(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

"(R) programs designed to prevent and reduce hate crimes committed by juveniles.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with

both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

"(II) has no existing acceptable alternative placement available;

"(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of non-status offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

"(iv) detaining or confining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

"(III) for a period preceding the sentencing (if any) of such juvenile;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(P) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1997, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (22) of subsection (a)".

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service

programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(15) family strengthening activities, such as mutual support groups for parents and their children;

"(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(18) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

"(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(A) propose to carry out such projects in geographical areas in which there is—

"(i) a disproportionately high level of serious crime committed by juveniles; or

"(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

"(A) timely received by such unit from eligible entities; and

"(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

"(1) such entity submits to a unit of general local government an application that—

"(A) satisfies the requirements specified in subsection (a); and

"(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES.—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1998, 1999, 2000, and 2001.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.".

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem,", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.",

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,", and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted.", and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills, mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,",

(2) in subsection (a) by inserting "evaluation," after "research,", and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"'PART E—SEXUAL ABUSE PREVENTION PROGRAM

"'SEC. 351. AUTHORITY TO MAKE GRANTS.

"'(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"'(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1997, is amended by adding at the end the following:

"'(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.'".

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1998, 1999, 2000, and 2001.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"CONSOLIDATED REVIEW OF APPLICATIONS

"SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

"DEFINITIONS

"SEC. 386. For the purposes of this title:

"(1) The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(III) physical and sexual assault.

"(5) The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

"(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1997.

TITLE V—MISCELLANEOUS AMENDMENTS

SEC. 501. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1998, 1999, 2000, and 2001 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking ", shall",

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting "shall" after "(A)", and

(B) in subparagraph (B) by striking "coordinating" and inserting "shall coordinate",

(3) in paragraph (2) by inserting "for any fiscal year for which no funds are appropriated under section 2 of the Missing and

Exploited Children Act of 1997, shall" after "(2)",

(4) in paragraph (3) by inserting "shall" after "(3)", and

(5) in paragraph (4) by inserting "shall" after "(4)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. RIGGS] and the gentleman from California [Mr. MARTINEZ] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. RIGGS].

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

Mr. Speaker, combating juvenile crime is one of our most important domestic priorities, and it is an issue that has received a great deal of attention in recent months, both in this body and across the land.

Earlier this spring, the House of Representatives overwhelmingly passed H.R. 3, sponsored by the gentleman from Florida [Mr. MCCOLLUM], my good friend. This was the Committee on the Judiciary bill that focused on the punishment of juvenile offenders through graduated sanctions and greater accountability for those offenders and their parents or guardians. At that time when we were debating the McCollum bill, many Members expressed a need to balance punishment with prevention. The bill before us today on the floor does just that.

Mr. Speaker, I want Members to know at the outset that Republicans want to control juvenile crime using a balanced approach which focuses on prevention and accountability and helping young people turn their lives around. As we have said all along, we have to balance harshness with hope through an approach that is tough on punishment but smart on prevention.

H.R. 1818 will assist States and local communities to develop strategies to combat the juvenile crime wave through a wide range of prevention and intervention programs. This juvenile crime wave has been called by some demographers, some criminologists, a time bomb waiting to go off if we fail to deal with the problem in an adequate manner.

H.R. 1818 is a bipartisan bill. It was the result of many hours of discussions involving the gentleman from California [Mr. MARTINEZ], ranking member of the Subcommittee on Early Childhood, Youth and Families that I chair, the gentleman from Virginia [Mr. SCOTT], who played a lead role in crafting this legislation, the gentleman from Pennsylvania [Mr. GREENWOOD] and myself.

The legislation also reflects information gathered during subcommittee hearings, meetings with individuals in the juvenile justice community, and individual visits to juvenile facilities and prevention programs around the country. It draws, as well, from recommendations of the Clinton administration and bills introduced by other Members of both parties. This is good policy. It is a carefully constructed balance among the range of views on this issue.

H.R. 1818 streamlines current law, reduces burdensome State requirements, and provides States and local community-based providers with greater flexibility in addressing juvenile crime. It acknowledges that the most successful solutions to juvenile crime are developed at the State and local level by those who understand the unique characteristics of youth and of the juvenile crime problem in their area.

One of the most important features of this legislation is the creation of a new prevention block grant to States. All of the current discretionary programs, the separate categorical programs, are consolidated into this prevention block grant to the States. States and local communities are provided broad discretion in how to use the funds from this block grant. I would, however, hope that States would continue the same level of active partnership between the State and local governments and private nonprofit community-based organizations that has typified the administration of this act in the past.

For example, H.R. 1818 allows the use of funds for intervention and prevention activities such as antigang programs; mentoring, which we have found to be one of the most successful means of diverting young people who are already in the juvenile justice system or young people at risk of coming into contact with the system from a life of crime; educational assistance; and job training and employment services. It also allows funds to be used for the development of systems of graduated sanctions and additional probation officers to monitor youth to assure that they abide by the terms of their probation.

Both of these activities are in fact forms of prevention. They are forms of prevention targeted at minor offenders, targeted at diverting those minor offenders from the justice system before they graduate to adult crimes and adult prisons. While the bill outlines a number of successful approaches for reducing and preventing juvenile crime, it does not limit the types of prevention activities carried out by local communities.

Mr. Speaker, another very important part of this legislation is the reauthorization of the Runaway and Homeless Youth Act. These effective programs work to protect youth by keeping them off the streets, away from criminal activities and out of desperate circumstances. The act has been successful in meeting the needs of runaway and homeless youth and in reunifying these youth with their families.

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I realize concerns have been raised concerning the elimination of the Independent Coordinating Council on Juvenile Justice and Delinquency Prevention. The committee report accompanying H.R. 1818 clearly points out that we expect the administrator of the Office of Juvenile Justice and Delinquency Prevention to continue coordinating efforts among Federal departments and agencies which work with at-risk or delinquent youth. The report further states that nothing in the law would prevent the administrator from creating an informal coordinating council.

However, I would like to note that another available mechanism to achieve the creation of an official coordinating council would be for the President to establish such a council through an Executive Order.

Mr. Speaker, many members of our staff and the administration have contributed to our success today in moving this bill forward. The very fact we are able to move this bill forward on the Suspension Calendar, which is normally reserved for noncontroversial legislation, is a testament to the cooperative and bipartisan efforts of all parties involved. While it is impossible to thank everyone who has contributed to this legislation, there are several people who have been instrumental in helping us arrive at a consensus. I particularly want to thank our very dedicated staff members, Lynn Selmser, who is seated next to me, Erika Otto, Dan Dodgen, and Cheryl Johnson of the committee's majority and minority staff, Denise Forte with the gentleman from Virginia [Mr. SCOTT] and Judy Borger with the gentleman from Pennsylvania [Mr. GREENWOOD].

I also want to acknowledge the strong personal interest that Attorney General Reno took in this juvenile delinquency prevention legislation early on and express my appreciation to her deputy, Shay Bilchik, who, as the Administrator of the Office of Juvenile Justice and Delinquency Prevention, made a tremendous contribution to this legislation and whose advice was invaluable in crafting this legislation. I also want to extend the same recognition to John Wilson, Deputy Administrator, for his valuable contribution to the legislation.

Mr. Speaker, I believe the bill before us today provides the missing link in our efforts to combat juvenile crime. Combined with H.R. 3, it provides a balanced approach to addressing problems related to juvenile crime in our country, and it therefore deserves our strong support and commitment.

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

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume and I rise in support of this bill.

Mr. Speaker, for as long as I have been in Congress, Republicans and Democrats have consistently differed on the right way to combat crime, especially juvenile crime. I experienced

this difficulty as the last subcommittee chairman that reauthorized this act back in 1992. Fashioning bills related to crime which can gain the support of both parties was and still is extremely difficult.

The difference of opinion on how we can effectively combat crime, whether through prevention and early intervention or hard sanctions, consistently has divided our parties. As a Member who strongly believed in early intervention and primary intervention, I can attest to the great debate over these differences.

Having said this, though, I must admit I am truly amazed we are here today with a bipartisan bill. When the gentleman from California [Mr. RIGGS], the chairman, first proposed to engage Democrats in bipartisan discussions aimed at producing a bill we could all support, I had reservations. However, I believe the strong commitment of the chairman to work with us on the issues that were important to us on this side of the aisle is what truly held this process together. As a result, I strongly believe that this bill shows that we can work together and produce good public policy.

The legislation we are considering today arguably improves the vital provisions of the Juvenile Justice and Delinquency Prevention Act. The four core mandates of the act are maintained and have been modified in such a way to both strengthen the protections they provide and provide flexibility to deal with the real-life difficulties of dealing with juvenile offenders.

In addition, a dramatic new step is also taken by the creation of the community prevention block grant and the addition of important preadjudication based prevention language. This last point is extremely important, since we all know an ounce of prevention can result in a pound of cure.

Having extolled the virtues of the bill, I would like to thank my colleagues, the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. GREENWOOD], and the gentleman from Virginia [Mr. SCOTT], and others for working through the many, many differences we had on this bill. The hours that we as Members spent and the many more hours which the staff spent have obviously produced the bipartisan and balanced product that we have all been seeking from the beginning and, in my opinion, was, therefore, well worth the efforts. The leadership of my colleagues on both sides of this issue has been essential to working to striking the compromise that we have reached.

Having thanked my Republican friends on the other side of the aisle, I would especially want to thank and single out the gentleman from Virginia [Mr. SCOTT] for being the true leader on this bill and the complex issues surrounding the debates over juvenile delinquency. Congressman Scott's leadership and his driving commitment to ensure that juveniles who commit delinquent acts are fairly treated was invaluable and is reflected in this legislation before us today.

In closing, I want to thank all Members and suggest that Members should realize the importance of this bill and the policies which are reflected in it. The strong primary prevention focus of the bill will give us the tools needed by those in the field to effectively deal with those at risk of committing delinquent acts. With this in mind, I urge all Members to vote for this legislation.

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

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania [Mr. GOODLING], chairman of the full Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, when we began this effort, I told the staff to keep working until they could see whether they could satisfy the gentleman from Virginia [Mr. SCOTT], and apparently we have done that, and so we are here today.

Also, when we started, I indicated that we want to deal with juvenile crime using a balanced approach, one of prevention and one of accountability.

In 1995, juveniles accounted for 32 percent of robbery arrests, 23 percent of weapons arrests, 15 percent of rape arrests, 13 percent of aggravated assault arrests and 9 percent of arrests for murder. Those are pretty serious statistics. We also realized that we could not begin to build enough jails to try to deal with that issue, and it also would not be very wise to do only that.

So today we have before us the Juvenile Crime Control and Delinquency Prevention Act. It is an important bill which not only supports making juveniles accountable for their actions but which provides funds to States and local communities to design prevention programs to help youths turn their lives around.

Again, we allow the flexibility that we need to allow if local entities are going to do the things that have to be done to bring about the prevention as well as handling of the juveniles who we have difficulty turning around.

So in this bill we have combined many individual programs, many that were so small that they were totally ineffective, many that were duplicative and, above all, as I indicated, we give an opportunity for the local area to design the programs that they believe will work best for that area.

Mr. Speaker, I encourage all Members to support this legislation.

Mr. MARTINEZ. Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time and I rise in strong support of the Juvenile Crime Control and Delinquency Prevention Act because I believe prevention programs that provide help to our troubled at-risk kids are key to reducing juvenile crime.

Mr. Speaker, I want to commend the gentleman from California [Mr. RIGGS], the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from Virginia [Mr. SCOTT], the gentleman from California [Mr. MARTINEZ], and the staff on both sides for all of the work that they have put into this legislation.

I also support this bill because it retains four core mandates in the current law, especially the mandate that conditions funding under the bill to a bar on incarcerating juveniles in adult facilities.

Overall, children in institutions are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, eight times more likely to commit suicide, and 58 percent more likely to be attacked with a weapon than in a juvenile facility.

Originally the bill provided an exception to that mandate for rural areas that I believe did not have enough safeguards; but because of the extreme dangers juveniles face in adult facilities and the bar placed on this practice for kids in metropolitan areas, I have worked with the subcommittee chairman to ensure that the rural exception is used only after great consideration and caution, and only under limited circumstances.

In that respect, Mr. Speaker, I would like to engage the subcommittee chair in a colloquy, and ask of the chairman whether or not I am correct that the chairman's mark incorporates changes that will help us achieve those goals of providing for the safety of these people under the exception?

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

Mr. MILLER of California. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding and I want to thank him for his contributions to the legislation; and, yes, he is correct in his assumption.

I agree with the gentleman that the rural exception should be just that, an exception. The rule under the bill is that a State is in compliance if it bars juvenile incarceration in an adult facility that exceeds a maximum of 48 hours, excluding weekends and holidays.

For rural areas, where there is no existing acceptable alternative, a juvenile may be placed prior to adjudication and sentencing in an adult facility if a number of conditions are met, and the gentleman may want to discuss those conditions.

Mr. MILLER of California. Mr. Speaker, reclaiming my time, I thank the gentleman.

Again, for a State to be in compliance under the bill, a juvenile in a rural area shall be detained in a juvenile facility unless the judge consults with the juvenile and his attorney and receives the consent of the juvenile's parent, decides that it is in the best interest of the juvenile for that child to be housed in a nearby adult facility.

But such a juvenile may only be incarcerated in an adult facility prior to adjudication and sentencing. Additionally, a parent may withdraw his or her consent to such an incarceration at any time.

Again, we intend for the rural exception to be invoked only in very limited situations.

While we have not detailed in the bill the criteria a judge should consider before invoking the exception, I will submit for the RECORD a list of criteria we believe that the court should consider.

Mr. RIGGS. Mr. Speaker, if the gentleman will continue to yield, we urge the court to use the rural exception carefully, and these criteria should provide the court with some assistance in rendering a decision on this issue. The committee believes it is important that the court consider the criteria in determining the relationship between the juvenile and their parents or guardian, the conditions in the jail or lockup facility, and the potential impact on the general welfare of the juvenile from being housed in such an adult facility.

Mr. Speaker, I am pleased to have worked with the gentleman from California [Mr. MILLER] to address his concerns.

Mr. MILLER of California. Mr. Speaker, once again reclaiming my time, I want to thank the gentleman for his remarks and again I want to thank him very much for his willingness to work on these concerns with both sides of the committee, and I do believe he has reported to the floor a bill that all Members of this House should support.

The criteria mentioned follows:

CRITERIA FOR RURAL EXCEPTION UNDER H.R. 1818

The court, in deciding whether to place a juvenile in an adult jail, should consider the following:

The potential impact on the juvenile's general welfare from being housed in an adult facility;

Whether the nearest juvenile detention facility is so far away as to preclude a parent from visiting the child;

Whether the child would have to be put into solitary confinement in the adult jail in order to comply with the separation requirements of this title;

Whether the staff in the adult jail is able to appropriately supervise the child due to training in the supervision of juveniles, and due to relevant staff/inmate ratios;

Whether, in the adult jail, there are appropriate intake procedures for juveniles, including medical and mental health screening;

Whether the adult jail would provide needed services for the child, especially educational services, social services and mental health services;

Whether there is a classification system in the adult jail that allows vulnerable juveniles to be separated from violent offenders; and

Whether the juvenile's counsel will have access to the juvenile to prepare properly for adjudicatory or other proceedings.

Mr. RIGGS. Mr. Speaker, I yield myself 10 seconds to also recognize Alex Nock, a staff member with the office of the gentleman from California [Mr. MARTINEZ]. That was an oversight on my part when we were citing the individuals, particularly at the staff level, who have made real contributions to this legislation.

Mr. Speaker, I yield 1½ minutes to the gentleman from Nebraska [Mr. BARRETT], a distinguished member of the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this legislation provides relief for small rural law enforcement offices, while also protecting the rights of juveniles during presentencing.

States are currently required to remove juveniles from adult jails, and often juveniles arrested in rural areas have to be transported at great distances to jails that are far away, or perhaps far away from the families as well, and also at great local cost to taxpayers.

As has been indicated, particularly in the colloquy, under H.R. 1818 juveniles could be held in adult jails for longer periods of time if the parents and the court agree. An attorney for the juvenile can represent the concerns of the juvenile, but the ultimate decision rests, again, with the parents and the court. Now, the bill would continue the current requirement for sight and sound separation from adults.

Rural areas have been struggling for a long time to meet the requirements of existing law, often at the expense of providing needed prevention services to troubled youth. The bill would provide rural areas with flexibility to provide prevention programs and also hold a troubled youth in a local jail during presentencing.

Mr. Speaker, the House should pass H.R. 1818.

Mr. MARTINEZ. Mr. Speaker, I yield 3½ minutes to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, as many of my colleagues are aware, I have been actively involved in this issue of juvenile crime, both as a member of the Committee on Education and the Workforce and on the House Committee on the Judiciary.

From the outset of this discussion, I have said that Congress has a decision to make in fighting youth violence, and that is we can either play politics or we can reduce juvenile crime. H.R. 1818, I am happy to say, reflects a bipartisan desire not to play politics by codifying sound bites, instead it reflects a bipartisan commitment to reducing crime by funding proven crime prevention programs.

Mr. Speaker, we know that prevention programs work. We know that they often save more money than they cost. Head Start, for example, saves money by reducing the need for remedial education, welfare; in crime, Job Corps saves money by increasing employment and reducing crime; drug rehabilitation programs have been shown to save $7 to $10 for every dollar put in the program by reducing crime in health care expenses.

□ 1245

So we know of prevention programs that work to reduce crime and save money. This bill encourages communities to review the available research, to develop a crime prevention plan and to fund these prevention programs, programs that will help communities in their fight against crime and programs that are cost effective. Communities across the country are already doing this and they are seeing results.

In addition to the emphasis on prevention, H.R. 1818 keeps intact several important principles of juvenile justice. Since 1974, there have been concerted efforts to provide fundamental protections for youth who come into contact with the juvenile justice system.

Many may not know that prior to 1974 it was common practice to lock up youth who commit what are called status offenses, noncriminal acts such as running away or being truant. These children, who had not committed crimes and were often in need of social services and not punishment, they were being locked up, often in adult jails. As a result, kids were increasingly at risk of assault or committing suicide.

The Juvenile Justice and Delinquency Prevention Act was enacted in 1974 to provide protection for children in these circumstances. The act required States to divert status offenders from the juvenile criminal system and place them in community-based alternatives where they would receive the appropriate interventions and appropriate services.

Due to the enactment of this law, the number of children committing suicide in detention has decreased dramatically. I applaud the cosponsors of the bill for this fundamental protection. This decision did not come easily.

But in May of this year, the House Subcommittee on Early Childhood, Youth and Families heard unanimous, passionate, and eloquent testimony on this very issue from a bipartisan panel of witnesses. They implored us not to turn the clock back on these children and to maintain the current law, that no status offenders should be locked up.

H.R. 1818 maintains this protection and continues the underlying principle

that no juveniles should be locked up with adults. These principles are the heart and soul of the act of 1974, and H.R. 1818 makes sure that there is no change.

Finally, Mr. Speaker, I want to thank the gentleman from California [Mr. RIGGS] for his bipartisan leadership and also the gentleman from Pennsylvania [Mr. GOODLING], the gentleman from Missouri [Mr. CLAY], and my other colleagues, the gentleman from California [Mr. MARTINEZ], the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from California [Mr. MILLER], and the gentleman from New Jersey [Mr. PAYNE] for their contributions and for the contribution of our staffs.

I urge all of my colleagues to vote for this bill. This is a vote for prevention and a vote to take politics out of the debate on juvenile crime.

Mr. RIGGS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD], another member of the committee and one of the original bipartisan cosponsors of the legislation, and I want to thank him again for his role in helping to craft the legislation.

Mr. GREENWOOD. Mr. Speaker, the juvenile judges of the juvenile courts in this country face a wide variety of young people. Sometimes brought before them are teenagers who already, because of the brutality of their upbringing, the deprivation of their upbringing, are so violent and vicious and predatory that they may in fact not be able to be redeemed or rehabilitated; and for the benefit and safety of society, they indeed do need to be locked away, sometimes for the rest of their lives.

Other kids come before the courts who, because of their immaturity, because of lack of proper parental guidance, have done some stupid things, got in trouble with the law, and these kids need to be treated firmly, but they need to be treated fairly and we need to see that they are steered away from a life of crime.

Some of the group of kids come before the courts because they have committed status offenses, something that would not be a crime if they were adults, but they are chronic truants, they run away from home. And they do that for a lot of reasons, and the courts need to decide whether this is a child who is simply incorrigible and needs some firmness, or whether this is a kid who is running away from abuse at home and needs to be protected from his or her own parents.

This act needs to thread that needle. This act needs to balance all those considerations, and we in the Congress have to give the State juvenile court judges the latitude they need. I think we have done this, and I would like to commend the gentleman from California [Mr. RIGGS], the chairman of the subcommittee, for his excellent work, the gentleman from Virginia [Mr. SCOTT], the gentleman from California [Mr. MARTINEZ], the gentleman from California [Mr. MILLER], and all the others. In all of our deliberations, never once did I feel that any of the participants were grandstanding or trying to politicize the issue. These are all Members who care deeply about children, and this product shows that and I would commend it to my colleagues.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. DELAHUNT].

Mr. DELAHUNT. Mr. Speaker, I rise to strongly support this bill because I prosecuted violent criminals for more than 20 years; and unlike the juvenile crime bill we passed last May, I know this bill will work. It will reduce violence because instead of dictating policy from Washington, it relies on balanced, proven local initiatives which have worked in the real world, and it focuses on preventing crime, which is the best use of tax dollars.

In Boston, this balanced approach has already worked. Boston has not had a single juvenile homicide for more than 2 years. Yet the Washington-imposed mandates in the bill passed last May would preclude Boston and most other cities and towns in this Nation from even applying for Federal help.

Our communities do not need Washington telling them how to reduce violence. What they do need is resources to get the job done, and that is what this bill is about. I support it, and I want to extend my congratulations to the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ] the ranking member, and the gentleman from Virginia [Mr. SCOTT] for the fine work and the product which they have produced.

Mr. RIGGS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. MCCOLLUM], the distinguished chairman of the Subcommittee on Crime and the author of H.R. 3, which we have referred to before.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS] for yielding to me, and I want to commend the Committee on Education and the Workforce and the subcommittee for this bill today that I rise to support, H.R. 1818.

It is an excellent bill. I believe that H.R. 3 and H.R. 1818 provide complements to each other in the juvenile justice system. We passed the juvenile crime bill, H.R. 3, back in May. It is designed to fix the broken juvenile system, to help the judges and repair the systems that are broken in terms of providing accountability and consequences to juveniles who commit misdemeanors and who commit even more serious crimes.

Today we are passing a bill which is carefully crafted on the prevention side, one that reauthorizes and revitalizes the Office of Juvenile Justice and Delinquency Prevention, and I think it is a very excellent product.

I would like to remind my colleagues that, unfortunately, one out of every five violent crimes in this country are committed by juveniles, that more murders are committed by 18-year-olds than any other age group the last time that data was collected, and more rapes by 17-year-olds. Yet we see many young people who come in contact with the juvenile justice system who do not have those kinds of crimes. We have the truants that we heard about. We have lots who commit misdemeanor crimes that are not getting sanctions.

This bill today would modify some of the onerous burdens that were placed on the States in previous law, particularly that with regard to sight and sound separation, which resulted in some really unusual circumstances where you could not even have a juvenile walk past a booking desk where an adult prisoner might be seen; or you could not have the same cook, cook the food for juveniles who might cook for an adult, even though the child was separated completely from the adult prisoner, in a situation like that for presentencing periods or whatever it might be. I commend the committee for doing that.

I also think that the block grant program in this bill is a good improvement over the existing law, many kinds of categorical grants that were confusing. I believe that more flexibility for the States would allow for better results.

I want to make it explicitly clear that neither H.R. 3, the crime bill that passed in May, nor this bill, in any way authorizes or encourages housing juveniles with adults. There is a great myth out there in some of the op-ed pieces recently that says to the contrary. That is simply not true. There is nothing in the Federal system that has been changed with regard to current law in this regard.

To the extent that the language that is used in this bill is any different than that which has been used in the past, that is nonsense. No regular contact between juveniles and adult criminals during any stage of the justice process, pretrial, presentencing, or postsentencing, is allowed by H.R. 1818 or H.R. 3.

Furthermore, I would like to point out that in H.R. 3 we tried to get at putting consequences back into the system, the most important part of it being consequences for early juvenile delinquent acts, such as vandalizing a home or store or spray painting graffiti upon a warehouse. Right now, the system is overtaxed and overworked. There are not enough probation officers, judges, or detention facilities, and

these early delinquent acts are not getting the kind of attention they need to get.

In many cases, the law enforcement officers are not even taking those vandals and misdemeanor juveniles before juvenile authorities, and when they do go before a judge, they do not get any kind of punishment until the 10th or 12th appearance. That is wrong. We need to put consequences in the act. We need to repair that broken system. It is badly broken right now.

For violent juvenile offenders, less than 10 percent of the violent offenders serve a single day in any institutionalized form of incarceration outside of the home. That is wrong, and that is what H.R. 3 is about repairing, as the primary thrust of that bill, not to treat juveniles as adults or house them with adults or whatever so much the language is about.

On the other hand, it needs to be complemented, that money, that $500 million a year in H.R. 3 for helping those juvenile justice systems to be repaired in the States needs to be complemented by the prevention programs that are here in this bill, to get at those youth primarily before they get involved in the juvenile court, and those options that are there for juvenile courts to prefer for prevention.

That is why this bill is so important. It provides that balance that is so carefully crafted, as part of $4 billion for at-risk youth that is available today in the Federal system. I urge the passage and adoption of H.R. 1818, and I thank the gentleman from California [Mr. RIGGS] for yielding.

Mr. MARTINEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman from California [Mr. MARTINEZ] for yielding me the time.

Let me compliment everyone who has worked so long and hard on this bill to finally bring forth a juvenile justice bill which will focus on prevention, early prevention, and early detention if necessary.

I rise in support of this legislation, and in my support of this legislation I have a word of caution for the U.S. Congress, because I believe this bill is really a day late and a dollar short. This bill is a step in the right direction, although being a small juvenile step. It is in the right direction because this bill will address early prevention, early detection of juvenile crime.

Thus far in this Congress what we have seen with the Republican majority was H.R. 3, which was passed in May 1997 over strong objection on this side of the aisle, because what we did was put $1.5 billion over 3 years to lock up everybody.

Now the Federal Government really has no role in locking up juveniles when we only handle about 197 juveniles every year anyway. Where the focus should be, and we know these statistics, one out of every five juveniles are involved in serious juvenile crime, should be at the local level, the local initiative to try to have early prevention and early detention.

It is necessary that we have this type of bill. I wish we would have had it earlier. I wish this bill had money placed in it instead of just a sum certain, because it is necessary. The only way for people to feel safe in their homes and their communities is to prevent crime in the first place, prevent it before it occurs, prevent it before the juvenile is caught up in a never-ending juvenile justice system, and this bill will address that through early intervention.

So H.R. 1818 takes a step and one of the first steps in prevention and early intervention, but it is only a step. When it comes to funding it, it just says a sum certain. I am certain, after 12 years of working the streets and highways of Michigan in law enforcement, that we will never arrest our way out of juvenile crime. We must address it at the early initiatives and give flexibility to local units of government for local concerns and local needs and local issues.

Mr. RIGGS. Mr. Speaker, I yield 2½ minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, first let me thank the gentleman from California [Mr. RIGGS], the chairman, and the gentleman from California [Mr. MARTINEZ], the ranking member, as well as the gentleman from Pennsylvania [Mr. GREENWOOD], the gentleman from Virginia [Mr. SCOTT], and the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the full Committee on Education and the Workforce. This is a bipartisan effort, and it is a recognition that one of the most important things we can do is to have preventive programs for our young people.

I serve a district with 10 communities. There are three major cities, the cities of Stamford, Norwalk, and Bridgeport, where we have serious juvenile crime problems. If you meet with the chiefs of police of any of those three cities, they will tell you one basic thing: "Give us prevention programs for our kids."

I attended a Memorial Day parade in Fairfield, CT, a suburban community next to Bridgeport, CT. The parade route was lined with people and lots of kids. Then came the Indian Princesses, the Indian Guides, the Boy Scouts, the Girl Scouts, the soccer team, the high school band, the junior high school band. It went on for almost 2 hours.

□ 1300

That kind of parade in the city of Bridgeport would have lasted about 10 minutes. I think that sometimes, those of us who live in the suburbs take these extra curricular programs for granted. In the town of Fairfield, the challenge for kids is what don't you do after school. They have a tremendous overload of choices. But in the neighboring city of Bridgeport, the question is what do you do. A kid in many of our urban areas, when 2 o'clock is out, they are out, without adult supervision, without the kind of programs we need. I am absolutely convinced that preventative programs are the best way to combat crime. The city of Bridgeport has a program in Longfellow School. On Saturdays they bring kids in to do academic programs and to have some recreational programs. All are adult supervised, with discipline and rules. The kids hunger for this. They show up in droves. They want to be in school on Saturdays. In addition to this kind of program, we clearly need to make better use of our schools, before school and after school, and that is what this legislation allows as well.

I thank the gentleman from California [Mr. MARTINEZ] for what he has done, I thank the gentleman from California [Mr. RIGGS] for what he has done. This is just the beginning. Such sums as are necessary. Now we have to go to the Committee on Appropriations and make sure that the real sums that are necessary are appropriated.

Mr. MARTINEZ. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. I thank the gentleman from California [Mr. MARTINEZ] for yielding me this time to speak in support of H.R. 1818.

Just a few months ago, Mr. Speaker, this Congress missed an opportunity to pass a bill that would have controlled and prevented juvenile crime, and voted instead for a misguided, punitive one which ignored input from experts and communities and which sought to employ measures that have been proven not to work in preventing juvenile crime and delinquency.

In H.R. 1818 we are given something rare today, another chance to do the right thing. The bill I rise to support today, H.R. 1818, incorporates key programs which we have been implored to implement by a broad cross-section of America, prosecutors, corrections officers, police, community organizations, public health officials, family oriented groups, young people and, most poignantly and convincingly, parents of murdered children.

H.R. 1818 contains funding for States and communities to support prevention programs. It provides for research and technical assistance to those communities. It understands and treats children as children and protects them from incarceration with adults. It recognizes that minorities are disproportionately incarcerated and in part funds States based on their initiatives to address this inequity.

During debate on H.R. 3, our Republican colleagues said time and time

again that they would support this prevention bill when it came to the floor.

Mr. Speaker, I am pleased to be here today to speak in support of H.R. 1818, and I urge all of my colleagues, including those on the other side of the aisle who said they would, to vote yes for this bill.

Mr. Speaker, it breaks my heart that this bill would come too late for young people like Albert Nicholas and Rashawn Lewis from my district. But if we pass H.R. 1818 today, it will not be too late for millions of our other children who cry out for our help. The time is now for us to reclaim our children and our neighborhoods rather than to allow our future leaders to become victims of a system that has failed them.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, as vigorously as I rose in opposition to the juvenile crime bill, H.R. 3, do I rise in support of this bill, which authorizes prevention programs that will prevent juvenile crime rather than reacting after the fact when it is too late.

My colleagues should understand that this is just the first step. This is an authorizing bill that has no money in it. So the challenge going forward will be to make sure that moneys are devoted to fund the programs in this bill instead of taking all of the money and putting it in support of H.R. 3, the crime prevention bill, which would provide more jails and more punitive sanctions against young people. If we do not pay the price in advance to prevent crime, we can never build enough prisons to accommodate it.

Mr. MARTINEZ. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I commend the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ], and the gentleman from Virginia [Mr. SCOTT] for a commendable job on recognizing that juvenile crime can be prevented and can be reduced. The Rand study says in fact that early intervention programs can prevent as many as 250 crimes per $1 million spent. Therefore, I rise to support vigorously H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997, which will help Texas.

Mr. Speaker, I would like to continue this discussion by entering into a colloquy with the gentleman from California [Mr. RIGGS]. I wish to engage in this colloquy because I appreciate that this bill reaches out to communities and States on the issue of juvenile crime prevention. In particular, in Texas there is now a center devised for the study and prevention of juvenile crime and delinquency at Prairie View A&M University. This center will have an impact on Houston, the surrounding community, and Texas. According to the center's key objectives, they want to conduct and evaluate research, provide degree programs, continuing education, training, and serve as an information source, along with collaborating with communities, State agencies, and private entities to implement programs and policies to target prevention of juvenile crime.

I see this bill as a light at the end of the tunnel because its provisions on juvenile delinquency and crime prevention, block grant programs, research evaluation, technical assistance training, and training in technical assistance are the kind of provisions that would allow this center to apply for grants under this particular legislation. That will move our communities closer to really solving juvenile crime by early intervention and prevention.

Mr. RIGGS. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. RIGGS. I thank the gentlewoman for yielding and I appreciate her bringing to our attention the good work that Prairie View A&M University is doing. The gentlewoman is exactly right. What they are proposing would fulfill some very important functions under this legislation, such as conducting academic programs, conducting policy research and developing and assisting with community outreach programs focused on the prevention of juvenile violence, crime, drug use, and gang-related activities. The gentlewoman is correct. We look forward to working with her and with Prairie View A&M as this legislation is implemented.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from California [Mr. RIGGS], the gentleman from California [Mr. MARTINEZ], and the gentleman from Virginia [Mr. SCOTT] for this innovative legislation, and as a member of the House Judiciary Committee, chair of the Congressional Children's Caucus, and a member of the Democratic Caucus Juvenile Task Force, I believe this bill is the right direction that should be taken for long-lasting solutions to the problem of rising juvenile crime.

I commend Mr. RIGGS, Mr. MARTINEZ, and Mr. SCOTT for their outstanding work.

Mr. Speaker, I rise today in support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. As Chair of the Congressional Children's Caucus, I believe that promoting the solution for preventing juvenile crime is the most valid approach. My colleagues, reducing and preventing juvenile crime is one of the most critical issues facing our Nation today. H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997 is important to helping us address the rising crime problem facing our America's youth. It is a balanced bill which provides the States with the tools they need to help troubled youth.

H.R. 1818 is a step in answering the need for effective prevention programs to stop young people from engaging in delinquent activities in the first place and to prevent those youths already in the juvenile justice system from committing additional, more serious offenses. By investing in strong prevention programs, we can help our young people turn their lives around. The vast majority of at-risk and delinquent youth, if provided early with care, support, appropriate discipline and real opportunities, can grow up to be responsible citizens.

Earlier this year, the House considered and passed H.R. 3, directed at increasing the penalties for juvenile crime. H.R. 1818 is the critical companion to H.R. 3. It helps in providing a more balanced approach to juvenile crime and provides the prevention component of a comprehensive approach to addressing juvenile crime.

Across America, violent crime committed by and against juveniles is a crisis that threatens the safety and security of communities and the future of our children. In 1995, law enforcement agencies in the 50 States made approximately 2 million arrests of persons under age 18. This is a 28-percent increase from the more than 1.5 million arrests made in 1985. During this period, juvenile arrests for both violent and nonviolent offenses increased significantly

Sanctions are only one part of the solution to this crisis. As one parent who had just lost his 10-year old daughter to murder recently stated, "stopping crime by using more prisons is like trying to cure death by using more cemeteries."

Most public policy analysts argue that early prevention programs offer the best hope to stem juvenile crime. They emphasize the importance of better schools and more job training, recreation, and mentoring programs. Such initiatives provide children with positive role models and increase economic opportunities.

Dozens of crime prevention programs across the country have been held up as successful models. An ongoing program in Orange County, CA—the 8 Percent Early Intervention Program—has proven remarkably successful in reducing repeat offenses. The Orange County program calls for screening delinquents to identify children likely to go on to more serious crime. This is typically 8 percent of the children who pass through the juvenile system. The program targets resources to those children—including intensive delinquency supervision and such services as mentoring and tutoring. Over the last few years in Orange County, this program is credited with reducing repeat offenses by 50 percent—at one-third the cost of incarceration.

In Dallas, police noted a 26-percent decrease in juvenile arrests due to a Cooperative Gang Prevention Program that focuses on education, counseling, recreation services, and job training to reduce crime. In Fort Worth, TX after implementing a Gang Prevention and Intervention Program city-wide gang related crimes declined 30 percent from the previous year. In Yakima, WA, increases in youth violence led to the creation of a Gang Intervention/Intervention Coalition to provide positive opportunities for youth through community centers. In the neighborhoods where

the coalition is active, youth violence has decreased by 80 percent in a 3 year period.

In fact, studies show that prevention not only works but is far more cost-effective than incarceration in reducing the rates of juvenile crime. A study by the Rand Corp., titled "Diverting Children from a Life of Crime, Measuring Costs and Benefits," is the most recent comprehensive study done in this area. The Rand study determined that early intervention programs can prevent as many as 250 crimes per $1 million spent. In contrast, the report said investing the same amount in prisons would prevent only 60 crimes a year. In California, research on delinquency programs in California indicated that $1.00 spent on prevention programs resulting in savings of $1.40 to the juvenile justice and law enforcement systems alone.

My colleagues, all the evidence highlights the fact that prevention is effective in reducing and preventing juvenile crime. Juvenile crime and violence can be reduced and prevented, but doing so will require a long-term vigorous investment. H.R. 1818 is an excellent first installment in that investment. I urge my colleagues to support this very important legislation.

Mr. MARTINEZ. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. Mr. Speaker, I rise in strong support of H.R. 1818. I bring the attention of this body to title 5 of the bill. The bill will provide $5 million per year for the next 4 years for the National Center for Missing and Exploited Children. The National Center has done many things that I discovered after the loss of a child to a murder in my district. The National Center uses pictures of missing children and family members to create age progression likenesses to help locate growing children who have been missing for years. It has an international office to work with law enforcement overseas to locate children taken to other nations. Their Internet site has a comprehensive data base of missing children including pictures. That site is hit over a half-million times a day.

Since its inception in 1984, the National Center has helped recover over 35,000 missing children and reunited them with their families. The stories of these recoveries are absolutely overwhelming. As chairman of the Congressional Missing and Exploited Children's Caucus, I can assure my colleagues that funding for the National Center is money well spent. I thank the committee for its support and I ask my colleagues to please support this bill.

Mr. MARTINEZ. Mr. Speaker, I yield the balance of my time to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this legislation. I will place in the RECORD an editorial that was in the local Minnesota papers concerning the importance of prevention.

It is time to quit putting the problems on the conveyor belt and quit reacting. I think this provides an opportunity for proactive focused activities for the Boys and Girls Clubs for a myriad of different programs. It is interesting to note that so many of our professionals in law enforcement today, whether first prosecutors, whether police officers, cops on the beat, are recognizing the importance of prevention in terms of dealing with our escalating juvenile crime problems.

Prevention works. Let's invest in kids—the extended school day and year, the extracurricular activities, sports programs, summer jobs—and keep them on the positive path and off the conveyor belt of juvenile delinquency by enacting H.R. 1818.

[From the Star Tribune, July 15, 1997]

JUVENILE CRIME—DON'T WAIT FOR KIDS TO STRAY

The bleeding hearts have been saying it for years: If you want to curb crime, you can't just punish the guilty. You've also got to invest in the innocent. But that proposition can no longer be dismissed as liberal claptrap, and it's no longer just a theory. The vast majority of America's police chiefs believe that helping children get a good start in life prevents crime, and hard evidence shows they're right.

This truth deserves mention now because Congress is on the verge of ignoring it. Lawmakers in both chambers are pushing juvenile-crime bills that would pour a torrent of money into prisons, punishment and prosecution, and only a dribble into crime prevention.

That unbalanced recipe may feed the public appetite for retribution, but it won't be satisfying over the long haul. A flood of research points to the folly of putting so many eggs in the punishment basket. A Rand Corp. study released last year, for instance, found that imprisonment is among the lamest and least economical of crime-fighting strategies.

A new lobbying group called Fight Crime: Invest in Kids insists that riding that lame horse amounts to being soft on crime. Led by some of the nation's top police chiefs and prosecutors—as well as crime survivors like Marc Klaas, father of young murder victim Polly Klaas—the group is pushing anticrime approaches proven to work well. The list includes enrolling at-risk kids in Head Start, matching up troubled parents with parenting coaches, assigning mentors to delinquent teens, nudging damaged families into therapy and luring restless latchkey kids into meaningful after-school activities.

Practical souls that they are, you'd think lawmakers would seize upon such tactics. No such luck. The House juvenile-crime measure, passed in May, expressly forbids the use of its funds for crime prevention. And though a similar bill now spinning through the Senate Judiciary Committee would allow some block-grant spending on prevention, it so far does nothing to require such investment. The upshot, some onlookers fear, could be a net reduction in federal dollars spent on prevention—and a consequent upturn in youth crime.

Certainly Congress intends no such calamity. That is why its members should take a lesson from the nation's leading law-enforcers, who know a thing or two about fighting crime. In a poll of police chiefs conducted last year by Northeastern University's Center for Criminal Justice Policy Research, nine of 10 favored investing more in prevention programs.

No thoughtful person would dispute the need to lock up violent lawbreakers. But only an ostrich would settle for a juvenile-crime bill that serves that need alone. What is missing from the congressional approach is balance. To fight juvenile crime effectively, this country must focus not just on its most dangerous young people, but also on its most vulnerable.

Mr. RIGGS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I just want to point out again to my colleagues that not only does this bill have bipartisan support in the House, it has the support of numerous organizations interested in the prevention of juvenile crime including the National District Attorneys Association, the National Collaboration for Youth representing American Red Cross, Big Brothers, Big Sisters, the Boys and Girls Club of America, Boy Scouts, Girl Scouts, YMCA, YWCA of America, the National Association of Homes and Services for Children, One-to-One, the National Mentoring Partnership, and the National Network for Youth.

This is a bipartisan bill that also has the support of the administration, as I indicated earlier. I urge my colleagues to support this legislation. This is the important prevention component, the missing piece, if you will, to our national effort to reduce juvenile crime and help youth turn their lives around so they can go on to lead a successful and prosperous adult life.

Mr. CLAY. Mr. Speaker, today, I rise to support H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. This reauthorization bill is based on well-founded public policy. The bill balances the needs of juveniles and society at large by promoting quality prevention programs and programs that assist in holding juveniles accountable for their actions.

Most importantly, the bill retains a fundamental tenet of the juvenile justice system, namely that juvenile delinquents shall not be jailed with adult criminals. Not surprisingly, research demonstrates that juveniles jailed in adult prisons are more likely to commit serious crimes after their release. In separating juveniles from adult criminals, we not only save children from life-threatening circumstances, we also reduce crime.

This reauthorization bill strengthens the mandate requiring States to reduce the disproportionate number of minorities confined in jails and other secure facilities. State are required to reduce minority overrepresentation by addressing both the lack of prevention programs in minority communities and by addressing racial bias within the juvenile systems.

In addition, the bill provides that employees shall be treated in a fair and equitable manner, and that there shall be no diminution of employment rights, including the continuation of collective bargaining rights. The American people deserve assurances that taxpayer funds will not be used to undermine existing labor standards.

I would like to thank Chairman RIGGS, ranking member MARTINEZ, and Representative

SCOTT for their many hours of work toward producing this truly balanced legislation. Given the choice between playing politics and reducing crime, I am glad that my colleagues chose to reduce crime.

Mr. CASTLE. Mr. Speaker, I rise in support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act.

This bipartisan legislation provides us with a balanced approach to addressing juvenile crime, and endorses the concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

This legislation is particularly important for States that have large rural areas like Delaware.

Under current law, States are required to remove juveniles from facilities which also house adult prisoners. While present law provides a limited exception for rural areas, in some instances it requires juveniles in rural areas to be transported great distances to facilities far from their families.

Under this legislation, juveniles can be held for longer periods of time if their parents and the court agree and the judge believes the placement is in the best interest of the juvenile. Though this provision will probably see limited use, it provides long-needed relief for rural areas like those in my State.

This bill also contains a provision that I am particularly proud of.

H.R. 1818 incorporates a bill I sponsored to give the National Center for Missing and Exploited Children funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center has been instrumental in locating and recovering missing children and preventing child abductions, molestations, and sexual exploitations.

The center has worked with clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations, and sexual exploitations.

One of the National Center's success stories hit very close to my home. Just last month it assisted local authorities in the recovery of two missing Delawareans, who were located in Florida.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message and assure every family and every law enforcement agency that we are committeed to long-term child protection.

I urge my colleagues to support H.R. 1818.

Mr. BLUMENAUER. Mr. Speaker, H.R. 1818 provides States with needed flexibility in addressing juvenile crime, and for that reason, it has my support.

But this bill is, at best, a partial solution. In a country where kids and guns are a deadly combination, any juvenile justice bill which fails to deal with access to guns is seriously flawed.

Earlier this year, the House had a chance to pass meaningful legislation that would have addressed this problem. By adding a simple child safety lock provision to the juvenile crime bill, we would have taken a significant step toward reducing access to guns and to dramatically reducing the number of accidental gun deaths in this country.

But that vote never happened, thanks to pressure on the Republican leadership from the national gun lobby. And so a gun lock amendment, supported by 80 percent of the American people, still has yet to be directly voted upon by this House.

This is an astonishing failure for this House. Shootings are now the fourth leading cause of accidental death of children, and for every child killed, four more are wounded. This is a national tragedy, and the House is doing nothing about it.

While the House continues to bury its head in the sand, a group of concern citizens in my district is taking matters into their own hands. Together, we've organized the Oregon Safe Handgun Storage Coalition, composed of people and organizations concerned about this problem. Partnering with a similar coalition in King County, WA, the Oregon coalition is made up of a highly unusual mix of doctors, nurses, law enforcement officials, sporting good stores, neighborhood associations, gun safety advocates, and gun owner organizations. These organizations may disagree on some issues relating to gun ownership, but they all agree on these points: Guns and kids don't mix, and gun owners need to child proof their homes by safely securing firearms.

The Oregon Safe Handgun Storage Coalition has the support of people and organizations across the political spectrum who are willing to work together in an attempt to reduce violence in our community. It is uniting parties on both sides of the gun control issue, by stressing one common concern—the safety of our children.

Mr. Speaker, hopefully this House will vote on a gun lock amendment this year, but failing that, I encourage Members to start similar coalitions in their districts. By working together, we can do more than merely address the problem of juvenile crime, we can prevent it in the first place.

Mr. PAUL. Mr. Speaker, juvenile crime is a problem that should concern all Americans. As a doctor of obstetrics I have enjoyed the privilege of bringing more than 3,000 new lives into the world, I know there are few things more tragic than when a young person disregards the rights of their fellow citizens and jeopardizes their own future by engaging in criminal activity. Furthermore, as the number and severity of crimes committed by juvenile offenders increase, juvenile crime becomes a greater threat to the social order.

Therefore, no one can argue the need for action taken to discourage juveniles from embarking on criminal careers. However, the voluntary actions of private individuals, supported by local communities and State governments, are much more capable of preventing juvenile crime than the Federal Government. Individuals acting at the local level know the needs of the youths in their community much better than Washington bureaucrats, so they can best develop programs that effectively prevent children from engaging in criminal activity.

Unfortunately, the Juvenile Crime Control and Delinquency Prevention Act—H.R. 1818—furthers Congress' unconstitutional interference in crime control and prevention by dictating the nature and shape of juvenile crime programs for each of the 50 States. Therefore, Congress should reject H.R. 1818 and instead repeal all mandates that interfere with the States' sovereign right to conduct juvenile prevention programs, and defund all Federal crime control and prevention programs, in order to return money and, at the same time authority, for juvenile crime prevention where it constitutionally belongs: To the States or to the people.

H.R. 1818 provides States with—two Federal block grants for juvenile crime, a formula—part B—grant and a prevention—part C grant. Some proponents of the act claim that this bill is worthy of support as it loosens the chains on State juvenile prevention programs imposed by previous Congresses. However, any federally imposed mandate, no matter how flexible, violates the 10th amendment to the U.S. Constitution.

The 10 amendment limits the Federal Government to those functions explicitly enumerated in the Constitution. Other than in these few areas, the States are sovereign. Therefore the Federal Government has no authority to finance or manage State programs regarding social problems such as juvenile crime.

Block grants may appear to allow for greater State autonomy than programs directly controlled by Washington, but they still involve Federal control and, more importantly, financing. Taxing the people of Texas to pay for programs in New York or Montana is an insult to the Constitution and the donor States.

Under the part B mandate, States must comply with four core Federal mandates to receive Federal tax dollars. The Federal Government would have the power to reduce a State's funding if a State failed to comply with one of these mandates. When the Federal Government assumes the power to reduce funding according to the State's level of compliance with the Federal mandates, it transforms the relationship between the States and the Federal Government from one of two sovereign entities into one resembling that of a teacher scolding a disobedient pupil.

Furthermore, Federal mandates employ a one-size-fits-all model, which ignores differences between individual States and between various areas within a State. For example, there may be areas that will incur tremendous costs in removing a juvenile from an adult facility within 48 hours. Complying with this Federal mandate may thus divert an area's resources from other projects that may better serve the needs of that particular jurisdiction's youth.

H.R. 1818 also lists permissible uses for which the States may expend their federally provided funds. One of these permissible uses of Federal funds is for programs aimed at preventing hate crimes by juveniles. Preventing crimes based on prejudice is certainly a worthy goal, however, by punishing certain crimes more harshly than others because of this motivation, the government is, in effect, punishing people for holding certain views. Punishment for one's thoughts, as distinct from one's actions, is in conflict with the constitutional guarantees against government restrictions on freedom of speech and thought. Federal tax money certainly should not be spent to encourage localities to disregard the first amendment in the name of crime control.

H.R. 1818 also encourages States to create a system of records for juvenile criminals similar to that kept by each State on adult criminals, including the transmission of those records to the FBI. Given the recent controversy over the misuse of FBI files, all citizens should be wary of expanding the records kept on private citizens by the FBI, particularly given the conspicuous lack of language in the bill guarantying that someone who committed a crime as a juvenile but reformed oneself to become a respected member of the community will not be haunted by his past because some vengeful person acquired his FBI file.

H.R. 1818 also provides States with a second block grant, not contingent upon compliance with the four Federal mandates. Under this block grant, States distribute their funds to local governments and private organizations to run prevention programs. While States do not have to comply with any specific Federal mandates to receive these funds, they do have to submit a plan to the Federal Government for approval.

States may distribute funds only to those local governments that have taken the time and effort to prepare a comprehensive plan for combating juvenile crime. Organizations with prevention programs that wish to receive Federal funding must submit a plan to their local unit of government. Organizations must meet the goals of the local plan and include the goals of the program, the means of measuring their goals, and any research relied upon in developing their application. Before they can begin serving children, after the local government approves the plan, it must be submitted to the State government for approval. If the State government approves the plan, the operations may begin. Surely, States, communities, and local citizens could design a less bureaucratic system to help get funds to worthy programs serving juveniles than the system outlined in this bill.

Among the organizations that may apply for funding under H.R. 1818 are faith-based organizations. I have little doubt that instilling a child with a deep and abounding faith is, second to a loving family, the best way to ensure that child refrains from criminal activities. However, allowing faith-based organizations access to Federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating Members of Congress and thus losing their Federal funds. Thus, allowing faith-based organizations to receive Federal funds may undermine both future attempts to reduce the Federal role in juvenile crime and undermine America's tradition of nonestablishment of religion.

The drafters of the Bill of Rights knew quite well that it would be impossible for a central government to successfully manage juvenile prevention programs for as large and diverse a country as America. The founders also understood that Federal involvement in crime prevention and control would lead to a loss of precious liberty.

The current system of sending money to Washington, only to return it, in part, to the States, local communities, and individual citizens, serves only to drain resources away from those best able to create and manage effective juvenile crime programs; people at the local level who know best the needs of the children in that area.

Forcing States to comply with Federal mandates and forcing local providers to comply with Federal paperwork requirements is a further waste of valuable resources that could be used to directly benefit the area's youth.

Mr. Speaker, H.R. 1818 insults the constitutional sovereignty of the individual State, and continues Federal involvement in crime prevention and control. Therefore, all Representatives who support the Federal system as specified in the original Constitution should oppose the Juvenile Crime Control and Delinquency Prevention Act.

Mr. KUCINICH. Mr. Speaker, I rise today in strong support of the Juvenile Crime Control and Deliquency Act of 1997, a bill that comprehensively addresses the rise in youth-related violence.

I am pleased to join the chairman of the subcommittee, Mr. RIGGS of California, as an original cosponsor of this measure. The result of bipartisan efforts, H.R. 1818 is a balanced bill that combines firm efforts to hold youths accountable for theie actions, while promoting measures that work toward the prevention of juvenile delinquency. The combination of accountability measures and promising new prevention programs is, in my view, the proper approach to take.

As juvenile crime has increased throughout communities across the Nation, including some of the communities in my congressional district, it is the emphasis on prevention that will truly reduce the number of youths who commit acts of violence. In this way, H.R. 1818 puts forth measures that genuinely address the social and economic root causes of youth crime.

H.R. 1818 assists State and local governments by providing them with the resources and the flexibility to effectively face the challenge of youth crime through the development of programs for runaway and homeless youth, as well as programs for the recovery of missing and exploited children.

However, while it is important to intervene in the lives of at-risk youth before they become involved with the criminal justice system, it is also essential to address the needs of those juveniles already in the system.

Mr. Speaker, this bill places the responsibility for developing intervention programs on local communities. The potential for innovatible community based programs for rehabilitation of youth, as provided by this bill, is critical to the prevention and control of juvenile crime. These programs include treatment for victims of child abuse, mentoring services, youth clubs, recreation, peer counseling and teaching, educational programs, as well as job training and employment, in addition to numerous other anticrime related services.

Intervention programs for at-risk youth have been proven in several studies to be cost-effective in reducing crime rates. They clearly reduce crime and save taxpayers' money.

That, Mr. Speaker, should be the bottom line for this reauthorization legislation; reduce crime and save taxpayers' money.

Mr. MINGE. Mr. Speaker, I rise today with regard to H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. Recently I was contacted by local officials from Lyon County, MN, who wish to build a juvenile detention center with four beds. Lyon County is a rural community in my district that is populated by approximately 25,211 people in 708 square miles with the closest metropolitan area, Minneapolis and St. Paul, located about 150 miles away.

It is economically infeasible for Lyon County to build a juvenile detention center unless staff can be shared and the juvenile detention center can be co-located with the jail. Under current law, the sharing of staff between these two types of institutions is prohibited. The county officials have been frustrated by this law, because it is inefficient and costly for the county to hire individuals to deal solely with juvenile offenders, as the county rarely needs to house more than two juvenile as a time.

Transporting juveniles to beds in other areas has also proven inefficient. It is estimated that Lyon County will spend about $50,000 in programming and transport costs to send minors to other detention centers in Minnesota next year. Lyon County sheriff deputies are known to spend up to 8 hours a day transporting juveniles from their proper facilities to court appearances, as these facilities can be as far as 188 miles away. Costs accumulate with overtime and mileage for the deputy who is unable to provide law enforcement while on the road. The juvenile in transport spends time in transport that could be spent in treatment.

I am pleased that H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997, establishes greater flexibility for States in dealing with juvenile crime. H.R. 1818 gives the State authority from the Federal level to permit a co-located jail and juvenile detention center to share staff if the personnel have been trained to deal with both adults and juveniles by a legitimate State program and parental consent and court approval have been given. I believe this legislation provides the flexibility needed to help America's rural communities address juvenile crime appropriately.

Mr. DAVIS of Florida. Mr. Speaker, I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This bill will give States the flexibility and resources they need to best address the problem of juvenile crime.

Earlier this year, we passed a bill intended to strengthen the penalties for those juveniles who have committed crimes. I supported that legislation because I believe the rising rate of serious crimes committed by juveniles warrants tougher penalties and strengthened prosecution and some States, such as Florida, have already demonstrated success in expediting the prosecution of juvenile criminals. That bill, however, only addressed those juveniles who have already committed crimes. This bill aims to prevent youth from entering the justice system in the first place.

H.R. 1818 recognizes that the solutions to the problem of juvenile crime are best designed at the State and local level. The role of the Federal Government should be to provide communities with the information, flexibility, and resources they need to craft comprehensive prevention plans which include education, mentoring, work, boot camps, or other programs which would best address particular

community's needs. In my conversations at home with police officers and not for profits, I hear over and over again that the Federal Government shouldn't micromanage this issue, we should work in concert with State and local governments, providing them the resources and flexibility they need to continue their efforts.

This bill will do exactly that and as a cosponsor, I urge all of my colleagues to support H.R. 1818.

Mr. ABERCROMBIE. Mr. Speaker, today I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. Earlier this year, the House considered and passed H.R. 3, the Juvenile Crime Control Act of 1997, which is directed at increasing the Federal penalties for violent juvenile crime. H.R. 1818 provides a complement to H.R. 3. It provides the prevention component of a comprehensive approach to addressing juvenile crime. This bill proves that both sides can work together and craft a balanced approach to juvenile crime. I am proud to be a cosponsor of it.

H.R. 1818 makes a number of changes to current law to increase the flexibility of States to treat status offenders in the most appropriate manner. For example, it retains the four core requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 and slightly modifies three of them. The core requirement mandating States to reduce the disproportionate number of minorities confined in secure facilities was strengthened and clarified. H.R. 1818 requires States to reduce disproportionate minority confinement by addressing both delinquency prevention efforts and system improvement efforts. However, it prohibits the establishment of numerical standards or quotas. The measure tries to ensure that prevention efforts are targeted to communities where a disproportionate number of minorities are committed to the juvenile justice system. H.R. 1818 also altered the sight and sound separation requirement to prohibit regular contact, but allow for supervised, incidental contact such as passing in a hallway. This does not mean that Congress is reducing its focus on this important core requirement.

Last, the core requirement that prohibits the housing of juveniles in adult facilities was modified to build additional flexibility into the law by extending the period of time for which juveniles can be held in a facility with adults, prior to an initial court appearance, to 48 hours, excluding weekends and holidays. States must still enforce the sight and sound separation requirement. In addition, it allows juveniles to be held for longer periods of time in facilities with adults in rural areas as long as there is no existing acceptable alternative placement, the parent or legal guardian of the juvenile involved consents, and it is approved in advance by the court. Such placement is, however, required to be reviewed periodically, at intervals of not more than 5 days for the duration of the detention or confinement to ensure it is the appropriate placement for such youth. Also, courts are urged to use this exception carefully.

Compliance with the four core requirements is still Congress' goal. H.R. 1818 tries to make it easier for States to comply with the core requirements by allowing States to receive 50 percent of the formula money and the other 50 percent depending on their compliance with the four requirements. Under current law, if a State is not in compliance with the four requirements, then it loses all of the formula money.

In addition, H.R. 1818 consolidates current discretionary programs into a flexible block grant program entitled the Juvenile Delinquency Prevention Block Grant Program. In order for a State to receive any money under the prevention block grant, States must participate in the formula grant program and agree to use 95 percent of the funds they receive to fund local projects. H.R. 1818 also requires States to develop a plan to reduce and prevent juvenile crime with the assistance of community-based organizations and organizations in the local juvenile justice system which carry out programs, projects, or activities to prevent juvenile delinquency.

The block grants will be allocated in the following manner: 50 percent on the basis of how many people in the State are under the age of 18, and the other 50 percent on the annual average number of arrests for serious crimes committed in the eligible State by juveniles. The prevention block grant will help juvenile justice officials in Hawaii and in other States fund prevention programs, substance abuse programs, support programs for children who have little or no family life, and programs that would give State court judges an alternative program to deal with certain juvenile offenders instead of sending them to correctional facilities.

Everyone here knows that the nature of juvenile crime has changed drastically over the years. We have only to look through the paper to see younger people committing more violent crimes. Today's youths need to understand that they will be punished accordingly for crimes committed. However, that is only half of the battle. It is our duty to reach to our children, to get them involved in their communities, and to prevent them from taking part in dangerous activities in the first place. H.R. 1818 is an important component in our fight to meet this new challenge. It will help States prevent, reduce, and control juvenile crime. I urge my colleagues to support H.R. 1818.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. Juvenile crime is one of the most serious problems facing our communities, especially law enforcement officers. No population poses a larger challenge to public safety than juvenile criminals. Between 1965 and 1993, the number of 12-year-olds arrested for violent crimes rose 211 percent, the number of 13- and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

This dramatic increase has put a severe strain on our States' juvenile crime system because the overwhelming majority of juvenile offenses are handled by State, not Federal authorities. Very few juveniles who commit crimes wind up in the Federal courts. This legislation is a good step toward empowering States with more tools to fight this growing problem, while also ensuring that we do not give up on young offenders by exposing them to hardened adult convicts.

H.R. 1818 would consolidate the various Department of Justice juvenile programs into one State block grant program. Texas and other States would have the ability and flexibility to target at-risk youth to deter them from entering a life of violence and crime. I believe this is the right approach to addressing the very difficult problem of juvenile crime. There is no single answer to this problem, and we must provide States with both the resources and the flexibility to develop their own approaches so that we can test various strategies and determine what works best. Harris County, TX, for example, is using a $1.4 million Federal grant to expand a boot camp program designed to reform at-risk, nonviolent juvenile offenders in the Houston area and free up prison and jail space for the most violent criminals. Such boot camps have proven to be successful and cost-effective alternatives to reduce criminal behavior and get young people back on the right track.

This legislation will strengthen the Federal Government's role as a partner in these innovative State and local efforts to fight crime and help high-risk youth. It will give States and localities necessary assistance with a range of programs, including prevention and effective punishment and rehabilitation targeted to getting young people back on track to productive lives.

Again, I rise in strong support of this bill and I urge my colleagues to support this valuable piece of crime legislation.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from California [Mr. RIGGS] that the House suspend the rules and pass the bill, H.R. 1818, as amended.

The question was taken.

Mr. RIGGS. 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. RIGGS. 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. 1818.

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

There was no objection.

GENERAL LEAVE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill, S. 768.

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

There was no objection.

AUTHORIZING TRANSFER OF NAVAL VESSELS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 2035) to authorize the transfer of naval vessels to certain foreign countries, as amended.

The Clerk read as follows:

H.R. 2035

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

SECTION 1. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) BRAZIL.—The Secretary of the Navy is authorized to transfer to the Government of Brazil the "HUNLEY" class submarine tender HOLLAND (AS 32).

(b) CHILE.—The Secretary of the Navy is authorized to transfer to the Government of Chile the "KAISER" class oiler ISHERWOOD (T-AO 191).

(c) EGYPT.—The Secretary of the Navy is authorized to transfer to the Government of Egypt the "KNOX" class frigates PAUL (FF 1080), MILLER (FF 1091), JESSE L. BROWN (FFT 1089), and MOINESTER (FFT 1097), and the "OLIVER HAZARD PERRY" class frigates FAHRION (FFG 22) and LEWIS B. PULLER (FFG 23).

(d) ISRAEL.—The Secretary of the Navy is authorized to transfer to the Government of Israel the "NEWPORT" class tank landing ship PEORIA (LST 1183).

(e) MALAYSIA.—The Secretary of the Navy is authorized to transfer to the Government of Malaysia the "NEWPORT" class tank landing ship BARBOUR COUNTY (LST 1195).

(f) MEXICO.—The Secretary of the Navy is authorized to transfer to the Government of Mexico the "KNOX" class frigate ROARK (FF 1053).

(g) TAIWAN.—The Secretary of the Navy is authorized to transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the "KNOX" class frigates WHIPPLE (FF 1062) and DOWNES (FF1070).

(h) THAILAND.—The Secretary of the Navy is authorized to transfer to the Government of Thailand the "NEWPORT" class tank landing ship SCHENECTADY (LST 1185).

(i) FORM OF TRANSFERS.—Each transfer authorized by this section shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

SEC. 2. SENSE OF THE CONGRESS REGARDING TRANSFER OF NAVAL VESSELS AND INTERNATIONAL COOPERATION WITH THE REPUBLIC OF THE PHILIPPINES

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

(1) The United States and the Republic of the Philippines have a long tradition of international cooperation and mutual support.

(2) The United States strongly desires to continue mutual cooperation as a partner in matters of international security and scientific research.

(3) The President and the Department of Defense possess assets which can contribute positively to international security and scientific research.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should use the authority under section 21 of the Arms Export Control Act (22 U.S.C. 2761) to transfer on a sales basis, subject to vessel availability, to the Republic of the Philippines, not more than one "STALWART" or "VICTORIOUS" class ocean surveillance ship (T-AGOS).

SEC. 3. COSTS OF TRANSFERS.

Any expense of the United States in connection with a transfer authorized by this Act shall be charged to the recipient.

SEC. 4. EXPIRATION OF AUTHORITY.

The authority granted by section 1 shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 5. REPAIR AND REFURBISHMENT OF VESSELS IN UNITED STATES SHIPYARDS.

The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a transfer of a vessel under this Act, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, this legislation provides for the transfer by sale of certain surplus naval vessels. It would authorize the transfer of 14 vessels, in all, to 8 countries: Brazil, Chile, Egypt, Israel, Malaysia, Mexico, Thailand, and Taiwan.

This legislation was approved unanimously by our Committee on International Relations on June 25.

I would like to underscore that none of these proposed transfers is a grant. As a result of these sales, our Treasury will be receiving $162.6 million. These 14 ships involve 5 classes: 7 *Knox* class frigates, 3 *Newport* class tank landing ships, 2 *Perry* class guided missile frigates, 1 *Hunley* class submarine tender and 1 *Kaiser* class oiler.

It is important to note that our Navy expects that by proceeding with these sales, our Nation will realize an additional $195 million for training, for supplies, for support, and for repair services.

I would also like to note to my colleagues that the proposed legislation includes language similar to that included in prior ship transfer legislation requiring the Secretary of the Navy to the maximum extent feasible to require that any repair or reactivation work be done in the United States in our own shipyards. It is my understanding from the Navy that each of the recipient countries have agreed to that proviso with respect to these proposed transfers.

Finally, I understand that our Navy strongly supports the transfer of these vessels to advance the valuable cooperative relationships that we have developed with each of these nation's navies. Accordingly, I urge my colleagues to support this legislation.

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

Mr. Speaker, I rise in support of H.R. 2035. I want to extend my commendation and congratulations to the chairman for bringing what I consider to be an excellent bill before the House.

□ 1315

I believe because of the gentleman's leadership and the work of the Committee on International Relations the Congress, over a period of months, has been able to effect an important change in ship transfer policy.

Now the clear emphasis, as the gentleman from New York has said, in U.S. policy today is on the sale of naval vessels instead of grants. All 14 naval vessels in this package are sales, and the bill will result in $162.6 million in revenues to the United States Treasury. The United States Navy will also save money not spent on storage or scrapping costs. Work in the U.S. shipyards prior to ship transfer will result in an additional $190 million in contracts for American workers. Now this package also benefits U.S. foreign policy and U.S. defense policy through enhanced navy-to-navy ties and improved interoperability.

So, Mr. Speaker, I think the bill has positive benefits for the United States Navy, positive benefits for U.S. shipyards, positive benefits for the United States Treasury, and positive benefits for U.S. foreign policy. I urge its adoption.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Guam [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I thank the ranking member for yielding, and, Mr. Speaker, I wish to engage the distinguished chairman of the Committee on International Relations in a colloquy.

Mr. GILMAN. Mr. Speaker, if the gentleman will yield, I will be pleased to engage in a colloquy with the gentleman from Guam.

Mr. UNDERWOOD. Mr. Speaker, in section 5 of H.R. 2035 concerning the repair and refurbishment of vessels in U.S. shipyards, the Secretary of the Navy is compelled to require to the maximum extent possible as a condition of transfer of a vessel to a foreign country that the country have repair or refurbishment of that vessel performed at a shipyard located in the United States.

Is it the gentleman's intention that in this provision territories, including a place that the gentleman from New York lived in for a while, Guam, is included in the definition of the United States?

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

Mr. UNDERWOOD. I yield to the gentleman from New York.

Mr. GILMAN. The answer is, yes, the committee intends that the territories be included in a definition of the United States for purposes of this provision.

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from New York for this clarification, and both him and the ranking member for their hard work on this issue. This will serve to clarify the legislation, and, hopefully, we will not have to do this again in future legislation regarding naval vessels and that this could be an important item for the people of Guam in particular, since the ship repair facility has recently closed down and has become privatized.

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

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 2035, as amended.

The question was taken.

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

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

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2107, and that I may be permitted to include tables, charts, and other material.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

□ 1320

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 further consideration of the bill (H.R. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. CALVERT, Chairman pro tempore, in the chair.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Friday, July 11, 1997, a request for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] had been postponed and the bill has been read through page 76, line 22.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know some of my colleagues will be interested in the schedule, so I might advise the body that it would be our intent to finish the amendments this afternoon, whatever amount of time that takes. We also have some limitations to debate. Then any votes will be rolled until 5 o'clock. We presently have the vote on the National Endowment for the Humanities pending, and I am sure there will be some additional votes.

At 5 o'clock we will vote on the amendments, and then it is my understanding from the leadership that they would like to vote on the suspensions, and the Journal, and then we would hope to get to final passage on the Interior bill some time around 8 o'clock tonight.

I might say to my colleagues I hope that in the intervening time this afternoon that they will take the opportunity to look at the bill. There are a lot of good features in this bill. I am pleased that we can say we are a little under last year's amount, but at the same time we have taken care of a lot of high priority items within the funds provided in this bill.

It goes without saying we have dozens and dozens of Member projects in this bill. We had 2,000 requests from Members for projects. Many of them overlapped obviously. But we tried, as much as possible, to prioritize these without regard to party, or to region, then simply make the best judgment we could in light of the availability of resources.

In terms of priorities, and I think this is very important, we added $78 million to the National Parks; that is a $78 million increase over last year, recognizing the pressures on the parks for visitations, to manage those who would seek the opportunity to visit our parks and to ensure that they have a positive experience.

We added $57 million for the National Forest System. We are getting enormous pressure on the national forests. Most people do not realize how important these lands are for the recreation users. And I have repeated this fact many times, but it bears another statement, and that is that the National Forest System has triple the visitor days of the Park System. Why? Because it has available a multiplicity of uses: We can hunt, we can fish, we can camp, we can bird watch, we can hike. In some areas we can run an all terrain vehicle; some areas, a snowmobile, a wide diversity of opportunities that are available in the national forests.

And I think a very important point is that the national forests provide an opportunity for family vacations, where the individual has got a couple weeks, can either rent or own a camper, go into a national forest and spend a couple of weeks with his or her family getting a better understanding of our natural heritage.

The allowable timber cut in our national forests, which this committee establishes as a cap, has been declining. In 1990 it was more than 11 billion board feet. Today it is down to 3.8 billion board feet.

And I would also point out in conjunction with that that we are growing each year 17 billion board feet, which means that we have a net increase in board feet in our national forests of almost 14 billion board feet.

Also, I think one of the good features in this bill is that we have emphasized forest health. We have a forest health program to address the problem of insects, of diseases, of the many things that create problems for our national forests, and we have recognized also the President's Northwest Forest Plan, which was the result of a compromise that President Clinton and Vice President Gore worked out some years ago, and we have supported that with significant dollars and language.

We often do not think of wildlife refuges necessarily in terms of visitors, but they are vital to the preservation of this Nation's wildlife resources. We have increased funding for the refugee system by $42 million.

We have synificantly increased funding for the Land and Water Conservation Fund, $239 million, and I think there are many other good features in this bill, and I hope that our colleagues will, all of them, take a look at it between now and the time we go to final passage and recognize that in supporting this they are supporting a very responsible and a very productive approach to the challenges that confront the Subcommittee on Interior.

AMENDMENT OFFERED BY MR. GIBBONS.

Mr. GIBBONS. Mr. Chairman, I ask unanimous consent to offer an amendment which amends a portion of the bill that has been previously read for amendment.

The Clerk read as follows:

Amendment offered by Mr. GIBBONS:

On page 14, line 4 before the words "water rights" insert surface". On page 31, line 24

before the words "water rights" insert "surface".

The CHAIRMAN pro tempore. Is there objection to the consideration of the amendment en bloc to portions of the bill already passed in the reading?

Mr. DICKS. Reserving the right to object, Mr. Chairman, could the gentleman explain to us what the amendment is about?

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Nevada.

Mr. GIBBONS. Mr. Chairman, yes. To the gentleman from Washington, I would be happy to explain.

This amendment simply is a small technical amendment which changes a phrase on page 14, line 14, to add the word "surface" to "water rights," and let me explain by way of this.

The U.S. Fish and Wildlife Department, the Department of the Interior, Bureau of Indian Affairs are buying and acquiring water rights in a specific location in the Lahontan Valley for the stillwater wildlife and for preservation of an endangered species fish. They are buying property with surface water rights attached to them so that they can acquire the water right, then take away the water right and resell the land.

The language in the bill itself provides that the Secretary cannot sell any water rights attached to the land when he puts it back up for resale after his acquisition, after taking the surface water rights away. All we want to do is reassure the folks, and we have a letter from the Secretary of the Interior to this effect, that he does not object to this proposal, that what they are selling is not land without any water. There are surface water rights and subsurface water rights. What we are trying to do is preserve the right for the Department of the Interior to sell land which has subsurface water rights like wellwater so that land can be sold. In this area of Nevada land without water is valueless.

Mr. DICKS. Mr. Chairman, I have been assured that the Secretary of the Interior has written a letter in support of this.

Mr. Chairman, I withdraw my reservation of objection.

□ 1330

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding to me.

We would have no objection to a limited amendment for the purpose described by the gentleman from Nevada [Mr. GIBBONS].

I think this is an important sentence in the Department's letter. It says, "The Department will consult with the State and local jurisdictions, including appropriate planning and regulatory agencies and other interested persons, concerning the sale of such lands." We have no objection. We think this is a good amendment and support it.

Mr. GIBBONS. Mr. Chairman, I include for the RECORD a letter of July 14, 1997, with regard to this matter:

THE SECRETARY OF THE INTERIOR,
Washington, July 14, 1997.

Hon. RALPH REGULA,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. House of Representatives, Washington, DC.

DEAR MR. REGULA: Language was included in the fiscal year 1998 appropriations requests for the Department of the Interior in two places to allow, generally, the sale of lands and other real estate acquired incidental to the acquisition of water rights in the Truckee and Carson River basins in Nevada with the revenue from the sale to be deposited to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund for acquisition of additional water rights for purposes related to the initial acquisitions (i.e., restoration of Lahontan Valley wetlands and recovery of threatened and endangered fish at Pyramid Lake). The two provisions, one for the Fish and Wildlife Service (FWS) and the other for the Bureau of Indian Affairs (BIA), use parallel language with minor changes to correspond to the two separate water-right acquisition programs authorized. Both sets of language stem from the fact that a majority of water-right holders who want to sell their irrigation water rights (and only purchases from willing sellers are allowed) also want to sell the land and other real estate interests that go with the water rights. Except in limited circumstances, the Department of the Interior does not want to retain the land and other realty interests but rather wants to resell the land into the local private market and apply the receipts to continuation of the water-right acquisition programs.

I am advised that three questions have been raised with regard to this language. This letter will address each of those in turn:

1. A question has been raised as to whether the language in the pending appropriations measure on page 14, line 4 for FWS and page 31, line 24 for BIA allowing for the sale of land and interests in land ". . . other than water rights . . ." means that rights to subsurface water could not be sold. Our understanding is that the only water other than water-righted surface water acquired has been water in domestic wells that is not technically "water-righted." In any case, it was not the Department of the Interior's intent to transfer any rights to these wells to the wetlands but, rather, to sell the domestic wells along with the land and other incidental real property. A suggestion has been made that the intent be clarified by adding the word "surface" before "water rights" in the language for both bureaus. The Department of the Interior would have no objection to a limited amendment for that purpose.

2. A question has also been raised as to whether the revenue from the sale of lands and interests in lands, other than surface water rights, will be used exclusively for acquisition of water rights tied to the original purpose of the initial acquisition. In other words, will revenue from the sale of lands acquired incidental to acquiring water rights for the Truckee River Water Quality Settlement be used exclusively for further acquisition of water rights to carry out the Settlement and, similarly, will such revenue from the sale of lands acquired incidental to acquiring water rights for the wetlands be used exclusively for water rights acquisition for the wetlands. The Department's intent is that the revenues be used exclusively for acquisitions related to the purpose of the original acquisitions. Accordingly, both bureaus will be advised to use their respective revenues exclusively in accord with this intent.

3. A question has also been raised as to whether the Department of the Interior would consult with the State of Nevada and units of local government with regard to the sale of lands and interests in lands under the proposed provisions. Extensive consultation has taken place previously with the state and with local jurisdictions regarding the purchase of lands under the wetlands restoration and endangered species recovery programs. In implementing these sale provisions, the Department will consult with the state and local jurisdictions, including appropriate planning and regulatory agencies, and other interested persons concerning the sale of such lands.

Sincerely,

BRUCE BABBETT.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nevada [Mr. GIBBONS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $13,900,000, to remain available until expended, of which $8,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out Subtitle C of the Museum and Library Services Act of 1996, $23,390,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $907,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), $2,700,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, $5,700,000: *Provided*, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV: *Provided further*, That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388 (36 U.S.C. 1401), as amended, $31,707,000 of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibitions program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds 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").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Beginning in fiscal year 1998 and thereafter, where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93-638, 103-413, or 100-297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103-413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93-638, as amended, beginning in fiscal year 1998 and therafter, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: *Provided*, That if no funds are provided for the AmeriCorps program by the VA-HUD and Independent Agencies fiscal year 1998 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 314. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) On September 30, 1998, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 315. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Gallia, Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 316. None of the funds available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to prepare, promulgate, implement, or enforce any interim or final rule or regulation pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over any waters (other than non-navigable waters on Federal lands), non-Federal lands, or lands selected by, but not conveyed to, the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska

Statehood Act, or an Alaska Native Corporation pursuant to the Alaska Native Claims Settlement Act.

SEC. 317. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 subpart D, 36 CFR 223 subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1998, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1998.

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to fund the activities of the western director and special assistant to the Secretary within the Office of the Secretary of Agriculture.

SEC. 319. Notwithstanding any other provision of law, for fiscal year 1998 the Secretaries of Agriculture and Interior are authorized to limit competition for watershed restoration project contracts as part of the "Jobs in the Woods" component of the President's Forest Plan for the Pacific Northwest to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, and northern California that have been affected by reduced timber harvesting on Federal lands.

SEC. 320. Section 101(c) of Public Law 104–134 is amended as follows: Under the heading "TITLE III—GENERAL PROVISIONS" amend section 315(c)(1), subsections (A) and (B) by striking each of those subsections and inserting in lieu thereof:

"(A) Eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(A).

"(B) Twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B)."

SEC. 321. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations.

SEC. 322. Section 303(d)(1) of Public Law 96–451 (16 U.S.C. 1606a(d)(1)) is amended by inserting before the semicolon the following: "and other forest stand improvement activities to enhance forest health and reduce hazardous fuel loads of forest stands in the National Forest System".

SEC. 323. The Secretaries of Agriculture and Interior, in their conducting the Interior Columbia Basin Ecosystem Management Project, including both the Eastside Draft Environmental Impact Statement and the Upper Columbia River Basin Ecosystem Management Strategy Draft Environmental Impact Statement as described in a Federal Register notice on January 15, 1997 (Vol. 62, No. 10, page 2176) (hereinafter "Project"), shall analyze the economic and social conditions, and culture and customs of communities at the sub-basin level of analysis within the project area to the extent practicable and delineate the impacts the alternatives will have on the communities in the 164 subbasins. The project managers shall release this more thorough analysis for public review as an addition to the draft environmental impact statements for the project, and incorporate this analysis and public comments to this analysis in any final environmental impact statements and record of decisions generated by the project.

SEC. 324. Notwithstanding section 904(b) of Public Law 104–333, hereafter, the Heritage Area established under section 904 of title IX of division II of Public Law 104–333 shall include any portion of a city, town, or village within an area specified in section 904(b)(2) of that Act only to the extent that the government of the city, town, or village, in a resolution of the governing board or council, agrees to be included and submits the resolution to the Secretary of the Interior and the management entities for the Heritage Area and to the extent such resolution is not subsequently revoked in the same manner.

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CRAPO:

Page 89, after line 15, insert the following new title:

TITLE IV—DEFICIT REDUCTION LOCK-BOX

SEC. 401. SHORT TITLE.

This title may be cited as the "Deficit Reduction Lock-box Act of 1997".

SEC. 402. DEFICIT REDUCTION LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the 'Director') shall maintain a ledger to be known as the 'Deficit Reduction Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

"(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box ledger.".

SEC. 403. TALLY DURING HOUSE CONSIDERATION.

There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

SEC. 404. DOWNWARD ADJUSTMENT OF 602(a) ALLOCATIONS AND SECTION 602(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on

Appropriations of that House and shall be printed in the Congressional Record.".

SEC. 405. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

SEC. 406. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1997, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 406 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 407. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, the gentleman from Idaho [Mr. CRAPO] and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here, I think for the fourth time, to debate the critical lockbox legislation which will correct one of the more significant problems in our current budgetary process.

Before I describe this legislation, the amendment, I want to first of all give thanks to the gentleman from Florida [Mr. FOLEY] and the gentlewoman from California [Ms. HARMAN] who both have, because of their schedules, been unable to be here on the floor today but are strong supporters and have been with us from the outset in fighting to make sure this critical legislation makes it not only to the floor once again, but ultimately becomes law.

The gentleman from Florida [Mr. FOLEY] has been a tireless fighter for deficit reduction, and the gentlewoman from California [Ms. HARMAN] has been with us from the outset, showing this is a strong bipartisan effort to correct a serious problem in the budget process we have.

What is that problem? I indicated earlier, this is the fourth time we have brought this legislation before the House. Each time it has passed resoundingly, with votes well in excess of 300 votes. The problem that has been addressed, and hopefully one of these times we will be able to make it through not only the House but through the conference committee and send it to the President for his signature, which we expect would be forthcoming, the problem is simply this: As we put together our budgets each year and as we debate and vote on motions to restrict spending, cut spending, or eliminate spending on various programs or projects, all that happens when we succeed in paring back the budget in those votes is that the funding for those projects becomes free and available to be shifted into other spending. It does not necessarily go to deficit reduction, and in most cases does not go to deficit reduction.

This bill would be very simple, but is very needed. It would require that when the House and the Senate both make the same cuts, so that both the House and Senate have agreed to eliminate spending in a particular program or project area, that those cuts go into a lockbox, and in conference those funds cannot then be siphoned off or moved into other spending. They must be dedicated to deficit reduction.

If there are different amounts between the House and Senate, the conference committee has the freedom to decide a figure between the two amounts, but the conference committee is required to allocate those funding reductions to the deficit.

Mr. Chairman, some Members have said, well, why not allow us, if we want to make a cut or a reduction in spending, to designate that to some other program if we so choose? This legislation allows that. It simply says that if Members want to shift spending instead of cut spending, then they have to say so in their amendment. If they do not say so, then we assume, as most debate assumes, that the cuts or the reductions are specified for deficit reduction. I think it is a very valuable amendment.

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

Mr. REGULA. Mr. Chairman, we have no problem on this side with the amendment. We are prepared to accept it.

Mr. YATES. Mr. Chairman, I rise to claim time on the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. YATES] is recognized for 10 minutes.

Mr. YATES. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I am not quite sure I understand the gentleman's amendment fully. As we pass this bill and the Senate passes its bill and we agree on a reduction, the gentleman's amendment would require that we cannot use that money of the reduced amount for any other program. Is that a correct interpretation?

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Idaho.

Mr. CRAPO. Yes, Mr. Chairman, that is a correct interpretation, with this explanation. If the Member bringing the amendment wants the funding to be utilized in another program, he can easily do so in the amendment. But most of the time when we debate these matters, they are debated as though they were budget issues and we are reducing unnecessary spending. This amendment says if we do not designate it to another spending source, then the conference committee is not allowed to redesignate it to another source. It is designated to the deficit.

Mr. YATES. If I understand the purpose of the amendment, it is to reduce the deficit. Is that correct?

Mr. CRAPO. That is correct, Mr. Chairman.

Mr. YATES. Why, then, Mr. Chairman, I would ask the gentleman, is his party advocating the tax reduction bill? Will that not increase the deficit?

Mr. CRAPO. Mr. Chairman, I would say to the gentleman, because as he knows, we have a strong difference of opinion on both sides of the aisle with regard to tax reduction and what impacts it will have on revenue.

Take, for example, the capital gains tax reduction. Many of us believe very strongly that that tax cut is going to actually free up and stimulate the economy sufficiently to generate more tax revenue. The bottom line is that the tax debate is not this debate, and although many of us support tax cuts, we also support a good fiscal control over the spending habits of this Congress. That is what this amendment would address.

Mr. YATES. Personally, Mr. Chairman, I support neither tax cut, and I support reducing the deficit.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the amendment offered by my friend MIKE CRAPO to add the bipartisan deficit reduction lockbox amendment to the 1998 Interior appropriations bill.

As the lead Democratic sponsor of the Crapo-Harman deficit reduction lockbox bill, H.R. 126, I also want to thank the Rules Committee and, in particular, its chairman, JERRY SOLOMON, for making the request by the gentleman from Florida, Mr. FOLEY, and me in order.

Deficit hawks—listen up. As the mother of the deficit reduction lockbox, passage of this amendment is imperative now—at the front-end of the appropriations process, or we will again mislead our constituents who think a cut means a cut when, in fact, a cut in one spending program is reallocated to another bill's spending program.

The House has on three occasions overwhelmingly passed the deficit reduction lockbox, twice as amendments to appropriations bills and once as a free-standing bill, H.R. 1162. Regrettably, the other body failed to match our efforts and the measures died with the adjournment of the 104th Congress.

Mr. Chairman, the deficit reduction lockbox is a very simple mechanism. When Members vote for floor amendments to cut spending, under current budget rules, the savings generated can later be earmarked and spent by the Appropriations Committee on other programs. With the enactment of the lockbox, a separate account is created in each appropriation bill into which savings from cutting amendments are deposited. Those savings cannot be respent or reused by the Appropriations Committee.

During the fiscal 1997 appropriations process, the House adopted floor amendments cutting nearly $1 billion in spending. That billion dollars could have been locked for deficit reduction as the proponents of the amendments intended.

A table prepared at my request by the Congressional Research Service shows that $40 million in energy and water cuts ware reprogrammed, $543 million in national security cuts were reprogrammed, and $349 million in VA–HUD cuts were reprogrammed.

Mr. Chairman, without lockbox, more than large sums of money are at stake. So are our reputations. As the Rules Committee said in its report accompanying last year's lockbox bill:

> Not only is (the Lock-box) important for fiscal accountability, but it is also important to the credibility of the Congress with the American people. The Committee strongly believes that our procedures should make it clear that a cut is really a cut . . . (and the Lock-box) . . . meets this requirement.

The lockbox is supported by a broad bipartisan group of deficit hawks both here in the House and among the public. Fiscal watchdog groups like Americans for Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, the U.S. Chamber of Commerce, the Concord Coalition and Citizens for a Sound Economy have strongly endorsed this legislation.

Mr. Chairman, show me—and our constituents—the money. Vote for the Crapo-Harman-Foley deficit reduction lockbox amendment to the Interior Appropriations Act so we can get it into conference with the Senate.

Table 1. Total savings of House adopted amendments reducing budget authority, by FY 1997 regular appropriations bill

[In millions of dollars]

Bill	*Amount*
Agriculture	(1)
Commerce-Justice-State	(1)
District of Columbia	(1)
Energy and Water Development	$40.573
Foreign Operations	2.525
Interior	(1)
Labor-Health and Human Services-Education	(1)
Legislative Branch	(1)
Military Construction	(1)
National Security	[2] 543.000
Transportation	(1)
Treasury-Postal Service	[3] 2.000
Veterans' Affairs-Housing and Urban Development	[4] 349.000
Total	$937.098

[1] The House did not adopt any amendments to this bill reducing budget authority.

[2] Most of the reduction of appropriations ($508 million) was contained in the floor manager's amendment to comply with the recently adopted 602(b) spending ceilings.

[3] The House adopted an amendment denying an FY 1997 cost-of-living allowance for Members of Congress, senior executive branch officials, and Federal judges. An accurate estimate of the amount of the savings from the amendment was excluded from Table 1. The amount provided for the Treasury-Postal Service bill in Table 1 represents the total savings from the only amendment adopted that reduced a specific amount of budget authority, $2 million.

[4] The House adopted two amendments. Each amendment increased budget authority for certain activities and decreased budget authority for other activities. However, the net effect of each amendment was a reduction in budget authority.

Sources: Congressional Records, vol. 142, 1996; and each of the 13 FY 1997 regular appropriations bill (House Appropriations Committee's reported version).

Mr. FOLEY. Mr. Chairman, the deficit reduction lockbox is an idea that, when adopted, will genuinely lower our Nation's deficit and benefit every American's pocketbook.

Had the lockbox been in place during the appropriations process last year we would have saved the taxpayer almost $1 billion.

I expect you'll see Mr. CRAPO, Ms. HARMAN, and myself a few more times this year unless this measure is permanently adopted.

As Members of Congress, we work hard and round up the votes to eliminate unnecessary spending only to have the savings swept away by another Member and utilized for their pet project.

This institution has played that kind of shell-and-pea game in the appropriations process for years—we shift money from shell to shell with such speed and agility that our baffled constituents soon lose track of the funds.

They have a right to know that a cut is a cut and we have a right to expect our hard work toward reducing the deficit will amount to something more than a bank account to finance pork-barrel spending.

Simply put, this amendment will guarantee that the spending cuts approved in this appropriations bill would be designated for deficit reduction.

Our national debt isn't going away any time soon, but a small step like this is at least a step in the right direction to reduce it.

We should close this legislative loophole.

We have to get serious about deficit reduction and fulfill the pledge we made to our constituents to reduce the debt our children will ultimately be responsible for.

Mr. GOSS. Mr. Chairman, I appreciate the gentleman from Idaho yielding me time and I rise in strong support of his Lockbox amendment. I want to also commend him for his leadership and persistence in this effort.

Mr. Chairman, this is not a new concept—the House overwhelmingly voted three times in support of the Lockbox. The proposal, originally introduced by Mr. CRAPO, went through a thorough vetting process in the Rules Committee during the 104th Congress. We worked hard to smooth the rough edges and resolve the various technical problems. The end result is the proposal before us—and I am proud to have played a part in getting us to this point. The Lockbox simply makes sense. In the real world, when you say you are going to spend less money, you should spend less money. Only in Washington can you say you are cutting spending and then allow the money to mysteriously reappear for spending somewhere else. It is disingenuous; it hurts the taxpayer; and it contributes to the cynical popular view of this body. The idea is simple—create a deficit reduction account to ensure that hard fought spending cuts are realized. When the House votes to save money—the Lockbox mechanism ensures that the money will truly be saved. Simple though it seems, we have had some resistance to this idea in the other body and I urge the "mothers" and "fathers" of the Lockbox in the House to continue to press our friends over there to look favorably on this proposal. On the larger subject of reforming our budget process, as chairman of the Subcommittee on Legislative and Budget Process, I am continuing to work with Chairman SOLOMON, Chairman KASICH, and other interested members to develop a more rational and understandable approach to how we spend the Nation's money and enforce our commitments to balance the Federal books.

In the interim, this is a good amendment and I urge my colleagues to support it.

Mr. YATES. Mr. Chairman, I have no objection to the amendment offered by the gentleman from Idaho, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

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

Mr. CRAPO. Mr. Chairman, on that I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Idaho [Mr. CRAPO] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used by the Bureau of Indian Affairs to transfer any land into trust under section 5 of the Indian Reorganization Act (25 U.S.C. 465), or any other Federal statute that does not explicitly denominate and identify a specific tribe or specific property, except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a binding agreement is in place between the tribe that will have jurisdiction over the land to be taken into trust and the appropriate State and local officials; and

(2) such agreement provides, for as long as the land is held in trust, for the collection and payment, by any retail establishment located on the land to be taken into trust, of State and local sales and excise taxes, including any special tax on motor fuel, tobacco, or alcohol, on any retail item sold to any nonmember of the tribe for which the land is held in trust, or an agreed upon payment in lieu of such taxes.

Mr. Chairman, I ask unanimous consent that total debate on the amendment be limited to 30 minutes, equally divided, 15 minutes per side.

Mr. YATES. Mr. Chairman, I object to the limitation of time on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

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PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. CALVERT). The gentleman will state it.

Mr. KOLBE. Mr. Chairman, did the gentleman offer what was known as amendment No. 2? I was not clear. I had an amendment that I thought he was offering and when it got read, it was something different.

Mr. YATES. Mr. Chairman, this is Istook-Visclosky, which is the Indian amendment, so-called.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, if that is the case, I rise to a point of order against the amendment.

The CHAIRMAN pro tempore. Since there has been no recognition for debate the gentleman is timely and will state his point of order.

Mr. KOLBE. Mr. Chairman, I make a point of order against this amendment because it proposes to change existing law and therefore violates clause 2 of House rule XXI. The rule states in pertinent part, "no amendment to a general appropriation bill shall be in order if changing existing law."

The amendment first gives affirmative direction, in effect. Second, it imposes additional duties. Third, it modifies existing powers and duties. And fourth, it modifies existing law.

The Istook-Visclosky amendment prohibits the Secretary of the Interior from taking land into trust for an Indian tribal government unless the tribe negotiates a binding agreement with State and local governments for collection and payment of State and local sales and excise taxes on retail purchases made on that land by nontribal members. The amendment also applies similar restrictions on the Secretary's authority to take land into trust for individual Indians.

The Istook-Visclosky amendment constitutes a violation of clause 2 of House rule XXI, and I would ask that the Chair give a ruling on this point of order.

The CHAIRMAN pro tempore. Does the gentleman from Oklahoma [Mr. ISTOOK] wish to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I would note this is the identical amendment that was offered and withstood a point of order last year on the House floor and was enacted by this House 212 to 206.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island [Mr. KENNEDY] wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would like to second the Parliamentarian's request that we review this amendment and concur with the gentleman from Arizona that this amendment is not in proper order.

The CHAIRMAN pro tempore. Does the gentleman from Illinois [Mr. YATES] wish to be heard on the point of order?

Mr. YATES. Mr. Chairman, I raise the same point of order that was raised by the gentleman from Arizona and cite the same reason; namely, that it is legislation on an appropriation bill and therefore out of order.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

Pursuant to clause 2(c) of rule XXI, as amended in the 105th Congress, an amendment to a general appropriation bill changing existing law is defined to include an amendment making the availability of funds contingent upon the receipt or possession of information not required by existing law for the period of the appropriation. Precedents to the contrary from prior Congresses are no longer dispositive. The amendment thus constitutes legislation and is in violation of clause 2(c) of rule XXI.

The Chair sustains the point of order.

Mr. ISTOOK. Mr. Chairman, for clarification may I inquire of the Chair, is it correct that the point of order is sustained even though the amendment is the same as last year because of a revision in the House rules from last year to this year?

The CHAIRMAN pro tempore. The gentleman is correct.

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this Act may be used to carry out the provisions of section 5 of the Act of June 18, 1934 (25 U.S.C. 465; commonly known as the "Indian Reorganization Act"), or the first section of the Act of June 26, 1936 (25 U.S.C. 501 et seq.), to acquire, through relinquishment, gift, exchange, or assignment, any interest in lands or surface rights to lands, outside of existing Indian reservations.

Mr. ISTOOK. Mr. Chairman, I would note this amendment is offered on behalf of the gentleman from Indiana [Mr. VISCLOSKY] and myself, and again I ask unanimous consent that total debate on this amendment be limited to 30 minutes, to be divided equally 15 minutes per side.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. KENNEDY of Rhode Island. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ISTOOK. Mr. Chairman, I will speak from the well on this.

Mr. Chairman, this amendment is offered to address the same problem that this House addressed last year by a vote of 212 to 206. It is based upon a very simple principle. All people should be equal in the eyes of the law. We should not say that some person should be entitled to evade their taxes because they make a purchase at a place that does not wish to follow the law and does not collect taxes that are due on certain commodities. Usually it happens to be fuel, gasoline, diesel for automobiles. It is cigarettes. It is alcohol. It is other items that are purchased that normally have a sales tax.

Mr. Chairman, about $1 billion a year that is supposed to go to State and local governments to support roads, to pay for schools, to pay for hospitals, to pay for public health and public safety is being evaded with the complicity of the Federal Government. Why? Because the Bureau of Indian Affairs is transferring land at the request of Indian tribes to what is called tribal trust status, which makes it Federal Government property operated by an Indian tribe which has gotten this land not because it is part of their historic property, not because it is any land that had special significance. It may not even be in the same State where the tribe has ever been. It may be hundreds of miles away from any other tribal property.

But it is in a prime location for traffic, and they erect there convenience stores and gasoline stations to take advantage of their failure to collect the taxes because the U.S. Supreme Court has ruled that although taxes are due on the transactions, on the sales to nonmembers of the tribes, they have not granted the States an enforcement mechanism, and that is up to Congress. The tribes have no sovereign immunity, the Supreme Court says, but Congress has not acted.

Mr. Chairman, if you could buy your gasoline at two locations and one is being operated by an Indian tribe which refuses to help collect the tax and the other operated by someone else, you will find that on average it is 26 cents a gallon less if you go to the one where the tribe is assisting the tax evasion. If you are buying a pack of cigarettes, on average around this country it is 41 cents a pack less on a

purchase of cigarettes. No wonder a person that is trying to play fair and live by the rules and obey the law, that is trying to compete, finds that they cannot because the Federal Government is helping them to acquire the prime real estate locations with no relation to Indian tradition or custom or heritage but with only one thought in mind: They want the extra money.

It is huge. New York State estimates they are losing over $100 million a year already, and my State of Oklahoma, the total loss is in the vicinity of $30 to $40 million a year already and it is accelerating year after year after year.

This amendment very simply says we are going to have a moratorium on that sort of thing until we can get a handle on it, until we can reinstate the principle of fair play.

Mr. Chairman, if you look at some of the advertisements that they run in newspapers, grand opening, for example, of this particular facility in Oklahoma in this newspaper ad, they were not charging the tax on cigarettes. The U.S. Supreme Court says the purchaser, for example, still owes the tax, but they are not helping collect it as all other merchants are required to do by law. They do not collect it on beer, on gasoline.

No wonder legitimate operators find that they cannot compete. No wonder that people from the U.S. Chamber of Commerce, or the National Federation of Retailers, or Governors of State after State, or the National League of Cities and the National Association of Governors have all said we need this legislation.

The gentleman from Indiana [Mr. VISCLOSKY] and I have sponsored House bill 1168 which puts in place the protective mechanism. We have even been denied a hearing so we have to come with this amendment to try to work on the travesty, on the tax evasion. That is what it is, pure and simple, do not take my word for it. Take the word of the U.S. Supreme Court that has said that is what is at issue. It is tax evasion which is illegal.

Mr. Chairman, the adoption of this amendment is simply a fair play amendment. It is saying that the U.S. Government will no longer be a party to the widespread tax evasion that not only is taking honest people who try to compete and putting them out of business, but it is draining the resources and the opportunities in State and local government.

I ask adoption of the amendment.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, there is one basic fallacy in the argument of the gentleman from Oklahoma, and that is to equate Indian tribes with individual people. Indian tribes are sovereign nations. They are entitled to make the laws that they want to with respect to their trust lands. If they do want to sell merchandise and not charge State taxes, they can do that.

It is true that they find themselves in a favorable position as against other merchants who have to charge taxes, but the same rule is applicable to other States in the Union. There is no reason why the gentleman should not make the same attack for the States surrounding the State of Oklahoma because they, too, have the right to charge whatever taxes they want to charge. If they choose not to charge any taxes, that is their right as well. Indian tribes have been recognized as having those powers.

The Department of the Interior strongly opposes this measure. It would infringe upon tribal sovereignty. It would impede the 60-year Federal policy of promoting tribal economic self-governing. On this appropriation subcommittee over the years we have tried to formulate procedures that will permit the Indian tribes to benefit and to foster their self-government. This would abolish all recognition of that kind. It would say that the Indian tribes are no different than any other American people and, as a matter of fact, that they are not States. They have been recognized as States by the courts.

So, Mr. Chairman, this is an invasion of Indian sovereignty, and the Indians have suffered enough over the years. This is another attack upon their right to self-sufficiency and to self-government. I urge opposition to the amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support and concur with the remarks of my colleague, the gentleman from Illinois [Mr. YATES], the ranking member.

Furthermore, this amendment has nothing to do with the tax structure that exists. It makes a direct attack on trust lands. The fact is in my home State of Minnesota the native American groups have often lost much of the land that was trusted to them, ceded to them under treaties. This would put a moratorium on any type of action that might take place with regard to acquiring the lands that they initially had or other lands that would provide for a reservation or the economic viability of those reservation the native American people. This is a mean-spirited amendment.

As far as that goes, the ranking member, the gentleman from Illinois is exactly right. We have South Dakota advertising that they offer various tax benefits, so this goes on quite regularly. It is true that many of these native American groups do of course impose taxes or other means of raising money from various sources, except it goes back to that native American group. In fact, they at times agree to collect a portion of the sales tax or all of the sales tax. The native American groups provide law enforcement. They make many contributions on a voluntary basis.

The fact is that this amendment is an argument over power. This is an argument over the basic sovereign power of these independent Native American groups. That is what this amendment represents. The fact is that there are more of us than there are of these minority group native Americans today, but the fact is that we have made a commitment, a series of treaties, to respect the dignity, the governance, the culture, the lifestyle of native American groups.

I think finally now, with some of the activities that are going forward within the law, obviously, there is a means to address and redress these problems; that is, to sit down at a negotiating table, as many States have done, and deal with compacts; to come to an agreement with the native American groups just as States do with one another.

□ 1400

We need to learn to live with the type of pluralism that is present in our Nation. That is the epitome of what this Nation is about. It is such pluralism that defines us, and it is high time we recognize the same.

These various groups that I've heard listed in favor of the Istook amendment, supposedly the defenders of the free enterprise system, ironically are very anxious to eliminate the competition to their ventures and to their profit.

That is what this particular amendment is targeted to, but on the face of it it stops in place the trust transfers of native American lands. That is wrong, it should be avoided, we should not let that go forward. This is an amendment that is trying to do something indirectly that it cannot address directly. They should directly address the native American sovereignty, which all of us have worked for. Is it perfect? No, but we will not get there by pulling the rug out from under the credibility of the U.S. Government commitments and treaty obligations, defeat this amendment.

Mr. KOLBE. Mr. Chairman, I move to strike the last word, and I do rise in opposition to this amendment.

I cannot help but remember the very bitter and contentious debate we had on a similar amendment during floor consideration of last year's Interior appropriations bill. As some here may recall, that amendment was adopted by a very narrow six-vote margin. What happened after that, well, we know it was stripped from the bill after the administration objected to its inclusion.

Things have not changed this year. Let me quote from Secretary Babbitt's

letter to the gentleman from Louisiana [Mr. LIVINGSTON] about this particular amendment:

The Department of the Interior strongly opposes "this measure" because it would infringe upon tribal sovereignty, thwart the longstanding Federal policy of promoting tribal economic self-sufficiency, and undermine ongoing efforts of tribes and States to negotiate joint taxation agreements to accommodate the needs of both parties.

It is clear that the administration opposes this, but, Mr. Chairman, we should oppose it in the House of Representatives. Members on both sides of the aisle ought to oppose it. Very simply put, this is bad public policy.

The Member offering the amendment, and I have the greatest respect for the gentleman from Oklahoma, but he talked a lot about tax evasion. And yet the fact of the matter is that, when polled by the Bureau of Alcohol, Tobacco and Firearms on the subject of evasion of taxes, only 5 out of 28 States that were polled could respond that they could make any determination.

They could make no distinction between what was the legal loss of revenue and what was the contraband loss of revenue; in other words, what was legally sold on the reservations for use there by the people buying it and what was sold for resale, which would be contraband. So they could not make any distinction between what was the actual loss of revenue between what is legal and what was illegal. I think that is an important point to keep in mind.

It is, I think, important to note that this would have a tremendous impact on a lot of the tribes and their ability to carry out their responsibilities. Pending land acquisitions would be put on hold, brought to a halt.

Let me give my colleagues a couple that would be affected, one by the Oneida tribe of Wisconsin to acquire land for housing of tribal members; a pending application from the Sauk and the Fox tribe of Kansas to acquire land to be used to provide tribal elders with senior citizen centers.

Let us face it, this is going to have a tremendous impact on the ability of tribes to provide for the self-sufficiency of their own people. It is another attempt to get back at tribal governments because they have the ability to negotiate, on their terms, tax compacts with State and local governments. This amendment would prevent the expenditure of any Federal funds to take lands into trust for individual Indians or tribal governments.

Why are we considering this action? Apparently there are some that think that we should penalize native American tribes because they are on the way to providing for their own self-sufficiency with a variety of things, some of which we do not like, and some of which I do not personally agree with and do not believe we should be doing but, nonetheless, they are legal and they are doing it to provide for their own self-sufficiency.

Mr. Chairman, I am concerned that instead of promoting positive thought-provoking legislative initiatives that benefit native Americans, we have embarked on a policy that would impose punitive punishment.

We cannot be sure what the impact of this limitation amendment is going to have on the Native American population. I do not think there is anyone that can tell us what its impact will be because we have never held any hearings on this issue.

Again, let us make it clear. Why are we having this debate at all? It is because some people are angry, but not all. The tribal governments pay no State or local sales tax on retail sales that take place on Indian trust land, but we should not be doing this today to punish them. But we should find out before we do this, if we are going to do this, what the impact would actually be on tribes.

We need to hold hearings on this, but we have not held any hearings on this issue. I understand the problem the gentleman has of not being able to get hearings. I think there should be hearings on this subject, should be debate on this, but we should not do it on an appropriations bill.

Consider what would be the impact this would have on, for example, the Oglala Sioux in Pine Ridge, South Dakota.

The CHAIRMAN. The time of the gentleman from Arizona [Mr. KOLBE] has expired.

(By unanimous consent, Mr. KOLBE was allowed to proceed for 1 additional minute.)

Mr. KOLBE. Mr. Chairman, what would be the impact on the Oglala Sioux in Pine Ridge, SD? They have 400 families on the waiting list for home repair. What about the Turtle Mountain tribe in North Dakota, who report that only half of the adult members have high school diplomas? Or the Navajo people in my own State? They have 13,000 eligible students from the scholarship program this year, and there are over 20,000 homeless families on the reservation, and they do not have funds for this kind of thing.

So I would implore anyone and everyone in this body to think about the impact on relations between Indian tribes and State governments, between Indian tribes and the Federal Government. There will be a serious negative impact, and I urge my colleagues to vote against this amendment.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment seeks to resolve a problem that really does not exist. There are numerous problems with the amendment, starting with the fact that the language is so unclear that the Department of the Interior really does not know what it means. Apparently, it would mean one thing in Oklahoma and something quite different in the other 49 States.

Complex issues like this should not be really added as an amendment to an appropriations bill but reviewed by the authorization committee. This is certainly no way to write a public policy and certainly no way to treat the native Americans of this country, who have not been treated well.

You know, we stole a great deal of land from the Indians. In my own State of Michigan, land was stolen which is no longer part of a reservation, no longer part of a trust. Up near Burt Lake, around the turn of the century, the sheriff came in and drove all the Indians off their land and, to make sure they did not come back, burned their village down. That was in my dad's lifetime. My dad remembers that.

About 3 years ago, the Catholic church gave to that tribe three acres so they could start again to preserve their culture. Now, under this legislation, that tribe could not have those acres put under trust. That is why the Secretary of the Interior will recommend that the President veto this bill. He issued that statement this morning.

Now, authors of this amendment assert that State tax agreements with Indian tribes are virtually nonexistent. Nothing could be further from the truth. The facts are that 18 different States have already entered into tax agreements with over 200 Indian tribes. The current process is working, it works well in the State of Michigan, its works well in most of the States, and people are compacting more and more as we speak here today between the tribes and the various States.

Mr. Chairman, if we were to listen to the authors of this amendment, one would believe that State and local governments have no role in determining whether the BIA takes land into trust. Again, that could not be further from the truth. The fact is before the BIA does that and before the Secretary puts land into trust, he has to consult with State and local governments to see what the impact upon them will be. And those State and local governments have an appeal process both within the Department of the Interior and through the Federal courts.

There are safeguards built into this, but if this amendment would be passed today, the Governors and local officials would hold all the cards in these negotiations that are taking place throughout the country. The tribes would have no recourse if the State did not negotiate in good faith, and this amendment would give the Governors the incentives not to negotiate in good faith. If my colleagues want to see how States negotiate with Indian tribes, they should take a look at the compacting process after the recent Seminole decision.

There has been, I do not believe, one new compact reached since that Seminole decision. That decision put in the

hands of the Governor in that one area of law the power really not to be sued and not to be taken into court. This amendment will go even further treating Oklahoma in one way and the other 49 States in another way.

Mr. Chairman, I look back at my State and I look at the tribes in my State and see the land they at one time owned, look at that one band who lost all their land and now have three acres, and are joyful because the Catholic church gave them the three acres. And the amendment of the gentleman from Oklahoma [Mr. ISTOOK] would say that not even those three acres could be taken into trust for those Indians.

We have a moral obligation. I carry within my suit every day this Constitution, which all of us have taken the oath to uphold. We recognize three types of sovereignties in this constitution; article I, section 8: those sovereignties that are foreign countries, the several States, and the Indian tribes.

This is a frontal attack upon that sovereignty and it is a frontal attack by an amendment through an appropriations bill. Last week I begged for the language so I could look at it and was only given the language yesterday. The language is still defective.

Let us uphold our oath to this Constitution and respect that sovereignty and do what we do in due process and encourage the tribes and the States to negotiate.

Mr. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment, and I thank my friends from Oklahoma and Indiana for their leadership on this issue in support of small business. This is commonsense legislation that will level the playing field for small businesses across this country.

The problem is not difficult. We have already heard it outlined this morning. Native American tribes are currently exempt from charging excise taxes on sales of things like gas and food and liquor and tobacco products when selling these products to members of their own tribe.

I do not think anybody in this Chamber disagrees with the underlying law and where we stand today, except for the fact that it puts tax-exempt Indian tribes in direct competition with small businesses and it drives small businesses out of business.

I have to admit that a year ago I voted with the opposition, those that are opposing this amendment today. But over the last year I have sat and studied this issue, I have talked with a lot of small business owners, I have examined the treaty, and I do not believe that it is fair for small businesses in America to have to compete on a head-to-head matchup with those people who are not paying their fair share.

This amendment takes an important first step in ending the Federal Government's role in creating an unfair playing field. The amendment states that, before new lands are transferred by the Bureau of Indian Affairs into the tribal trust, the tribe must reach a binding agreement regarding State and local sales and excise taxes on sales to non-Indian customers.

Currently, native American tribes can purchase any land they want to and then move that land into trust, which eliminates any State or Federal taxes that they would otherwise have to pay. What many times happens is that after the land is put in trust, these tribes establish for-profit businesses on land that are exempt from taxes.

This amendment will not affect any Indian reservation lands nor any lands currently held in trust estates. Tribes can still operate businesses on their lands, and this legislation says nothing to the contrary. It simply levels the playing field for those small businesses wishing to sell fuel, food, and tobacco products around reservations.

This year I am going to join a number of individuals that have come out in strong support of this amendment. The U.S. Chamber of Commerce, the National League of Cities, the National Conference of State Legislators have all come around to agreeing that this amendment makes common sense; that this amendment is the right way in terms of fairness for the American business man and woman.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. CHRISTENSEN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding to me.

I appreciate the study the gentleman and so many others have made in the time since. Even though we requested hearings in Congress, we were denied those by the chairman of the particular committee and, thus, we are here, because we know that the problem is accelerating.

□ 1415

If you look, Mr. Chairman, at the total amount, for example, the State and local governments rely on motor fuel taxes, it is $25 billion a year. Mr. Chairman, if we can sell gasoline for 25 cents a gallon cheaper, and if the Bureau of Indian Affairs, which currently has hundreds of thousands of acres of requests pending, continues to transfer property at patchwork, prime real estate, high-traffic locations, it does not take long for the motorist to say, my goodness, it is 25 cents cheaper over here, I am going to buy my gasoline there, not understanding that they are dealing with a merchant that is marketing tax evasion.

They are not trying to develop marketable skill. They are not trying to build legitimate businesses. They are trying to take advantage of the failure of this Congress to act as the U.S. Supreme Court has said clearly we have the authority to act. It is not violating sovereign immunity, it is not violating any treaties, it is merely reinstating fair play.

Mr. Chairman, this is a very significant amendment. And if we believe that we want to help tribal members with legitimate businesses, instead of having false delusions that the way to get ahead in life is to find and create tax loopholes and profit off of them, then we need to support this amendment.

This is recognized as a threat to the ability to provide care for people in public hospitals, to provide roads, to provide education.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Istook-Visclosky amendment is simply disgraceful. It is disgraceful because it demonstrates the ignorance of this U.S. House of Representatives when it comes to the fundamental issues of native American sovereignty.

Proponents of this legislation just do not get it. They are building on the callous history of this Nation towards our native Americans. When 40 percent of our native Americans are unemployed, when thousands are sick and dying, when Indian children live in substandard housing and get insufficient moneys for education, the lowest per capita health care and education spending of any group in this country are native Americans. When Indians have four times the suicide rate of other groups in this country, the proponents of this legislation would like us to believe that it is the States that are getting a raw deal.

Excuse me. This amendment states that it is States who are getting the raw deal. Guess what? We are the ones who took away the native American land to begin with. Everyone is talking, the gentleman from Oklahoma [Mr. ISTOOK] is talking about the native Americans are trying to put all this land in trust. Do I need to remind my colleague that we have taken over 90 million acres to States and local governments since 1887, and yet there are only 9 million acres given to native Americans in the form of trust lands? Boy, that sounds to me like a real power grab.

This rider claims that Indians are fortunate because they have sovereignty. Let me say that sovereignty is all that these native Americans have left. Sure, let us get behind the simple idea of subordinating native American governments and all native Americans to pull the poverty stricken status they are already in.

The truth of the amendment is that it gives States the upper hand. By

eliminating the ability to take lands into trust or by giving local governments absolute veto power over new trust lands, we forsake the government-to-government relationship, as my colleague, the gentleman from Michigan [Mr. KILDEE], said, which is the Constitution of these United States.

Read the Constitution of the United States, article I, section 8, clause 2, regarding native American lands. They treat them as States. They are sovereignties. And yet the gentleman from Oklahoma [Mr. ISTOOK] would not like to have us believe they are other people.

Well, what are Rhode Islanders in my State? Are they other people because we pay different sales taxes than my colleague might have in his State? No, they do not because they are a separate sovereignty. And that is no different from native American lands, and it is an elementary fact to this whole debate.

Of course, the great concept here is that we break treaty obligations and violate this Constitution because the States are getting a raw deal.

Let us be clear. This amendment's goal is to give some county executives veto power over the president or governor of a native American nation and violate the trust responsibility that our Constitution gives native Americans.

Istook-Visclosky incorrectly assumes that there is no process for protecting State and local government interests when lands are being considered for transfer into trust. As my colleagues have stated over and over again, that is not the case. Many States are currently in the process of working this out so that nonmembers of native American tribes are taxed and those taxes are reverted to the States.

But the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] would preempt and preclude any State from being able to work out a negotiation with their native American tribe for that State to be able to work out an arrangement where they revert the taxes back to the State.

We are talking about a discriminatory measure here. And that is what this legislation does, it furthers the intolerance towards native Americans by calling them tax evaders. That is shameful, saying native Americans are tax evaders.

My God, does my colleague not understand the situation that sovereignty is all about?

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. Would the gentleman from Oklahoma [Mr. ISTOOK] like to put in an amendment, bill commissaries at our military bases? Because it seems to me they are unfair competition, too. Commissaries in my district are charging well under the market price for goods that they sell to our enlisted people.

Would the gentleman from Oklahoma [Mr. ISTOOK] put in an amendment that would say that is unfair competition? No, he would not.

Mr. ISTOOK. Mr. Chairman, I would answer the question if the gentleman from Rhode Island [Mr. KENNEDY] is posing the question to me.

Mr. KENNEDY of Rhode Island. This amendment treats native Americans as if they are criminals, and it is dead wrong. I ask my colleagues to join me in voting against the Visclosky-Istook amendment and upholding the Constitution of the United States, which we were sworn to uphold in article I, section 8, clause 2 of the U.S. Constitution.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words, and I yield to my colleague, the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I find it interesting if someone would claim that we are disregarding the needs of American Indians in this country, if they will look, for example, at page 5 of the report of the very bill that is on this floor right now, they will find that we are appropriating approximately $6.5 billion for American Indian programs. Agriculture, Commerce, Justice, Education, Health and Human Services, Indian Health Services, all of these other matters.

Why? Because we have undertaken certain obligations and we seek to honor them. We do not permit, for example, a member of the general public to go into a commissary on Federal military property and buy goods at any sort of reduced rate. That is only limited to military personnel, and reserves cannot even do it if they are not on active duty.

Now, if we were to open up those or any other place and say that the general public is invited to come in and do their shopping, in competition with those that are not there for a special purpose, then I would agree with the analogy that the gentleman from Rhode Island [Mr. KENNEDY] raises.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

The CHAIRMAN. The time is controlled by the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, the gentleman from Rhode Island [Mr. KENNEDY] did not wish to yield to have this interspersed with his comments.

But you see, what the tribes are doing, if they were establishing something that is basically a commissary for the Indian tribes, there is nothing that we are seeking to do that interferes with that.

The U.S. Supreme Court has said, if they are making a transaction with a tribal member, they do not have to charge any State or local sales tax or gasoline tax or cigarette tax, and we are not trying to do that. But what they are doing is saying, we do not want just a location that is maybe in the middle of a military business and we do not want to just handle transactions for the benefit of our own members. They say, we are wanting locations at prime areas.

For example, I have a copy of the letter that says Cheyenne-Arapaho tribes are seeking to buy up existing convenience store locations along Interstate 40, not because it is next to their tribal lands or has any relation or is trying to serve the needs of the members of the tribe, but because there are hundreds of thousands of people every day that pass through and they want to be able to sell to them and to undercut the competition and to get all that business, not by selling to members of the tribes but by putting people out of business who are following the law.

Mr. KENNEDY of Rhode Island. Mr. Chairman, would the gentleman yield?

Mr. ISTOOK. Mr. Chairman, I will not yield. I tried to engage in a dialog.

You see, they are saying, we do not want to take care of our tribal members. We want an advantage that nobody else has—26 cents a gallon on gasoline. Now, you go to the corner, and I do not care who you are, you drive up to a corner and see the price over here is maybe a $1.20 a gallon and over here it is $1.45. Where are you going buy your gasoline? It does not take a rocket scientist to figure out what happens here.

And this is not sales to tribal members. The U.S. Supreme Court in a series, a series, of decisions have said that the tax is still due when they are making the sales to the nontribal customers. Unfortunately, the tribes are not doing that. They are refusing to cooperate with the State and local governments in collecting the taxes that the U.S. Supreme Court says are due, and they are profiting off the tax evasion. They are marketing the tax evasion to their customers.

If this were just a matter of tribes trying to deal with their own tribal members and help out and bring people up to compete, that would be a very different situation. But it is not what they are doing.

I have a letter from a tribal member who operates a convenience store, and guess what? She collects tax from customers. She follows the law. She does not have the special advantage that the BIA has given some land and trust to her. And she is being out competed by a tribal gasoline station that is knocking out the ability of one of their own members to work hard and to make an honest living because they are not looking to build up regular businesses.

As the newspaper ad which I held earlier shows, they are trying to sell to

people who say, let us not pay gasoline tax, let us not pay beer tax, let us not pay cigarette tax, let us not pay sales tax. And that is what is costing us all around this country, and it is getting bigger every year if we do not stop it.

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. Mr. Chairman, I yield to Mr. YATES.

Mr. YATES. Mr. Chairman, the gentleman from Oklahoma [Mr. ISTOOK] cites the statistic in the committee's report to the effect of $6 billion in various programs as being spent for the Indian people.

In our appropriation subcommittee, we have been reviewing the plight of the Indian people and making funds available for, I guess, since the committee was in organization. For 25 years, I have been reviewing these programs. I will tell the gentleman that $6 billion still is not enough to take care of the Indian people. They are still the poorest segment of our population. And year after year, that continues.

The fact that they are given recognition as a State, I should like to ask the gentleman from Oklahoma [Mr. ISTOOK], what happens if the State of Texas, which is next to the gentleman's State of Oklahoma, what if the State of Texas were to charge lower amounts and people went to the State of Texas instead? Would the gentleman try to get a law passed by the Congress that would hurt the State of Texas? Of course he would not.

These are sovereign nations, Indian people deserve recognition as such.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman from Illinois [Mr. YATES] for his remarks because I think he is quite on point.

This amendment is a very blunt instrument to go on what the gentleman from Oklahoma [Mr. ISTOOK]) perceives to be some wrong that the Indian nations of this country would engage in economic activity and that they would do that on tribal land, which is sovereign land and which they have the right if they so desire not to charge a tax on the sales of those products.

□ 1430

The gentleman from Illinois just pointed out, people drive across the State line into Nevada to buy goods, because they do not have a sales tax because they have gambling. People drive to Oregon from California because they do not have a sales tax, because they have got an angry constituency that will not let them have one, so people go there to buy their goods. People call up L.L. Bean and Lands End and they buy goods by mail to avoid the sales tax, and we are not shutting down all mail order houses in this country. We are not shutting down the service station across the State line. People go to Juarez, Mexico across the line to buy pharmaceuticals, and we do not shut down the country of Mexico because it is sovereign.

We made a decision a long time ago that Indian lands in this Nation were going to be sovereign and they were going to be treated like States and they were going to be treated like foreign nations. That is what this is about. The suggestion here that because somebody has put up a competitive truck stop on Interstate 50 or Interstate 80 or whatever the highway and that now we should shut down, and that is what this amendment does, shut down the ability of Indian nations to bring additional land into tribal land and take away the right of the Secretary of the Interior to engage in that process, is ludicrous. It is ludicrous. We act like there is a run on the lands of this country. The fact of the matter is there is not. The fact of the matter is the Indians have lost more lands out of trust than they have brought into trust.

The gentleman cites the suggestion that somehow the Indians are taking a huge amount of land. Yes, they have applications. What has the general rule been? The general rule has been if there is a local controversy, if the Governor does not like it or the local State legislature does not like it, the Secretary more or less has hands off. Why? Because we try to tell people to sort it out.

The fact of the matter is that a number of States, 200 tribes, 18 States have tax treaties, tax policies, lands have been brought into trust and there have been various controversies. Very often the tribes have said we will accede to this, we will agree to that, we will agree to that condition, that is a process of negotiation. But that is a process of negotiation between equals, between a sovereign State, a sovereign tribe and the Secretary of the Interior, someone who is an arbiter. That is the process as it is designed to be. That is the process that should be allowed to continue.

Sometimes we argue over lands being brought into sovereignty, whether or not they should have gambling or not. Some tribes have said, we will agree not to do that; California in one instance, and I think in North Carolina.

Other questions may be taxable, they have been engaged in tax treaties. Other policies about the uses of those lands, the riparian uses of those lands, forest practices. A lot of this has been negotiated and discussed and hammered out. But what we do not do is, we do not take away the rights of every Indian nation in this country because we have got some problem with truck stops. That just is not going to work.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. I want to ask the gentleman from California, because he mentioned examples of different places that have static borders.

The CHAIRMAN. The time of the gentleman from California [Mr. MILLER] has expired.

(On request of Mr. KOLBE, and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. ISTOOK. Is the gentleman aware that the examples he cites are States, for example, that have static borders and that what is happening, we have applications and grants of trust status where basically the borders are shifting one plot of land at a time. An application is not, for example, for thousands of acres. The applications may be for one lot, for example, in a State and then another lot in a different state.

Mr. MILLER of California. Absolutely. One of the things that is made part of the whole question of lands being taken into trust by the Secretary in behalf of various Indian nations is that a number of applications have been made remote to the land base that the tribes have now or some people believe to be the historical base that the tribes have and that has always been controversial.

There was a controversy in Milwaukee a few years ago about those lands being brought into trust. But that is the process of negotiations. That is the process that the State or the State legislature or the local county officials or interested citizens comment on, and that is the process where the Secretary makes the decision for the purposes and the use of these lands and the connection of the tribes to these lands and the rightful claim to these lands. That is a process.

The Istook amendment wipes that process out and says no other lands can be brought into trust by an Indian nation. It is just an unacceptable suggestion to what may not even be a real problem. The House ought to reject this amendment.

Mr. FALEOMAVAEGA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Istook-Visclosky amendment. There are many reasons to oppose this amendment, Mr. Chairman. First, as a matter of procedure, this is more than a matter of setting a level of appropriations. This amendment sets legislative policy on a subject under the jurisdiction of the Committee on Resources. The subject of this amendment has not been considered by the committee of jurisdiction. By proceeding with an appropriation rider, we lose the value of public input to Congress available through committee hearings. Those of us who serve on the authorization committees are again locked out of the full deliberative process.

Many of us have seen conflicting statements of the many "Dear Colleagues" that have been floating around. In many cases these letters are in direct conflict with one another, which raises the question all the more, we need to have hearings on this issue.

I believe, Mr. Chairman, it is not controverted that current law and regulations mandate that the Secretary of the Interior provide notice to State and local governments prior to making a final determination on taking Indian lands into trust status. State and local governments who disagree with a decision of the Secretary can appeal adverse decisions within the Department of the Interior and in the Federal courts. This procedure is already in place.

If this amendment is enacted into law, Mr. Chairman, State and local governments would be given an absolute veto over all future transfers to or of land trust status. This is a significant change of national policy. I submit this cannot be done.

Finally, Mr. Chairman, as matter of equity, I find it very disturbing that we are debating today yet another attack on Native American Indians. I fear that efforts like this are a renewal of the efforts of Congress in prior decades when actions were taken to make sure our first Americans were never given the opportunity to achieve success. There was a recent advertisement I heard that pretty well sums up, Mr. Chairman, our treatment of our Nation's Native Americans. It went something like this: 200 years of exploitation and neglect, more than 700 broken treaties, 700 broken treaties; $2 billion in tribal trust funds lost or mismanaged, $200 million in funding cuts last year, and now the Chamber of this hallowed hall wants to levy new taxes against tribal governments. Have Native Americans not paid enough, I submit, Mr. Chairman? This ad was a brutally accurate summary of our past treatment of American Indians.

The question today is, do we continue along the destructive line of reasoning or do we provide today's tribes with the opportunity to determine their future through their own self-initiative? Mr. Chairman, I have heard that we talk about fair play. Let us propose a law to honor every one of these 700 broken treaties that our government broke and let us see what happens. If we talk about fair play, let us honor the 700 treaties that our government committed itself with these Native Americans and let us see what the landscape is going to be with what this Nation is all about.

Mr. Chairman, I submit we ought to vote against this proposed amendment.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regret that the legislative procedures of this body forces the gentleman to offer this amendment as a limitation on the appropriations bill. I am sympathetic to the concerns that the gentleman has and I think his legislative language targets those much more precisely than the limitation before us and should be addressed by the authorizing committee.

Unfortunately, the authorizing committee has chosen, at least to this point, not to have hearings, and I think it is a subject that deserves a full hearing in the authorizing committee. Because the gentleman from Oklahoma is forced to use a limitation amendment, it is broader than we should have it because it prohibits acquiring through gift or exchange any interest, for essentially any purpose, and there are a lot of reasons why there should be lands transferred that have nothing to do with this question of taxes.

Another problem with this approach is that it is only a 1-year limitation. Because of being on an appropriations bill, it cannot be extended beyond 1 year, and I think it would be very difficult for any group to make economic decisions either to construct or to open up a facility, knowing that in 1 year this could be changed by virtue of the fact that this limitation language would expire at the end of fiscal year 1998, which would be September 30, 1998. I hope that the authorizing committee will address this problem.

I might point out that there are already in existence 200 agreements with 18 different States where the States and the tribes, exercising their sovereign rights, have addressed this problem. I would hope that a lot of tribes and States would continue on that path to bring about fairness in the marketplace, but at this point, because of the sovereignty of the Indian nations, this is a decision that has to be made by the tribes and the States.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to commend the chairman of the subcommittee for his statement. I think he has made a very important point, and that is that this is a very broad amendment. I will come back to that in a moment.

I certainly agree with the gentleman from Oklahoma, this is a significant debate we are having and a significant amendment. It is one of great importance and it deserves the kind of debate that it gets here today. I think what must be emphasized here is the issue of sovereignty. These are sovereign tribes. They do have sovereign rights. They have the right to approach the Federal Government when they negotiate on an equal basis, and yet the thrust of this amendment is to put a limitation on the Secretary from taking lands into the reservation unless there is a binding agreement between the tribes, States, and local governments that would require the tribe to pay State and local taxes on reservation lands; in other words, unless they give up their sovereignty, unless we limit that sovereignty for this purpose. So they are not going into some negotiation on an equal basis when not one but both hands are tied behind their back, as this amendment would do.

I think it is very important to keep that in mind. It is also important to recognize that we are really talking about enterprise zones here. In many cases the lands we are talking about are not part of the reservation itself but are adjacent to it, because very often the reservation lands originally set aside were not the best lands, were not good lands. They have had to bring in some of these other lands in order to have the kind of enterprise zones that we are talking about. The Republicans on this side of the aisle have supported it in inner cities, we supported it in rural areas. Native Americans have that. They have it by virtue of the sovereignty that they have, by virtue of the fact that they are not subject to the taxation that the rest of us have. That kind of enterprise zone we should be supporting for these people who have been among the very poorest.

Finally let me make this final point, that what is missing here is this is a limitation amendment. As the chairman said, it is much broader. It goes far beyond simply being a limitation. It goes too broad. We are talking about putting a limitation on bringing lands in for any purpose whatever. I think of in my State, legislation that this body has debated for a long time, the Hopie-Navajo land settlement. Part of that has to do with bringing certain lands under the jurisdiction of the two tribes. That is critical to making that settlement work. Yet this would put a prohibition on making that happen, on making that work.

I would urge my colleagues to vote against this amendment. As much as I sympathize with what the gentleman from Oklahoma is trying to do, it is not the right place, it is not the right way to go about it, and it certainly is not the right time without having the committee of jurisdiction take this up and take this under consideration.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I certainly want to associate myself with the remarks of the chairman of our subcommittee and the gentleman from Illinois [Mr. YATES], the ranking member of our subcommittee. They have made the point that this is a very profound change in legislation that we are attempting to add to an appropriations bill, but that is a technical reason for opposing this amendment. There are

moral and substantive reasons for opposing this amendment. Let me suggest the first moral argument. The Native Americans in this land are the poorest of the poor in the United States. Why? Because we, descendants of those European colonists, took their land and their life-style. By 1887, they had about 138 million acres, a minute fraction of the land that they used to live on, and then over the next 47 years we took 90 million acres back from them.

□ 1445

Since 1934, the Department of the Interior has restored 10 percent of that land, about 9 million acres, and that is the kind of land we are talking about, a very small fraction, virtually all of it land that used to be within the original boundaries of their reservations that we are talking about here.

Let me suggest another moral reason. In 1886, the Supreme Court noted that: "The tribes owe no allegiance to the States and receive from them no protection. Because of the local ill feeling, the people in the States where tribes are found are often their deadliest enemies." And for that reason a law was passed called the General Allotment Act. It actually did not accomplish what was intended originally, but the fact is we have acknowledged that the only way that the American Indian can be respected and protected in terms of their rights is for the Federal Government to have a unique relationship between federally recognized Indian tribal governments and the Congress. Only the U.S. Congress, has the responsibility to defend tribal governments from intrusion by State governments.

Let me suggest some other reasons though, that this amendment should be defeated. This amendment would unconstitutionally give State and local governments absolute veto power over each tribal application to place Indian owned land in trust status. It would provide no remedy to a tribe if a State or local government flatly refused to negotiate a tax agreement with the tribe, and the result would be years of costly litigation. It purports to fix a problem that simply does not exist. State governments can and do collect lawfully imposed sales taxes on Indian trust lands. The Supreme Court has held time and again that product sales to nonmembers on trust lands for use off reservation are subject to State sales taxes. Most states, including Oklahoma, have developed a variety of methods for collecting those taxes.

It assumes that there is no process for protecting State and local government interests when lands are considered for transferring to trust status. In fact, the current law already protects State and government interests when the Secretary considers land for trust status. Under the current secretarial regulations, the Secretary must consult with State and local governments prior to making a final determination on taking land into trust status, and the Secretary must specifically consider the impact on State and local governments of removal of the land from the tax rolls.

This amendment is not necessary. This amendment violates our Constitution, our constitutional protection of Native Americans. This amendment is legislation on an appropriations bill. This amendment does an injustice to the poorest of the poor Americans in this country. This amendment certainly should be defeated, and I urge my colleagues to defeat it in the strongest possible terms.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I apologize for belaboring this subject even further. I think that the debate so far has indicated a clear preponderance of views, and I am not an expert on this subject, so I feel doubly guilty. But I did have the opportunity of experiencing this problem of multiple sovereignty and its application from my earliest days.

Mr. Chairman, I was born and raised in that southeast corner of California which borders on Arizona and Mexico and abounds with Indian reservations, and from my earliest days I can recall going across the border to Mexico because the gasoline was cheaper, and the steaks were better and cheaper, and when I got a little older I went across the border to Arizona to help my brother get married because one can get married more cheaply over there and with less waiting time and less restrictions. Each governmental institution, each organization had different rules, and separate sovereignty.

And of course I can, from where I live now, which is a little further north, pass through a half dozen Indian reservations and have assorted gambling opportunities on my way down to Mexico or to Arizona or wherever I choose to go. And I frankly gloried in this. I valued this rich diversity, and I would not have changed it for the world because it allowed for people who were seeking opportunity to acquire it.

We still have that going on. A lot of people come down to this corner of the United States because it is very warm in the wintertime and it is a rich recreational resource, and they come down there, and they camp out on the desert if they are totally broke because it does not cost anything. If they are senior citizens, and many of them are, they can go across the border to Mexico and buy all of their prescription drugs at ridiculously low prices, and most of them take advantage of that opportunity. And it contributes to the economic vitality of the region, as a matter of fact.

Now I would suggest that, and I am saying this without any exhaustive investigation, but that we may actually benefit from this diversity of sovereignty and the opportunity that it creates and that if there is a solution, maybe we ought to try the market solution. If too many people are going across the border to Arizona or to Mexico to find something cheaper, maybe we ought to look at ways of attracting some people from Arizona and Mexico over to California to buy something cheaper over here. That would be a good competitive way to balance out the playing field, and actually this is happening in many situations.

I know of Indian gambling casinos, for example, which have a monopoly and maybe are using that monopoly to extort a little more from the white man than they really should, and other tribes have come in and opened up competitive operations and kind of leveled the playing field in the process of doing that.

This is legitimate, and I think in the long run justice will be served, the free market will be glorified for what it can really do to keep unreasonable prices or unreasonable regulation out of existence, and we can continue with the kind of a system that we have.

Of course, basically I think we ought to let the Indians have this kind of an opportunity. It is an economic development program for them. It has encouraged them to get into business and become self-sufficient.

We have enterprise zones in which we do exactly the same thing for non-Indians for example. We give them tax advantages, we give them freedom from regulation in order to encourage them to create jobs and to provide opportunities for poor people. Well, is that not what we are doing with the opportunities that the Indians now have as sovereign States with the ability to control their own future? Those are enterprise zones for them.

I say God bless the enterprise zones; let us keep them.

Mr. JOHNSON of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in opposition to the Istook amendment and urge my colleagues to vote against this amendment because, as we have heard over and over today, it is overly broad, and it is also unnecessary.

I come from an area of Wisconsin representing an area which has seven different separate Native American Indian tribes, all of whom have land holdings in the district. Of the seven tribes who have businesses on trust lands in Wisconsin, all of them are paying taxes.

I read from a letter from the state revenue agent in Wisconsin: "I have reviewed our records. I am unaware of any Indian organization not collecting Wisconsin taxes."

We have had agreements in place between the tribes and the State of Wisconsin for years for the payment of

these taxes, and the adoption of the Istook amendment would jeopardize these agreements between two recognized bodies, the State of Wisconsin and the Native American tribes.

The Indian tribes in Wisconsin are not unique in this regard. In fact, almost every State with significant Indian population have similar agreements with their State governments, and according to a study we have heard cited before, conducted in 1995 by a State, the Arizona Legislative Council, 200 tribes from 18 States have reached similar agreements. I have a letter from the Oklahoma Tax Commission which describes the compact the tribes in Oklahoma have made with the State, and as for the ad that appeared in Roll Call and was held up earlier on the House floor, it is an old ad. It no longer runs, since the law in Oklahoma has been changed. It is, I think, a misleading problem, and the Choctaw tribe no longer runs it.

We have also heard about the collection of taxes in New York State. However, I have been told the Istook amendment would not even apply to New York State since, as one of the original 13 colonies, they have a different relationship with their tribes. And, moreover, the Governor of New York has stated he thinks it is not proper or beneficial for New York to impose taxes on sales made on Indian lands. So New York is not losing tax revenues, it is choosing not to collect these taxes.

There have been no hearings, as has been cited before on this amendment. It is another case of trying to create new policy with a very serious amendment to a serious appropriations bill. Indians tribes, native Americans, are creating jobs, paying taxes, helping this Nation's economy as well as their own. I urge my colleagues to look to Wisconsin as a good example. I urge my colleagues to reject this amendment and to protect the current agreements between the States and tribes to collect taxes.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the way the Congress operates really is not that dissimilar from the way the rest of the world operates in several respects. One of those respects, Mr. Chairman, is the fact that usually there is a reason why things happen, there is a reason why positions are taken, there is a reason why Members vote the way they do, there is a reason why Members say certain things, and I think we are faced with a good example of that, Mr. Chairman.

We have heard from those opposed to this amendment that they are opposed to it because it is unconstitutional. Well, let us examine that, and I suspect that if we examine it, Mr. Chairman, we will find that there is indeed another reason because the amendment that the gentleman from Oklahoma is proposing is not unconstitutional either on its face or in any reasonable interpretation of it.

So let me assure those colleagues on either side of the aisle who truly are concerned about the constitutionality of this provision that it is not unconstitutional, and that is a position born not just of my opinion or the author's opinion, but of a learned treatise that we would be happy to make available to any Member, conducted and composed by the Congressional Research Service, that has looked at this proposal and has concluded that because of its narrow scope, because it does not, would not, establish any burden on the constitutional rights of Indians, but simply provide a mechanism whereby legitimate taxes that are constitutional can more easily and more effectively for the benefit of all citizens be collected, and I think that their concerns, if indeed those concerns are born of an interest in making sure that this provision is constitutional, that it would, in fact, be constitutional.

The legislation simply involves establishment of a mechanism for collecting State and local retail excise taxes on retail items sold by tribal vendors on tribal lands to nontribal members and utilizing that mechanism as a precondition for taking land into trust for an individual Indian or an Indian tribe. It does no more than that, which would possibly get it into an area of constitutional activity or restrictions.

□ 1500

It does not do that. There is a line of cases, Mr. Chairman, that clearly establishes that assuring the collection of legally valid estate taxes of sales occurring on lands to be taken into trust certainly is constitutional.

In the case of Oklahoma Tax Commission versus Citizens Band Potawatomi Tribe in 1991, Chief Justice Rehnquist, speaking for a unanimous Court, indicated that the States could look for agreements with the tribes for tax collection, or to Congress to vindicate their rights to tax sales to nonmembers on Indian reservations.

So if in fact we are looking for a mechanism that is fair, and that is, after all, what we all purport to want here is basic fairness, then the proposal of the gentleman from Oklahoma [Mr. ISTOOK] is patently fair. It is not unconstitutional. It has been found that it likely will not be unconstitutional, the word implemented by the Congressional Research Service, and I suspect any legitimate constitutional analysis of it would indeed bear that out.

In my own State, Mr. Chairman, we are facing the situation right now with a tribe from Oklahoma seeking to come into Georgia, not a contiguous State, and establish a gambling or gaming organization or institution or business therein.

This is one of the legitimate concerns of all of our citizens, those of large means as well as those of small means; that is, that the tax base not be eroded. It is not any diminution of the rights of our native American citizens to simply establish that as a precondition for enjoying the benefits of instituting gambling or gaming institutions, that they set up a mechanism to collect taxes, which indeed helps not only them but all of the citizens of that State in which that institution is resided.

In conclusion, Mr. Chairman, let me assure our colleagues and those who might be legitimately concerned about the constitutionality of this provision that it is thoroughly constitutional, both in its intent as well as the way it would be carried out, and urge adoption and a favorable vote on the proposal of the gentleman from Oklahoma [Mr. ISTOOK].

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for four purposes. First of all, as the cosponsor of this amendment, I rise to emphasize to the body that this is a bipartisan proposal authored by the gentleman from Oklahoma [Mr. ISTOOK] as well as myself.

My second purpose in rising is to ask that we view this issue on the merits and the factual basis. Such words as intolerance, disgraceful, bitter, mean-spirited, angry, stolen, have all been used today during the debate, but we ought to look at the factual basis as to what the gentleman from Oklahoma [Mr. ISTOOK] and myself want to do.

The first thing we want to do is as a national Government, we are asking States and local governments to do more, but we are not providing them in this instance the tools to collect the necessary revenue to proceed.

Second, for all those entrepreneurs who want to make a living and pay taxes themselves and support their families, they are placed at a significant competitive disadvantage. That is all we are trying to do.

In my remaining time, the fourth point I want to address is what we are not trying to do. The gentleman from Oklahoma [Mr. ISTOOK] and I often disagree. One area we have never disagreed on is the issue of the Constitution of the United States. We are not violating any provision of that document, and the High Court of this land has said that the collection of taxes on sales to non-Indians does not violate tribal sovereignty or any treaties the United States has with tribes. We are not attacking the sovereignty of Indians.

I would also point out that our country has agreements and treaties with other sovereign nations as far as the collection and disposal of taxes.

Finally, if we were trying to do something that was in violation of the sovereignty of these nations, a number of Members who have stood up in opposition to our amendment have also talked about the compacts and the value that these compacts have already had that have been entered into by various units of government and the tribes. That is all we are asking be done. That has been found to be constitutional.

The second argument put forth today is that we have essentially called for a shutdown on the transfer of tribal lands. We are trying to kill that process. We are asking for a moratorium. The fact is, and I would acknowledge that this is not the most precise amendment that has ever been offered on this issue, we tried to do that last year on June 20, and we were prohibited from doing so today. We have tried to address this issue surgically in authorizing legislation that has not had hearings held on it, despite the fact that there are now 56 cosponsors of that legislation.

What we are simply saying, to capture people's attention and to make sure this situation is addressed, is if the desire to purchase new lands takes place, we have to submit that process to the congressional authorization and appropriation process and it can proceed. We do not prohibit them.

The issue of the compacts, we have compacts. The system is working just fine. The problem is the U.S. Supreme Court on six different occasions has said that the States have the right to collect these taxes, but the Court has barred the States from filing suit. There is no incentive at all on behalf of any of the tribes to enter into good faith negotiations.

All we are trying to do is to level that playing field to ensure that there is an incentive by the tribes to sit down in good faith, with governmental entities of good faith, to make sure that these compacts do proceed so we can protect State and local revenues as well as small entrepreneurs.

There has been a dispute as to what is really the loss of revenues. I went to St. Mark's grade school in Gary, IN. All I know is if you are selling a tank of gasoline and not paying 7½ cents to 34²⁄₁₀ cents of that gasoline you are losing revenues. If you are selling a pack of cigarettes and not collecting 2.5 cents per pack up to 81½ cents per pack, you are losing money as an institution of the Government. States like New York are claiming they are losing up to $100 million; New Mexico, $2.7 million; California, $30 to $50 million a year.

We are told that, by a number of speakers, we have not held any hearings. What we need are hearings. I could not agree more. On June 10 of last year, when the gentleman from Oklahoma [Mr. ISTOOK] and I offered the amendment we were not allowed to offer today, the chairman of the authorizing committee in the House, the gentleman from Alaska [Mr. YOUNG] got up on this House floor, he got up and said, "Since I have been chairman of the Committee on Resources, not a single Member of Congress has introduced a single bill on this subject."

The CHAIRMAN. The time of the gentleman from Indiana [Mr. VISCLOSKY] has expired.

(By unanimous consent, Mr. VISCLOSKY was allowed to proceed for 2 additional minutes.)

Mr. VISCLOSKY. He said, Mr. Chairman, "Since I have been chairman, we have never had a single hearing on this subject. No witnesses have offered any testimony on this subject." The chairman was right. The chairman was right.

That is why the gentleman from Oklahoma [Mr. ISTOOK] and myself introduced authorizing legislation in this Congress. That is why 54 of our colleagues have joined us in a bipartisan fashion to sponsor that legislation and to ask for hearings. Here we are, almost 13 months after the fact, and yes, no hearings have been held and the gentleman from Oklahoma [Mr. ISTOOK] and I have been very, very patient.

The final objection raised on the floor today is that this is a new tax, and nothing could be further from the truth. We are simply suggesting that there should be an even playing field; that compacts ought to be entered into to preserve the revenue flow of the States and the locales, to preserve the ability of private business to compete in this society. That is all we are doing. There are no new taxes here involved.

I would urge my colleagues on the facts and the issues involved, not to the emotion, and on a bipartisan basis, to please on this vote support the Istook-Visclosky amendment.

Mr. HINCHEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my reading of this amendment is that it would effectively prohibit the Secretary from recognizing new Indian trust lands. I therefore am opposed to the amendment, and I ask others to join me in that position.

Mr. Chairman, this amendment, if it were to succeed, would be destructive not only to native Americans but also in many instances to the communities around which they reside or nearby where they reside. Why do tribes petition to the Secretary to take lands into trust for them in the first place? In some cases they are reacquiring lands they have lost because of their historical or religious significance and they want those lands back again. In most cases they are acquiring lands which have the potential to produce income for the tribe, to help them become economically self-sufficient.

Because of the discrimination that they have faced, because of poverty and limited education and a host of other disadvantages, and because they lost their lands which they depended upon, many tribes cannot build self-sufficiency without building on their trust lands; that is, taking advantage of the edge that sovereignty gives them.

In effect, this is no different from States that make use of their statehood to draw business or create industry; gambling in Nevada, for example, or credit cards in Delaware or South Dakota, or communities that offer tax breaks to attract industries. But they cannot take their advantage of their sovereignty unless they have land, and specifically land that has some commercial potential. If they open a business 200 miles from nowhere, then obviously they are not going to get people to travel there to do business with them.

If we take away their opportunity to have new lands taken into trust, lands where they are sovereign, we are taking their only real competitive edge from them, the only real edge they have. We are denying them the best chance they have to become a self-sufficient community. We are taking their livelihood away from them, just as surely as we did a century or two ago.

But some will ask this question: Does this opportunity not hurt their neighbors? Does this not hurt the States? When the Secretary considers petitions for trust lands, and this point has been made here earlier this afternoon, he must take into account the interests of the affected State and local governments, and he does so in every instance. But he does not allow a State or a local government to veto a petition. He has to consider the objections to it, look at those objections in context, but that does not give the opportunity for a veto.

In many cases the State and local governments benefit from the designation of new trust lands. This is true in my State and in my district. One of the counties I represent is in fact eager to see tribes acquire new trust lands in their midst, because they expect that by so doing, that will also bring in profitable businesses that will benefit all the other businesses that currently exist in that community, and will exist there in the future.

So this amendment would not only deny an economic opportunity for Indian tribes, it would also block, in many instances, opportunities for the communities they live with and work with.

So for those reasons, that it impinges unnecessarily, unfairly, and I believe unconstitutionally on the sovereignty of Indian tribes, and that also in many instances as a result it will do damage to the communities that adjoin those

Indian tribe lands, those Indian trust lands, I oppose this amendment, and I hope that enough others will oppose it so it will be defeated.

Mr. STUPAK. I move to strike the requisite number of words, Mr. Chairman.

Mr. Chairman, I rise in opposition to this amendment. We are told, Mr. Chairman, that this amendment is needed because it is the only way to stop native Americans from avoiding paying taxes. But in the debate we are having here today I hope we all understand that we have Indian tribes, we have individual members of that tribe, and then we also have just individual members of this country.

This amendment, as written by the authors, is really directed at native American tribes, not individuals. So even if we pass this amendment, and I hope we do not, but even if we passed it, individuals can still continue to avoid taxes. Unfortunately, every day in this country people think of ways and schemes on how to avoid paying taxes.

Our Constitution does recognize the sovereignty of native American tribes. Land that is placed in trust then goes underneath that sovereignty, and on that land there may not be taxes imposed by the Federal Government, just like the Federal Government does not impose taxes on each and every State in a direct manner, but we do on individuals.

Each State in this country is a sovereign State, and each State has different workers' compensation laws, unemployment laws, single business taxes, and also competes against each other in attracting businesses.

But this amendment's intent, I believe, is to start chipping away at sovereignty for native American tribes. The intent is to take away those sovereign rights, and to in fact tax the native American tribes and not individuals.

The authors indicate that the States can do more, and they are trying to level the playing field, but the States have in fact entered into many agreements; like my State of Michigan, they have entered into agreements.

In fact, we have heard throughout this debate today that there are these 200 State tribal taxation agreements in 18 different States. If 18 different States can enter into 200 agreements, why cannot those States who feel they are coming up a little short on their taxation in their States enforce those agreements?

The primary author of this agreement, the gentleman from Oklahoma [Mr. ISTOOK], the Oklahoma Tax Commission has passed legislation as early as 1992 which does impose taxes and does impose taxes on cigarettes and gasoline in the State of Oklahoma. In fact, I have a letter here from Kathryn Bass, deputy general counsel, that says that "in lieu of State tobacco and sales taxes in the amount of 25 percent of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or nonmembership status of the purchasing public."

Mr. Chairman, I include for the RECORD the letter of July 9, 1997, from Kathryn Bass to Mr. Baker-Shank.

The letter referred to is as follows:

OKLAHOMA TAX COMMISSION,
Oklahoma City, OK, July 9, 1997.

PHILLIP BAKER-SHANK, DORSEY & WHITNEY,
Washington, DC.

DEAR MR. BAKER-SHANK: Pursuant to your inquiry, this will confirm that the State of Oklahoma and the Choctaw Nation signed a Tribal/State Tobacco Tax Compact dated June 8, 1992, effective January 1, 1993.

Pursuant to the Compact, the Nation agreed to make payments to the State in lieu of state tobacco and sales taxes in the amount of 25% of all applicable State excise taxes on all cigarettes and tobacco products purchased by the Nation or its licensees for resale in Indian country without reference to the membership or non-membership status of the purchasing public. The payments in lieu of state taxes are collected by the wholesalers selling cigarettes and tobacco products to the Nation and its licensees and are included in the wholesale purchase price of the products.

The Compact is authorized pursuant to 68 O.S. §346 et seq.

Very truly yours,

KATHRYN BASS,
Deputy General Counsel.

□ 1515

So they put in a 25-percent payment in lieu of taxes. That is sort of a creative way in which one State has addressed this issue. I think each and every State should do it that way.

My own State of Michigan, we have come up with ways to place not only excise taxes but also sales tax on whether it be gasoline, tobacco sold by native American tribes or individuals within our State. The problem that we have here is really a State issue. The States have shown the ingenuity to address this issue.

I do not want the Federal Government, this Congress or anyone else telling Michigan how to enter into these agreements with native Americans. I do not want the Federal Government telling us how to do our job back in our States. We have creative State legislators. We have creative Governors. We have creative State tax commissions. They are the best to issue or address this issue. I do not believe it is necessary for us, the U.S. Congress, to start telling the States how to address this issue.

With that, Mr. Chairman, I see this as an attack on the sovereignty of native American tribes throughout this Nation. I would hope that we would defeat this amendment.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

I rise today in strong support of the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] and the gentleman from Indiana [Mr. VISCLOSKY] to promote tax fairness and relieve our Nation's small businesses from unfair competition by Indian tribes.

Let me make it very clear what this amendment does. It simply says that no new Federal lands can be transferred into tribal trust until Indian tribes reach a binding agreement regarding State and local sales tax on sales to non-Indians. The Supreme Court has made it very clear that only sales to members of the Indian tribes holding the land in trust are properly exempted from State and local taxes. But what is actually happening?

Many Indian tribes are using property in tribal trust to operate truck stops, gas stations, convenience stores and other retail outlets without charging any State or local fuel sales or excise taxes. This in turn means that they are selling goods to non-Indians at prices far below what any other small business can charge; in the case of gasoline, some 20 to 30 cents less per gallon.

Mr. Chairman, this is patently unfair. It is unfair to our Nation's small business owners. It is unfair to our State governments which are losing millions of dollars annually in tax revenue. Mr. Chairman, I am all for lower taxes on consumers, but I am also for tax fairness. This is a serious loophole that Congress must close. I strongly urge my colleagues to support the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I would like to address a couple of issues that have been mentioned by some of my colleagues. For example, we heard the argument, well, is this not the same as States having different levels of taxes for gasoline or cigarettes or whatever it might be. No, it is not the same, because this is a patchwork quilt.

This is where the Bureau of Indian Affairs is, for example, taking applications for a tribe in Oklahoma to open up a convenience store at a crossroads of two interstate highways in Ohio where they have never had any historical connection, they do not have any sort of tribal lands or any relevance there except it is a nice location to get a lot of traffic and make a lot of money. An Oklahoma tribe with applications in Arizona, an Oklahoma tribe with applications in Georgia. And it goes on, too, with different States.

We have cities finding that different residential lots, not in one block as part of an Indian area or reservation but in a patchwork quilt, they will come in and take one residential lot in the middle of a community and open up a store and say they are exempt from the zoning laws, as well.

This is more like if one State said, I am going to buy a piece of property in another State, and if I go out of Oklahoma and I go to Missouri and I say, "Now this land I bought is no longer under the laws of the State of Missouri, it is under the laws of the State of Oklahoma." So you could have, for example, Florida with a gas tax of a nickel a gallon saying, "We are going to buy pieces of property in Connecticut where it is 38 cents a gallon. And we are going to undercut the price and we will tell everybody they are not in Connecticut anymore, they are in Florida."

So if they go into Rhode Island where it is 28 cents a gallon, or if North Carolina, with 5 cents a pack cigarette taxes says, "We are going to open up pieces of North Carolina in New York State where the cigarette tax is 56 cents a pack or in New Jersey where it is 40 cents a pack or Massachusetts where it is 51 cents a pack, and we are going to sell it for the taxes only a nickel a pack," you see what happens with this patchwork quilt that is being created.

These are not tribes wanting to have operations on their reservations or on Indian lands. These are tribes that want to pick and choose the premier locations anyplace in the country with no connection, no next door neighbor situation with any existing tribes, not contiguous land, but just say "We want to buy up different tracts and create a checkerboard. And our tribal lands are checkerboarded all over the place, and they all just happen to be locations where lots of people come by to buy gasoline and cigarettes and groceries and evade the tax."

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I will not take much time.

As we conclude this debate, I think it is important that we understand what this debate is not. I will not debate the merits. I made it clear earlier that on the merits, the substance of this, I think this is bad public policy. I think it is extraordinarily important that every Member that votes on this understand what this amendment is about or, more to the point, what it is not about.

I just heard a moment ago the gentleman from California talking about how this would prevent the transfer of any lands until, and then he went on to say, until the tribes have entered into such an agreement dealing with the collection of taxes.

Mr. Chairman, that had to do with an amendment that was stricken on a point of order. This amendment, this amendment that we are considering right now says only that the Secretary may not use any funds in this act to carry out purposes, provisions of the act to acquire through relinquishment, gift, exchange or assignment any interest in lands or surface rights to lands outside of existing Indian reservations.

Mr. Chairman, it does not have anything to do with the issue that we have all been talking about, myself included, about taxes, about whether it is fair that tribes should collect taxes, pay taxes for sales to non-Indians on their reservations. It does not have anything to do with that. It says only that the Secretary may not acquire, do anything, spend any money to acquire any land to put it into trust status. For whatever reason it is being done, no money may be spent.

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, is the gentleman aware there are actually some 30 different laws under which property is taken into trust and the amendment only addresses one specific one, leaving in place a multitude of others which, among other things, permit tribes to acquire hospital property and so forth? Is the gentleman aware that this is only 1 of some 30 different sections under which lands can be taken in and put into trust?

Mr. KOLBE. Mr. Chairman, if the gentleman will continue to yield, I am aware that it is only one of the various provisions, but that one provision does not have to do with just taxes. It does not have anything to do with taxes.

It is only one provision for bringing them in but it is also one that is extraordinarily important and would limit, could have severe limitations on the ability of the Secretary to bring lands into tribal trust status. It is for that reason, Mr. Chairman, I believe that we should reject this amendment.

I understand why the gentleman has proposed the amendment, because it was the only way that it could be brought to the floor, but it is too broad. It does not do what it is intended to do. It goes far beyond that and prevents the Secretary from bringing any land under tribal trust status at any point.

I believe that that is a mistake. I would urge Members of this body to reject this amendment.

Mr. DICKS. Mr. Chairman, I call for a vote on the amendment.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a very interesting debate. I know my father raised me with the belief always that the American Indians had gotten a raw deal in our Nation's history. I have tried to be very sympathetic to many of the problems they have had.

Clearly, from listening to the debate today, this issue of tax collection is being handled very well in some States. But also it is very clear that there are some very serious problems with what is going on in some other areas. Indeed, I think the gentleman from Oklahoma has spelled out very clearly the nature of this problem and the severity of the problem.

Indeed, it is worth noting that if we did not have a problem here and that if it did not need to be dealt with, we would not have a situation where the U.S. Chamber of Commerce, the National Conference of State Legislators, these are all our colleagues who work in the State houses, have supported this. The National League of Cities, no less, is supporting this. So I would encourage my colleagues to vote "yes" on the Istook-Visclosky amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, I hope we can wrap this up.

I think it is important to stress what is happening here, what the Federal Government is making possible because of the patchwork quilt, hundreds of thousands of acres but sometimes it is a quarter acre here, a quarter acre there, maybe a full acre here for a truck stop, convenience store, smoke shop, whatever it may be, with total disregard to the States where a tribe may normally operate, with total disregard to its historic boundaries, whether you are talking about 20th century history or 19th century or 18th century or whatever. It is the basic rule of real estate, location, location, location, that is what is driving this, that and the ability, not because of sovereign immunity, not because of treaties, but, as the U.S. Supreme Court has stated, solely because Congress has failed to act that they are marketing the failure to charge taxes which the U.S. Supreme Court says are owing and are due when non-tribal Members make these purchases.

This is not an old advertisement. This ad is about 8 months old. It is after Oklahoma had tried to get tribes to enter into compacts. Only 3 out of 39 tribes in Oklahoma were willing to do so, despite some very heavy financial incentives, because they can make more money by saying, "Come buy from us, no tax on cigarettes, no tax on gasoline, no tax on beer." And what difference does it make if they are not charging those taxes?

Look at the difference. If you do not charge on gasoline, 26 cents a gallon, you go to the corner, one station has a price 26 cents each and every gallon lower than the other. Where do you take your business? Cigarettes, average of 41 cents a pack. Where do you take your business?

North Carolina cannot come into Massachusetts and say, "We have a 40 cents a pack, 46 cents a pack differential. We are going to open up a branch of North Carolina in the middle of Massachusetts so the Massachusetts businesses cannot do business."

I heard someone on this floor say, well, that is okay, everybody can make

a deal with the tribes. That means if you do not do business with the tribes you cannot stay in business if you do not let them take over your operation. What a difference it makes. This is from an actual retail location. It goes through their grocery, tobacco, beer profit, personnel, expenses, everything. If they have to pay the tax, the business operates an annual loss of $5,500 a year. If they do not have to collect the tax, they make $927,000 profit.

Who can stay in business if the Federal Government permits people to thumb their nose at the law? This is basic fairness. This is basic justice. This is basic playing by the rules. We have $6.5 billion in this bill and in other bills going directly to the benefit of Indian tribes. Do we also say that we want to give them the key to every business in the country, so that those that are trying to abide by the law cannot compete and our local communities do not have the billions of dollars they are losing in gasoline, cigarette, and sales taxes that pays for our roads, that pays for our schools, that pays for public safety?

□ 1530

I urge Members to vote for the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am of a split mind, frankly, on the Istook amendment. I am concerned about some of the issues that he raises, and I frankly think that some of the tribes have abused their ability to have land put in trust. And I think, for that reason, that the authorizing committee in charge of basic law ought to hold hearings and ought to produce a legislative vehicle that corrects that problem.

While the Istook amendment is advertised as attacking a problem such as the differential in tax law that the gentleman has referred to, in fact that is not what this amendment does. This amendment simply says, cold turkey, that none of the funds may be made available for the purposes of acquiring trust lands. That goes too far. It is not consistent with the traditions or obligations of this country, and for that reason I think that the amendment ought to be defeated.

I would also say that I would be much more inclined to vote for the gentleman's amendments in the future if they are not accompanied by an effort to use the congressional frank in order to send material into other Members' districts which is essentially misleading and is not descriptive of the actual amendments before the House.

I am very willing to respond to legitimate suggestions for change in the law, but I do not respond very well to lobbying pressure from anybody, especially when it comes from another Member of Congress. It seems to me that Members of Congress have an obligation to tend to their own districts. I think they ought to be very careful about the nature of mail which they send into other Members' districts under the frank.

The frank is a privilege that Members of this House have that should not be used to create internal lobbying. The gentleman from Oklahoma is well-known as someone who does not like to see Federal agencies or Federal grantees lobbying with Federal money. I also do not like to see Members of Congress lobbying with Federal money, especially when they are lobbying each other through the use of the frank and when frank material is sent into congressional districts which is not consistent with amendments that are actually offered on the House floor.

So, Mr. Chairman, I would simply say that I think there are two problems with the gentleman's approach. First, I do not, for one, think that it is appropriate to engage in what is in essence a lobbying operation with taxpayers' money by sending franked material into other Members' congressional districts.

Second, if that material is sent in, I think it ought to accurately reflect the situation which exists in each of those States, and the material I saw did not.

And, third, I would suggest that the amendment ought to be offered which in fact attacks the problem that is described in the speeches accompanying the amendment. Eliminating all ability to take land in as trust lands is not the correct remedy for the problem at hand.

The gentleman from Oklahoma is correct about the problem. I, for one, very deeply resent the fact that some of the tribes have used existing law to take land into trust and then operate casinos on that land far from their reservation. I think that is an outrageous abuse of the trust privilege.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I also think that it is wrong to convey a misinterpretation of what some of our Governors and some of our State legislatures have been able to negotiate by way of agreements with tribes so that they do, in fact, collect the correct amount of tax revenues from those States.

I would simply say that the gentleman is partially correct in his concern, but this is not the way to go about it. I do not think it is legitimate to wipe out the Secretary's ability to take land into trust across the board when, in fact, the problem is much narrower than this amendment would lead one to believe.

Mr. Chairman, I thank the House for its indulgence in allowing me the additional minute.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I would like to answer what has just been put forth as an abuse of the frank. In fact, the information sent by the gentleman from Oklahoma [Mr. ISTOOK] was to public officials, cleared by the House Committee on Frank; and its erroneous nature will be determined by the facts and not by a Member standing on the floor.

I would rise to support the Istook amendment but begrudgingly. I come from the second largest tribal district in the United States, and I want to describe for the Members of this body what is occurring. In fact, extortion is occurring today as members of tribes go out and tell people who are independent private businessmen, many of which are members of that same tribe, that if they do not sell their fast food stores to them, if they do not sell their gas stations to them, that they will open one across the way and eliminate their business.

So not only is there an unfair competitive advantage, not only is there an unethical approach, but in fact there is extortion, which is under investigation by the FBI at the present time.

This is well-placed common sense. It does not limit all tribal lands coming under trust. What it says, simply, is that there must be an agreement between the tribes.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman was not here, and the only point I would want to make is that, first of all, the first Istook amendment that did what the gentleman wanted to do was struck down on a point of order, so now he has this secondary amendment. Under this amendment, remember now, the Secretary of the Interior must approve this.

I would say to the gentleman, if it was ever done in this kind of a threatening way, we will drive you out of business, that application I think would be turned down summarily by the Secretary of the Interior.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. COBURN was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, will the gentleman continue to yield for one further comment?

Mr. COBURN. I will continue to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the second comment is the parties would have a right to go to court, into federal district court, to stop the transfer into

trust. I would think under that kind of a practice that the courts would strike down the application.

Mr. COBURN. Mr. Chairman, I will be happy to allow the other gentleman from Oklahoma to answer that, but I will tell the gentleman from Washington that presently those very things that he is describing are ongoing without interference from the BIA or the Secretary and, in fact, there is extortion ongoing.

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, I will join the gentleman in going to the FBI, if that is accurate.

Mr. COBURN. Mr. Chairman, reclaiming my time, I would tell the gentleman that I have been to the FBI.

I want to bring one additional point before I yield to the other gentleman from Oklahoma. We have before us an historic agreement on tobacco which has associated with it taxes on tobacco. Do my colleagues know where all the cigarettes will be sold in the future? They will be sold on tribal properties throughout the United States.

The Cherokee Nation, the Creek Nation, the Choctaw Nation, anywhere in history that they have lands, they will come and buy land and claim it as tribal lands, and they will be the sellers in fact of gasoline, they will be the sellers in fact of tobacco, they will be the owners of casino gambling, of bingo halls, and, in fact, the revenue lost to individual localities, municipalities and States will be enormous.

We have to deal with the greater issue: Can there truly be a sovereign country inside a sovereign country? That is one we will not attack. Nobody wants to deal with that issue. That is why we face this problem. And until we say the Indians cannot be truly sovereign, until we stop giving to the Cherokee Nation $100 million a year and allowing them to waste a large portion of that through the problems, if the gentleman is familiar now with what is going on with the Cherokee Nation, then we will not solve this problem.

Mr. ISTOOK. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think the important thing to recall is, as has been pointed out before, there are approximately 30 laws on the books under which the Bureau of Indian Affairs can take property into tribal trust. This amendment only creates a restriction, a moratorium, upon one of them.

The only reason hearings have not been held, of course, is that despite requests many months old to do so, the authorizing committee has not held the hearings although we have requested them.

We have advised people of the provisions which were passed by this House last year by a vote of 212 to 206 which are incorporated in House Resolution 1168 sponsored by the gentleman from Indiana [Mr. VISCLOSKY] and myself and over 50 other Members of this body.

That was what the original amendment was that was offered on this floor because a point of order was raised and sustained against it. Then we came with the substitute amendment which only enacts the moratorium on one of the some 30-odd mechanisms. It leaves in place, for example, the mechanism where they can still acquire property for hospitals and other what is called eleemosynary institutions for public assistance and public good and so forth.

We are trying to target this as narrowly as the House rules permit us. And of course with the assistance of the Senate and the conference committee, we expect to improve upon that yet further.

This is an important amendment, Mr. Chairman, because the problem, as the gentleman from Oklahoma [Mr. COBURN] states, is accelerating, it is growing, and nobody can stay in business when their competitors have this advantage and can locate anywhere they wish without being tied to existing tribal lands.

The moratorium is only on new lands. It does not affect what they may do with lands which the tribes already have, whether they own them outright or are in trust.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would use the time remaining to emphasize that this is a bipartisan proposal between the gentleman from Oklahoma [Mr. ISTOOK] and myself.

What we were trying to do was to ensure that States and locales have the resources to provide for the people that they represent; to provide for a fair playing field for entrepreneurs in this country.

I would emphasize we are not imposing a new tax. We are not taking anything away from Indians in the United States of America. What we are simply asking for is appropriate negotiations as far as State compacts.

Mr. Chairman, I urge my colleagues to support this endeavor.

Mrs. LINDA SMITH of Washington. Mr. Chairman, I rise in support of the Istook-Visclosky amendment. I believe that this legislation will protect small businesses from unfair competition and will ensure that states receive the nontribal tax revenues due them.

The Istook amendment addresses several important issues: Should a program designed to help native Americans tribes acquire lands for agriculture, industrial, and cultural purposes be instead used to drive out local competition? Should the American taxpayer be expected to foot the bill? The answer to both these questions is "no." In fact, the U.S. Supreme Court has ruled that nontribal customers must pay State taxes on goods purchased on tribal land.

For States such as Washington, New York, California, Oklahoma, and Michigan—which are home to sizable tribal lands covering hundreds or thousands of square miles—the costs are extremely significant. My home State of Washington has lost $63 million in lost revenue from the sale of cigarettes alone. This figure, of course, does not include the lost opportunity costs to small business, men and women who were forced out of business because they could not compete with tax exempt tribal lands.

Mr. Chairman, I submit to you that it is unfair that programs and funds intended to be used by tribes to provide low cost food, housing, and to foster native American economic development, and heritage be used instead to fund anticompetitive activities.

The Supreme Court has also ruled that the issue of native American tribes collecting State excise taxes on sales to nontribal individuals that occur on tribal land does not involve native American tribes' claims of sovereign immunity. Nor does it involve any existing treaty obligation of the U.S. Government. It is, instead, a problem which Congress has created and which Congress must rectify. The amendment before us would do that, and I urge my colleagues to support it.

Mr. YOUNG of Alaska. Mr. Chairman, I oppose this amendment. This is a classic example of overreaction by Congress. This is curing a sprained ankle with a sledgehammer.

The gentleman from Oklahoma is trying to solve a problem that exists in a very few instances. I am told that a few Indian businesses are selling large amounts of tobacco and motor fuels without collecting State and local sales and excise taxes. I can appreciate how this gives a competitive advantage to a few Indian businesses.

I will support legislation which will straighten out this problem to the satisfaction of the States and local communities as well as the tribes.

However, I cannot support this amendment because it would place a limitation on appropriated funds that will adversely affect all Indian tribes.

Most lands being taken into trust have nothing whatsoever to do with taxes or commercial businesses. Most lands being taken into trust are small home sites which lie within an existing Indian reservation, parcels of nontrust land scattered from one end of a reservation to the other. Out west this is a very common land ownership pattern and is called checkerboarded land ownership. Administering these checkerboarded lands is a nightmare both for the States and the tribes.

Let me point out that small parcels of Indian land are still going out of trust every year. As a matter of fact, more land is going out of trust each year than is being taken into trust. In 1996, for example, 130,000 acres of land went out of trust and only 55,000 acres were taken into trust.

For decades the Interior Department has been trying to block up these checkerboard lands by taking back into trust those lands purchased by tribes which were originally part of a reservation and then went out of trust under the 1887 General Allotment Act.

The effect of this amendment would be catastrophic for any Indian tribe which has spent years and years and thousands and thousands of dollars buying back their lands. In many instances, these lands purchased by tribes will have little value to anybody unless they are taken into trust.

Tribes are doing this for reasonable, practical purposes. The Bureau of Indian Affairs operates law enforcement programs, road maintenance programs, environmental services programs, real estate services programs, water resources programs, and a large number of other programs which only apply to trust lands. Tribes want their members living on these lands to benefit from these programs.

Trust status defines the jurisdictional powers exercised by a tribal government. It also defines the extent of State jurisdiction. It determines Federal criminal jurisdiction.

The gentleman from Oklahoma wants to solve a commercial tax problem which many of the States have already solved. I am told that even the State of Oklahoma has worked out most of its tax problems with most of its tribes.

This amendment, however, ignores all of these State solutions. Instead, this amendment would completely eliminate the Secretary of the Interior's ability to take any land into trust, in any State for any reason.

Mr. Chairman, this sledgehammer approach is wrong and I urge my colleagues to oppose this amendment.

Ms. DELAURO. Mr. Chairman, I encourage my colleagues to oppose the Istook amendment because it improperly interferes with established practices for placing Indian lands into trust. In addition, the Interior appropriations bill is not the place to consider this ill-advised amendment.

Our country has struggled to address the needs of native Americans who lost more than 90 million acres near the turn of the century. But we have arrived at a process that works under the Indian Reorganization Act of 1934. The Secretary of the Interior is able to consider applications to place Indian land in trust. Placing land in trust is intended to promote self-determination and economic self-sufficiency for tribes. It is important to keep in mind that 40 percent of applications to place land in trust are not approved. In addition, many acres of land are removed from trust status each year. In 1995, more than 130,000 acres went out of trust while only 55,000 acres went into trust.

The Istook amendment rewrites the process for placing lands in trust and could unfairly block Indian lands from entering trust status. It would backtrack on the principle that relations between native Americans and the United States should be at the level of the Federal Government, rather than at the State level where, historically, Indian tribes have been treated fairly. Under the Istook amendment, a State would only need to refuse to negotiate with an Indian tribe in order to block that tribe's lands from being placed in trust.

Finally, the Istook amendment should be opposed on procedural grounds alone. This amendment constitutes a substantial revision of policy toward native American lands that ought not to be attached to the Interior appropriations bill. But at the very least, it should be fully considered before the House makes such a dramatic policy change. Unfortunately, hearings have not been held on the Istook amendment, nor was it considered by the Interior Subcommittee or the full Appropriations Committee.

I urge my colleagues to vote against the Istook amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 14 OFFERED BY MR. HILL

Mr. HILL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. HILL: Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds appropriated or otherwise made available to the Indian Health Service by this Act may be used to restructure the funding of Indian health care delivery systems to Alaskan Natives.

Mr. HILL. Mr. Chairman, I offer this amendment on behalf of the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources. He has been asked by the Alaska regional nonprofit health corporations to offer an amendment to the Interior appropriations bill.

Currently, health care in Alaska's 226 Native villages is provided by 12 regional nonprofit health corporations.

□ 1545

These corporations are governed by elected village government representatives. They set policies and priorities for health care delivery to Alaska Natives within their regions and villages.

This tribally-controlled health delivery structure implements self-governance and self-determination legislation as mandated by Congress. Chairman YOUNG was actively involved with the passage of these important legislative measures to promote self-governance and self-determination by villages in Alaska.

As I just described, these 12 regional nonprofit health corporations provide health care services to 226 federally recognized Alaska Native villages or tribes, consisting of approximately 86,000 Alaska Natives. However, as mandated under Public Law 93-638, as amended, the Indian Health Service has recently let several villages break away from these regionalized health care delivery systems.

This mandatory provision allows the villages to administer their own health care programs, on a fragmented basis, which the IHS funds directly. At the same time, corresponding resources are siphoned off almost quid pro quo from the regional nonprofit health corporations. This, of course, diminishes the quality and extent of health care services provided by the regional health corporations to thousands of village residents.

Chairman YOUNG has fought long and hard for village self-governance and will continue to do so. However, he frankly cannot justify fragmenting and destroying a workable regionalized health care system which at least meets the minimal health care needs of Alaska Natives.

We, as a Congress, have a duty to protect and advance Alaska Native villages and peoples. The provision of adequate health care services must be a top priority in Congress's protection of Alaska Native peoples. After all, we are talking about the life and death of Alaska citizens.

This amendment seeks to protect the health and lives of Alaska Natives by maintaining health care delivery on a regional basis under the nonprofit corporations, which again are governed by elected Alaska Native village representatives. This has proven to be a very effective delivery system in meeting the minimum health care needs of the people. Why monkey around with a program that works?

In the interim, it is the position of the Alaska delegation that Congress, in honoring the U.S. trust responsibility, not allow any more villages to separate from the regional health corporations until Congress takes further action after the General Accounting Office issues a report on the impacts of costs and health care delivery to Alaska Natives.

I urge the adoption of this Alaska-specific amendment.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment will have no adverse impact on the delivery of health services to Alaska Natives. It simply codifies IHS's current policy with respect to the compact between the agency and the Indian health care corporations. To the best of my knowledge, there is no opposition. We are prepared to accept the amendment on this side.

Mr. Chairman, I yield to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, the only thing we have heard is that Health and Human Services is concerned that the proposed amendment could infringe on the right of tribal governments to participate in self-determination contracting and compacting, which is

their right pursuant to the Indian Self-Determination and Education Act.

We understand that GAO will be asked to study the complexities of this situation. It would be prudent to delay action on this matter until the results of this analysis are completed and reviewed by the tribal governments, Congress, and the administration. And this language comes up, this statement comes up with the blessing of OMB and the Indian Health Service.

I am not going to object to the amendment. I think we can check with the administration during conference and make certain that we are on solid ground here. The gentleman has offered the amendment for the gentleman from Alaska [Mr. YOUNG], and I have no objection to it, but I wanted to put this in the RECORD at this point.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana [Mr. HILL].

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. STUPAK: Page 89, after line 15, insert the following:

SEC. 325. None of the funds made available by this Act may be used for the eviction of any person from real property in Sleeping Bear Dunes National Lakeshore that the person was authorized, on July 10, 1997, to occupy under a lease by the Department of the Interior or a special use permit issued by the Department of the Interior.

Mr. STUPAK. Mr. Chairman, I will be brief. My amendment is strictly a limitation amendment which simply prevents the eviction of individuals at Sleeping Bear Dunes National Lake Shore until the abandoned buildings or previous structures are removed and taken care of.

Basically, what it says, Mr. Chairman, is my understanding right now over at Sleeping Bear Dunes National Lake Shore there are over 100 abandoned buildings from folks who had leases with the Park Service. The Park Service was then to tear those buildings down and let the area go back to its natural state.

Unfortunately, the Park Service has not had the money to clean up these abandoned sites, so today there are over 100 abandoned dwellings on the lake shore. There is no money to tear them down, to allow it to go back to its natural state. So they do not have money to do it, but yet we are still evicting people. We are still evicting people. We do not have money to clean up the past abandoned buildings. This year alone 11 more people will be evicted.

What my amendment simply does, it is not a permanent amendment, but what it simply does is holds eviction for the length of this legislation, which is approximately 1 year. There is no reason in the world for an additional eyesore upon the Sleeping Bear National Lake Shore. There is no reason to have abandoned buildings. There is no reason to have deteriorating buildings when we cannot take care of the ones we already have. In a way, it is a 1-year moratorium.

I understand that there is no objection. I want to thank the gentleman from Ohio [Mr. REGULA], for helping me along on this process; the gentleman from Illinois [Mr. YATES], the gentleman from Washington [Mr. DICKS], and others who have worked with us on this process to put the amendment in this legislation.

Mr. REGULA. Mr. Chairman, I move to strike the last word. We are prepared to accept the amendment of the gentleman from Michigan [Mr. STUPAK], but I do want to make it clear that this is only a 1-year, temporary withholding and that ultimately these residents will be required to move. Of course, they will be compensated, but they will eventually be required to sell to the Government. But in view of the fact that the Park Service currently has 100 structures that they have not had the funding to remove, I do not think it would be fair to those that are still there to make them move during the next fiscal year.

I would urge the Park Service to get on with removing the structures that are already there and have been purchased by the Service. By imposing a 1-year moratorium, we give the residents confidence that they will, at least, be able to stay through fiscal year 1998. We support the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I share the concern of the gentleman from Ohio [Mr. REGULA] about letting this go on beyond 1 year. The Park Service has, in fact, written a letter of concern about this. But under the circumstances, if they have not torn down the structures, the gentleman I think makes a persuasive case that for 1 year, at least, we ought to go along with this.

I appreciate the gentleman yielding.

Mr. REGULA. Mr. Chairman, reclaiming my time, I yield to the gentlemen from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I am concerned about the type of precedent. I understand there is a special problem asserted in this particular instance, but the word "eviction" used by the amendment author very much surprises me. I expect that most of these individuals had a 25-year contract that they made to, in fact, utilize the property, and I might add at generally reasonable prices, and receive then the compensation for their property under specific terms of a contract.

I am surprised to hear that there are so many sites. I do not know every year if you look at what is happening with these properties that were largely voluntarily sold, maybe some years ago, that you may be getting into an issue here where every year, even this year in 1997, you may have individuals that are now expected to in fact give up the properties in accord with their agreements. When an amendment like this passes, I think it raises all sorts of issues and questions.

This is not an unusual problem. We had the same thing with the Indiana Dunes, and I think that you will find that there are many Members that have come before our authorizing committee on this sort of matter. So I understand the concerns being expressed here by my friend and colleague from Michigan [Mr. STUPAK], but I also would suggest that there is an issue here that is going to obviously open up the floodgates with regards to this type of orderly agreements and contracts by land management agencies acquiring lands and properties.

I hope the dollars are available for demolishing and moving these empty buildings out, these acquisitions were painful decisions that were made at some expense and time to the taxpayer, Mr. Chairman.

Mr. REGULA. Mr. Chairman, reclaiming my time, I understand the concerns of the gentleman from Minnesota [Mr. VENTO]. This is one of the reasons that we have given the Park Service additional money to deal with backlog maintenance. This would fall within that category, and I emphasize that we are only contemplating this limitation for 1 year.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. STUPAK], who may want to comment.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding. In response to my friend from Minnesota, this has been going on for some time. This lake shore property in my district, there are over 100 abandoned buildings.

Today is the first time I heard where the Park Service, not from the chairman, but we had a letter from the Park Service that said suddenly we have money. For 3 years we have been trying to address it. If this is the only way we can address this issue, then this legislation has a lot of merit because we at least got to addressing the issue after 3 years.

It is not just my district. I know in Delaware and Indiana and other places we have to address it and there has to be some kind of fairness. If we are telling people their time is up, they have to move off, and it is just going to sit there, for a lot of these folks this lake shore property goes through two counties in my district. They are the eyes and ears, and they help out the Park

Service and they keep the buildings maintained. I think that is better than some abandoned building that becomes an attractive nuisance and we have liability issues.

So while I understand the concerns about all the limitations of only 1 year, at the same time I think we have to start addressing it in a very practical manner. I appreciate the cooperation I have received from everyone on this issue.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. COBURN:

Page 89, after line 15, insert the following new section:

SEC. 325. (a) None of the funds made available by this Act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. COBURN. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes and that the time be equally divided.

Mr. DICKS. Mr. Chairman, reserving the right to object, unfortunately, I have been instructed by our leadership that we have to object to any time agreements at this point. I regret that, but I have no choice.

The CHAIRMAN. Objection is heard.

The gentleman from Oklahoma [Mr. COBURN] is recognized for 5 minutes.

Mr. COBURN. Mr. Chairman, this is not truly about biosphere reserves. This is not about the United Nations. What this is about is us as a body and whether or not we are going to follow our constitutional process in this body. This is just one example of many where this body has violated and continues to violate its own rules in terms of authorized programs.

In the last several years millions of dollars have been spent on this program as well as hundreds of other programs without any authorization whatsoever from this body. This amendment seeks to eliminate just one of the many hundreds of areas where money is spent, taxpayer money is spent, never being approved by Congress in an authorizing body, never being looked at completely by that authorizing body.

Second, it lacks complete oversight. There is no oversight into the money, the taxpayer money that is spent. There has been no oversight function whatsoever.

What this amendment attempts to do is to talk to the Congress about returning to do what it is supposed to do. Now if you oppose this amendment, then what you really do is you oppose us operating under the rules that we have set for ourselves, because what in fact we have said is that we are not going to fund money for programs that are not authorized. We are not going to spend American taxpayers' money in a way that we cannot go and see that it is spent properly.

We are not going to spend money on authorizing programs. There were exclusions in the first three authorizing programs that came through this House floor that said we will not allow money to be spent on this until it will be authorized.

So I would simply ask, Mr. Chairman, that we in fact apply the rules of the House and the disciplines that were put there on purpose so that we do the right job with the American taxpayers' money.

Mr. Chairman, I yield to the gentlewoman from Idaho [Mrs. CHENOWETH].

□ 1600

Mrs. CHENOWETH. I thank the gentleman from Oklahoma [Mr. COBURN] for yielding.

Mr. Chairman, I want to very briefly identify with the remarks of my colleagues. This has less to do with the United Nations, but it has more to do with the fact that we as Congressmen must abide by the constitutional responsibilities that we have and, that is, not only to protect the pocketbooks of the taxpayers dollars in good and wise expenditures but also their ability to make a living. A lot of Americans are still having to make a living off the land.

I just want to call attention to the fact that there are 47 biosphere reserve sites already designated in the United States without congressional authority, sites whose acreages would total the land base of the State of Colorado.

We can see Colorado here designated in black. That is the land base that has been designated as biosphere reserves, without any authorization from Congress and without the local people realizing or being informed that this was happening to their land base. It is a serious problem. It needs congressional oversight and congressional authority.

Mr. TORRES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly oppose the gentleman's amendment to prohibit U.S. funds for the U.S. Man and the Biosphere Program and for the World Heritage programs which are both administered by the United Nations Educational, Scientific and Cultural Organization [UNESCO].

As the gentleman points out, I think erroneously, these programs do report on how the money is expended on those particular programs. Regrettably we are not members of UNESCO, the United Nations group. President Reagan made sure of that by taking us out during his administration. I contend that we ought to be back in the organization so that we could sit at the table with other nations and obviously have a better sense of monitoring. But this amendment, Mr. Chairman, caters to the ill-founded fears of a tiny minority of people in this population of ours who sees a worldwide conspiracy behind every UNESCO program.

Frankly, the debate on this issue has surfaced some of the grossest distortion of facts that I have witnessed in a long time. Digressing a bit, I might talk about a small minority in this country who many years ago was known as the Know-Nothing Party. The Know-Nothing Party talked about a great world conspiracy to take over the United States. As a matter of fact, they said that the Washington Monument was being built by the Pope to commemorate his taking over the sovereign United States. To prove that, they said that the marble to build the Washington Monument was coming no less from Italy.

Well, the Know-Nothing Party was effective. They scared everybody in town and they stopped building the Washington Monument. They stopped for about 50 years, as a matter of fact. The Washington Monument lay by itself there, a third built. If Members go out and look at the Washington Monument today, they will notice that it is two-toned. It is two colors. Years later when Abraham Lincoln was elected into office, he said, "that is enough of this scare tactics, let us finish the monument". However, when they went back to Italy to the quarry, they were out of that marble. So they had to go to another quarry to try to match the marble but they never could. Instead the marble was a shade lighter. That is why the Washington Monument is of two colors.

The Know-Nothing Party had been effective in their panic to stop it. That is what I think this group is doing today. Those who support this amendment maintain that the inclusion of Federal lands in the World Heritage list somehow transfers U.S. sovereignty over our lands. It is just plain false. It is plain untrue. It is a scare tactic. It is going back to the Know-Nothing Party. Perhaps, as I said, even deliberately misconstrued.

The World Heritage program and the U.S. Man and the Biosphere Program in no way transfers any lands from the United States to the United Nations or any other sovereignty. These programs are simply voluntary vehicles for designated areas around the world as international treasures that must be preserved, and to protect the people of

the world from the problems of pollution that, as we are well aware, knows no national boundaries.

The World Heritage list has no force of law. Rather, it is a statement of principles that acknowledges the value to the world of our national treasures. I do not know of anyone who does not agree that Yosemite National Park, or the Grand Canyon, or similar areas must be protected from overdevelopment and from pollution.

UNESCO program bashing, in my opinion, is a cover which attempts to remove the United States from any multilateral efforts to address the negative effects of pollution and development. This amendment attempts to continue this coverup. It is not honest in its goals of information, and it is viewed by our allies around the world as further proof that the U.S. legislative process is being dominated by a minority of people whose vision of the world, if enacted, would guarantee our children and their children with an environmental nightmare devoted only to exploitation and greed.

Mr. Chairman, this is a bad amendment. It caters to fear and misinformation. It is not worthy of enlightened people. It is not worthy of our Nation, and it deserves to be soundly defeated.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma. While we all want to see our national parks preserved, I believe we have a responsibility in this body to have some oversight of a program such as this where we are designating huge areas of our country to be involved in an international program. This is not something that has been debated by an authorizing committee at all. We have no legal language on it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding. This is just the first misunderstanding, I guess, about whether or not there has been authorization action or oversight action on it. I would just suggest to the gentleman that each year that I chaired a subcommittee that, the ICOMOS which is one of the arms or organizations, did come before us and ask for and talked about funding for some of the programs. Furthermore, the World Heritage site is not only authorized under the Historic Preservation Act but has also been passed as a 1973 treaty.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would point out again, there has been absolutely zero authorization in this body for this program or for the expenditure of any money associated with it. There is no question. Questions have been asked. This has nothing to do with the United Nations. I can give the gentleman a list of 100 other programs that this body is spending money on that we have no right spending money on because we have abandoned our own rules.

I would bring out an additional point. The gentleman from California [Mr. BROWN], the ranking member on the Committee on Science, is bringing forth legislation to authorize this, as it should be. The Congress ought to debate this issue in the appropriate committee, which is his committee. We ought to have the testimony of those people who are both for and against it come before Congress, a reasoned and thoughtful decision ought to be made, and once that decision is made, then that ought to be brought to the floor of this House. That has not happened. It violates the very principle of the democracy under which we operate and the rules under which we operate this House. When that in fact does come, then we should have the vote on it. In the meantime, we violate our principle of trust to the American people for spending money that has never been looked at by Congress and never been oversighted.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. I appreciate the gentleman yielding, getting between me and the gentleman from Oklahoma [Mr. COBURN].

Of course, I think he is speaking of the Man and the Biosphere Program, not the World Heritage Convention, which is, after all, a treaty which has been approved and which is authorized in the Historic Preservation Act. The Man and the Biosphere Program draws funds from a series of different research allocations from various agencies in the Federal Government, I think some 14 different agencies, if my memory is correct, all of which are authorized to expend such research funds.

The fact is that they have general authority to spend money on research. We do not design their projects. Congress appropriately permits some discretion. The issue is whether or not the MAB Program has general authority. If there is a contest about it, and the gentleman from California [Mr. BROWN], I respect him and the gentleman from California [Mr. MILLER] for submitting legislation on authorization, but it is sort of like the redundant reiteration of the self-evident. Someone is doing it because they want to take on that challenge, but meanwhile we should not stop the funding.

Mr. WELDON of Florida. Reclaiming my time, some serious concerns exist with this Member regarding the authorization of this in terms of serious concerns raised by a lot of my constituents in terms of what this actually involves. I think to ridicule the opponents of this as though they are members of a flat earth society is wrong. I am on the Committee on Science along with the gentleman from California [Mr. BROWN] and the gentleman from Oklahoma [Mr. COBURN]. We really need to have a serious vetting of this issue, exactly what the program involves, what exact bearing it may have in the future in terms of our control as a body as the U.S. Congress of these national parks and these so-called biosphere areas and exactly what will be the United Nations involvement in them. After that process, it may be determined that this is certainly nothing that we need to be concerned about and it may garner the support of this body. On the other hand, I have yet to be convinced.

Therefore, I feel that the gentleman from Oklahoma's amendment is a good amendment, I support his amendment, and I have supported his amendment in the committee.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, first of all, I would like to just get a few facts out here on the table. I think this is important. Under the World Heritage Convention, each nation nominates its own most important natural and cultural sites and pledges to take the necessary steps to preserve and protect them under its own legal system. The treaty implementing legislation and program regulations mandate a process that is orderly, predictable, and exacting, requiring a minimum of more than 2 years between the proposal of a site for study and its consideration by the World Heritage Committee. The U.S. nomination process is clearly delineated in law and regulation, title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

Under the regulation, the National Park Service staffs the Interagency Panel on World Heritage, which is advisory to and chaired by the Assistant Secretary for Fish and Wildlife and Parks. The panel meets in public sessions to consider proposed nominations and to review completed studies. Proposals to nominate have originated from private organizations and citizens and local governments as well as from park superintendents.

Every proposed nomination has a strictly defined boundary. The criteria and documentation requirements for nominations are highly selective. Many proposed properties have been turned down or deferred for cause. Relevant committees of the House and Senate are notified of all pending proposals and again informed when the department has decided to nominate a property. Over the years when Members

have commented, they have commonly supported proposed nominations in their respective States. This whole thing started under the Nixon administration.

Since 1979, when Yellowstone and Mesa Verde were placed on the World Heritage list, 18 other U.S. sites have been added, for a total of 20. A handful of others have been nominated but not listed.

□ 1615

No new proposed nominations are being actively considered. The World Heritage Committee, composed of representatives-elect from 21 member countries, review all national nominations. At present 506 properties have been listed. The committee also places properties on the list of World Heritage in Danger. Only the committee can place properties on either list. Neither listing action imposes any legal requirement for U.S. sites beyond those already contained in U.S. law.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I just want to say I think the gentleman is making a very good statement in pointing out the preparation and the information that is available to the public generally and to Members of Congress specifically, and I realize that many of us have not had the opportunity to learn all of this in detail, but the presumption, I think, should be on two decades of bipartisan support under both Republican and Democratic administrations.

I point out that the gentleman pointed out 16 of the sites are actually national parks and 4 are not, but that no private site would be listed without the consent of the owner.

Mr. DICKS. That is correct.

Mr. VENTO. And that this places no additional restrictions or interferes in any way with the sovereignty or the property rights of any individuals in terms of these World Heritage sites.

Is that the gentleman's understanding?

Mr. DICKS. That is correct, that is my understanding.

Mr. VENTO. I appreciate the gentleman's having yielded to me.

Mr. COBURN. Mr. Chairman, would the gentleman yield to me? He has given me so much data with which to look at, so for just a second?

Mr. DICKS. Yes; I am glad the author of the amendment wants to be informed. I think it is quite good, and I yield to him.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Washington [Mr. DICKS] has expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. COBURN. First of all, there have been no statements from me in putting forth this amendment that I objected to the World Heritage Reserve Program. Never said; no, I have never said that.

No, the point is, and authorizing language that the gentleman, the implementing language that the gentleman from Washington states, title IV of the Historic Preservation Act; could he please inform me the date in which we signed on to this treaty?

Mr. DICKS. 1973.

Mr. COBURN. And could the gentleman in fact tell me whether since that time this has come before the Committee on Science or the other authorizing committees to, in fact, implement this treaty and the language associated with same?

Mr. DICKS. The gentleman, I would refer him to the Constitution of the United States, under which the Senate of the United States has the responsibility for the ratification of treaties, giving its advice and consent.

Mr. COBURN. Mr. Chairman, would the gentleman continue to yield to me?

Mr. DICKS. Yes; I continue to yield.

Mr. COBURN. But the Senate can originate no spending, and therefore the House has to originate spending, and to do that it has to have authorized programs under which to do that, and I would just like a reference to where the authority comes for the House to spend money that has never been agreed to by the respective committees that have jurisdiction over that money.

Mr. DICKS. Mr. Chairman, as I understand it, and I quoted, and I will try to go back and find the section under the Historic Preservation Act, there is authorization for this program. That is my understanding.

So I guess the point I am trying to make here is I think we have a program that is working very effectively, and the idea of cutting off the money for it and saying no money shall be spent I think is unnecessary.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, I mean it is authorized under title IV of the Historic Preservation Act, the amendments of 1980, the subsequent amendments of 1982, the reauthorization of it in 1988 for 25 years.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield, how much money is authorized?

Mr. VENTO. There is not a specific amount autorized.

Mr. COBURN. Exactly my point.

Mr. VENTO. Mr. Chairman, that is not the gentleman's point. The point is that we do not always authorize a specific amount.

Now, the gentleman may object to the fact that there is not a specific amount authorized, but general authority exists within the rules of the House and the Constitution.

Mr. COBURN. Mr. Chairman, if the gentleman would continue to yield?

Mr. DICKS. Mr. Chairman, I am not going to yield any further. It is under the Historic Preservation Act. I think there is legal authority for this. Here it is.

Title IV of the Historic Preservation Act of 1980 and 36 CFR 73, the World Heritage Convention.

I would also point out that not only was this done under the Nixon administration, but finally the Reagan administration chose to highlight one of its most major initiatives in private sector fund raising for parks, the restoration of the Statue of Liberty, by nominating the statue to the World Heritage list in 1984.

The CHAIRMAN pro tempore. The time of the gentleman from Washington [Mr. DICKS] has again expired.

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, I would urge my colleagues to oppose this amendment. I think it is unnecessary. I think there has been a lot of fear mongering about this. My view is that it is a very solid, common sense oriented program that also has done a lot of good, but the World Heritage parks, sites that have been named have actually, we have seen an increase in tourism. More people want to go to those sites.

So I think it has been an advantage to the communities where there has been such a designation.

Mr. STEARNS. Mr. Chairman, I move to strike the requisite number of words.

I rise today in support of the Coburn amendment. As my colleagues know, in these debates now and then we get off track. I think we have to go back and read what the amendment really says. So let me just refresh everyone's mind. It is not dealing with tourism, it is not dealing with talking about past accomplishments of different Government agencies or Government owned projects. It is basically dealing with the present funding of programs that originated in the U.N. These programs are being funded illegally.

The amendment reads "none of the funds made available by this act may be obligated or expended for the Man and Biosphere Program or the World Heritage Program administered by the United Nations Educational, Scientific and Cultural Organization."

Now I would remind all my colleagues that on June 11, 1997, in Rollcall 198 we had this same vote. It passed 222 to 202. So for the folks on that side of the aisle I think they should remember this has already been

voted on by the House and was passed overwhelmingly.

Second, the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources, had a vote on what is called the American Land Sovereignty Act. That passed overwhelmingly, 246 to 178. That act would require specific congressional approval before any area within the United States is included in an international land reserve and require specific accounting of all funds used to support the Biosphere Program.

So we have on record two votes that clearly show that the majority of the Members here in Congress at least on the House side supported it.

Now the Biosphere Program and the World Heritage Sites Program have designated a combined total of 67 different U.S. sites and hundreds of thousands of dollars of taxpayers' contributions without any authorization from State and local governments or any Members of Congress, from either body. These two programs are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization which is UNESCO. UNESCO was so poorly run and physically mismanaged that the United States withdrew from this agency in 1984. I say again, we withdrew. The United States withdrawal from UNESCO included disallowing any U.S. funds from going to this agency.

Unfortunately, that is not the end of the story, and that is why we are here today, and that is why we have had the two previous votes on this matter. The State Department doesn't get it. Overwhelmingly, the House approved it. UNESCO and the Biosphere Program have been illegally funded by usurping U.S. tax dollars. This has been done by the creation of the U.S. Man and the Biosphere Program as a separate office within the State Department.

Now, there is no one here in this House who wants to have a separate program in the State Department funded without the approval of the duly elected Members of Congress. So our responsibility is to pass this amendment, and that is what we have done previously.

Mr. Chairman, the committing of U.S. lands to the terms of an international agreement, particularly without approval of the people in this body, is flagrantly violating constitutional responsibility and infringes on the most sacred and important individual property rights that we have. First and foremost, State and local governments should have the full authority to choose whether an area within their jurisdiction should be part of any international designation. Then and only then should Congress become involved by also approving and then by authorizing funds to be used in such programs; under the current status, neither of these cases is occurring. But frankly, we don't want our lands ever being controlled by anyone except the U.S.A.

This little simple amendment which has passed overwhelmingly twice this year is a correct and appropriate execution of our constitutional responsibilities to account for the expenditures of all public moneys. We need to do this amendment on every appropriations bill so that we stop the use of unauthorized funds.

I strongly support this measure and urge my colleagues to do the same, and I would conclude by citing an article from the Jacksonville, FL, Times Union reported in May of this year that the Man and Biosphere Program and the American Heritage Program, agreed to pay for food, lodging and other expenses for a hundred experts to travel and to attend a conference in Maine dealing with the repair of the Everglades in Florida. They went up to Maine. Right? Maine is where they have their meeting, and the Everglades is in the southern tip of Florida. I am certain many taxpayers would question the use of Federal funds to pay for individuals in Florida to attend a conference in Maine to discuss solutions occurring in Florida.

Mr. Chairman, we cannot let this continue. So I urge my colleagues to pass this amendment. And remember we have passed it overwhelmingly before.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment before us. I would not normally take the floor on something like this, but I need to point out that the Man and the Biosphere Program is essentially a research program within the jurisdiction of the Committee on Science, and I am constrained to speak on the matter because of that.

Now, it seems to me that there is a number of different motivations or reasons behind the opposition of the proponents of this amendment, and most of these have been stated: that it does not have an authorization, that it is under the control of the UN and that it deprives State and local government of certain prerogatives to which they are entitled. I think that a review of all of these matters would indicate that the proponents of the amendment are stretching things just a little bit.

There is, in fact, no specific authorization for the Man and the Biosphere Program. On the Heritage Program, there apparently is authorization contained in both treaty and authorizing legislation.

With regard to authorization for the Man and the Biosphere Program, as my good friend, the gentleman from Minnesota [Mr. VENTO] has pointed out, funding for this program comes from 14 different agencies, which is more than I recognized, and in each case the agency is authorized to conduct the kind of research which it supports in the Man and the Biosphere Program. So within the general authority to do the research in each of these 14 agencies they are supporting research in the Man and the Biosphere Program.

Now I will admit, and it is a good point that the proponents of this amendment make, that there is no specific line item authorization for this in any legislation, but I would point out that that is not an unusual situation in this great Congress of ours. There are many programs which have gone on for years, which do not have specific line item authorization. The most vivid that I can point to right now is this wonderful Mars Pathfinder Program, a multi-hundreds of millions of dollars program, far more expensive than Man and the Biosphere, and there is nowhere an authorization for this program, which is continuing for the next couple of decades.

Now I might regret this, I might like to have a specific line item authorization for the Mars program because it would provide more control and oversight and attention and be very desirable. The Congress has to make judgments about what detail it goes to in the authorizing process. In the case of the Man and the Biosphere Program, I think it should be authorized. I concur with the proponents of this amendment that it would be helpful to conduct oversight, to have an authorizing committee with the responsibility to make sure that there was no hanky-panky going on here, in case there is any allegations that there is, and to specify the policy direction of the program, the degree of State and local interventions and the amount of money that should be spent. And I hope that the gentleman will join with me in attempting to pass such an authorization bill.

□ 1630

Because of the ambiguity of congressional committee jurisdictions, I think the Committee on Resources will have some claim to jurisdiction here. The ranking member of the Committee on Resources and I have jointly sponsored this amendment, and we welcome sponsorship from the majority side of both of these committees as well.

Most of the arguments that I have heard with regard to the merits of the Man in the Biosphere Program I do not agree with. I think this is a meritorious research program. It is one which, as has been indicated, is extremely important to develop comparative scientific data about conditions that exist all around the world.

There is no other way to get this comparative analysis without having research sites, sites that have been identified as being unique, that can be studied in various different parts of the world, where they represent different ecological conditions and other factors.

I think that the only thing some can say against it is that it was conceived by UNESCO, which my good friend, the gentleman from California [Mr. TORRES] used to serve as ambassador from the United States. He is not responsible for the program, though. However, the international scientific community is heartily in support of this program.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise on this issue. I was not intending to speak here, but I was monitoring this in my office. I just heard some statements I could not believe. I think the authors of this amendment have not done their homework and they are leaping before they are looking.

This program, as the gentleman from Washington [Mr. DICKS] has said, has been around since 1971. We have 15 Federal agencies that participate in it voluntarily. The total amount they spend is $115,000 of contributing money. That is about $10,000 per agency that they contribute. In my State of California we have 25 sites that have been designated. I might add that they have been designated out of the initiative of the local community to do it.

What they are suggesting here is that Federal agencies should not participate in this, and essentially that we ought to be the micromanager, the mother of every kind of interest in our local communities, because it has some kind of United Nations attached to it. We will get to a Congress that will want to screen every tourist that comes to our district from out of State, we will want to make sure that every type of weather satellite going over our country is monitored, and so on.

Mr. Chairman, the point is that this program is absolutely harmless. There are 15 State parks in California that have applied for this and have been designated, including some public water districts, like Marin Municipal Water District, a private ranch owned by the Audubon Society, and in fact, I am up here speaking about it because property that my family and other families own, private land, eagerly sought this designation because we want to be part of this international monitoring station.

Mr. Chairman, I want to make the point here, that it was stated that there was no local knowledge of it, that it was some kind of umbrella brought out of some kind of international community. You do not participate in getting these nominations; it is a competitive nomination. You do not get any junk land in here, you do not get any land in here that does not have any scientific interest in it, that there is not an ongoing monitoring by the scientific community. All of these people want to be in this. They want to be part of this.

This is a biosphere all over the world. How are we going to learn about global warming, how are we going to learn about the impacts of air quality, how are we going to learn about migratory birds that do not know that they have to fly under United States rules? These are the kinds of things that biostations give us information for.

We cannot be here in Congress and say because we are participating in this in an international community that we have to strike the money and we cannot do anything with this program. Do not be so ignorant about this globe. It needs international monitoring and these biospheres do it, and the properties that are in it have been eagerly sought after to get into the program. It is tough to become nominated for a biosphere. It is an honor. I am proud that my land, our land, is in that.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, the question I have is one or two, really. No. 1, the gentleman desires to be part of the boundary area around this biosphere reserve program, and the gentleman did of course check with everybody else that was going to be involved in that?

Mr. FARR of California. I did not check with the U.S. Congress.

Mr. COBURN. I am talking about local property rights, to make sure everybody that was included in it had their individual rights as property owners checked as well. That is one of the real complaints. We can ignore it and say everybody is fanatics, flatlanders, and the know-nothings. But the fact is there are some genuine concerns about property rights associated with this issue. The gentleman can step on it, ignore it, and say they are just goofballs and ignorant.

Mr. FARR of California. Name one single property right issue that is violated by naming this as a biosphere.

Mr. COBURN. There are three States that have already issued through the State legislatures a requirement that they not have this U.S. Man and the Biosphere: Kentucky, Colorado, and the third is Alaska.

Mr. FARR of California. What is the restriction? What is the point of the gentleman's question?

Mr. COBURN. They have had impact on the lands.

Mr. FARR of California. What impact? Name one.

Mr. COBURN. Use. Use of their lands; land value, changing land value.

Mr. FARR of California. What? There is a restrictive use because you might measure the weather, because you might measure the rainfall?

Mr. COBURN. Would the gentleman from California continue to yield to me and let me give him an answer?

Mr. FARR of California. I am trying to get an intelligent answer.

Mr. COBURN. Having been unintelligent and ignorant, what I would put forth and focus on is there are people who do not have the right to do what they had the right to do before the Man and the Biosphere Program came into their own land.

The gentleman can say that does not exist, but there was testimony in the Committee on Resources about the State of New York, the Adirondacks, and I would refer the gentleman to that testimony, where local landowners and officials referred to that.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. FARR] has expired.

(By unanimous consent, Mr. FARR of California was allowed to proceed for 1 additional minute.)

Mr. FARR of California. Mr. Chairman, I will give a very clear answer to the gentleman's question. The U.S. Constitution protects us on a takings issue, and most constitutions, including that of the State of California, protect us on a takings issue. There is absolutely no taking by nominating and being accepted as a biosphere property. It is simply——

Mr. COBURN. If that is the case, then let us authorize it and do it right, rather than do it in an unauthorized fashion.

Mr. FARR of California. It has been done by treaty.

Mr. COBURN. The U.S. Man and the Biosphere Program has never been authorized, never. The gentleman's side does not dispute that fact. It has never been authorized. So let us authorize it, if that is the case.

Mr. FARR of California. When we sign a treaty that authorizes it.

Mr. COBURN. No, that is the World Heritage preserves. All treaties, all treaties have to have implementing language and also appropriations that come from authorizing; that is, if we would look at the Camp David accords, we do not just automatically let the State Department spend what they want to spend on it.

Mr. FARR of California. In closing, Mr. Chairman, there is absolutely no violation on property rights; I am talking about biosphere, that applies to property. I know it, I own it, I participate in it, and there is no violation. Therefore, there is no need for this amendment.

Mrs. EMERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am sorry I missed part of this debate, but let me talk about a specific example of a Man and the Biosphere reserve program that had been set up in my district in Missouri. It was called the Ozark Highlands Man in the Biosphere Preserve.

Mr. Chairman, we would have had two-thirds of my district and probably

the northern third of the Arkansas district that borders mine, a little bit of the district of the gentleman from Arkansas, Mr. MARION BERRY, and a little bit of the district of the gentleman from Arkansas, Mr. ASA HUTCHINSON, tied up as a Man and the Biosphere Reserve Program. Let me just talk to the gentleman about how this came about.

First of all, if you do designate a Man and the Biosphere preserve area, local citizens and local presiding commissioners and county officials need to be involved in the process. This did not happen in my district.

All of a sudden the Park Service and all of the other land management departments decided that this would be created. There was no local input whatsoever. We were not told about it. We were not told about it. Then finally our folks heard about it through the grapevine, if you will, and, consequently, with the outrage and an outcry from thousands of residents within our district.

That was not because necessarily of the core area. The core area was on public lands. But the surrounding buffer zone would have tied up two-thirds of my district, and limited land use and economic development and other things in an already very poor part of my district, with no local input whatsoever. That is not right.

Mr. FARR of California. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from California.

Mr. FARR of California. First of all, Mr. Chairman, the local planning is done by zoning that is under control of local government and cannot be violated by a biosphere agreement.

Second, it was on public lands, as the gentlewoman indicated, not private land. The management plan for that biosphere is done by those agencies that govern that land.

Mrs. EMERSON. However, Mr. Chairman, first of all, the buffer zone, which was much larger than the core area which would be designated by the Park Service and other land management people, is private land for the most part. I can assure the gentleman that not one local official, and there are no zoning Commissions in my particular part of Missouri, but the presiding commissioners of the counties involved, as well as local citizens, were not alerted, not asked for their opinion whatsoever.

Mr. FARR of California. What was exactly proposed in the biosphere that made it so controversial?

Mrs. EMERSON. The fact that private property management would be restricted.

Mr. FARR of California. That cannot be done.

Mrs. EMERSON. I know that it cannot technically be done, but let me tell the gentleman, I will share with the gentleman all of the proposals as they existed before they were pulled back by the Park Service and others, because there was such an outcry. I will show them to the gentleman, and they indicate very emphatically that there were limitations, restrictions put on it.

Mr. FARR of California. I would say to the gentlewoman, it is my experience that you cannot create anything greater than what has already been created by the local planning process. In the gentlewoman's State, she may have less of a degree of planning process than our State does. That is why in our State when we have quality areas, they want to become biospheres, because it is almost bragging rights that says, as the gentleman from Washington [Mr. DICKS] says, it becomes a tourist attraction for the area, like a national marine sanctuary does or a national park does. Those are much more restrictive because we actually write rules and regulations.

The biosphere is a bottoms-up, applied-for process.

Mr. COBURN. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Oklahoma.

Mr. COBURN. I just think the point needs to be made, Mr. Chairman, the core area of the biosphere, I do not have any objection to it at all. The fact is, it has a tremendous impact on other people, without a good representative walk through our body.

If Members will look, this is an exact diagram of what they all look like in terms of their impact. There is a core area that is designated. Then there is a managed use area that limits—and these are all private lands that the gentleman has agreed to, himself, that in his land he wants it managed in a certain way, but it has to be agreed to. But a third area is a zone of cooperation which impacts people's ability to do with they want with their land.

Mr. FARR of California. If the gentlewoman will continue to yield, it does not, Mr. Chairman, I would say to the gentleman. Nothing changes by a biosphere.

Mr. COBURN. It does not in the gentleman's area, but it does so in many other areas in this country. That is the difference.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would appreciate it if Members would not speak until they have been yielded to or control the time.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I think it is abundantly clear that the sponsor of the amendment and others first of all have tried to portray this as not being authorized. That did not sell, because of course there has been authorization, and while Man and the Biosphere receives funding from 14 different agencies and departments, all of which are authorized with some discretion to spend such research money, there is no such clear-cut case. If that were the case, Members could get up on this floor during an appropriation bill and strike it from the bill because it is not authorized.

I might say, the lack of authorization process in this House has never received such attention as it has in this particular case, suggesting ironically in error that there is not authorization. If that were the case, Members could have struck this on a point of order, but Members cannot because that is not the case.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Oklahoma.

Mr. COBURN. We would be happy to strike it on a point of order, but they would not specify putting the money out on a line item, so we cannot.

Mr. VENTO. Reclaiming my time, Mr. Chairman, that is not the issue, I would say to the gentleman. Now we are getting to some theory about how biospheres are functioning and how they may limit activities.

The fact is, Members cannot come up with a single example, a single example, of anyone that has had any limitation placed on their private or on public property that is due to these listings. When the gentleman is asked to do that, he will not do that.

Mr. COBURN. Mr. Chairman, if the gentleman will continue to yield, I will give the example, in upper New York State, the Adirondacks. In the district of the gentleman from New York, Mr. JERRY SOLOMON, there was testimony before the Committee on Resources in his district. I would be happy if the gentleman would read that.

Mr. VENTO. The gentleman had better have it for the RECORD. When we get out here, we are not dealing on testimony itself. Sometimes it is erroneous. Individuals can say anything, but what are the facts.

□ 1645

I understand one aspect and that is that some have fears and concerns. I think that you are representing those fears and concerns. I regret that. But that is the case, that there are those type of concerns, but I think there is not a basis for this fear and accusations about these two programs.

I would think that each of us that brought a serious amendment, as this is a serious amendment, that we would back that up. The fact is that this amendment does great harm in terms of what would occur, and the message sent if it is enacted. We are the leader, basically, the United States. These programs were initiated by the United States, both the World Heritage Convention and the Man and The Biosphere Program. To date, nearly 150 nations have joined with us on the World

Heritage Convention, 125 in terms of Man and The Biosphere.

What this amendment has the effect of doing is relegating us to a cultural and environmental isolationism which suggests that we are no longer going to cooperate, in an era when we look at the international and national boundaries of our Nation and recognize the inherent logic in terms of working and collaborating and cooperating with other nations in terms of dealing with, as in the case of Man and The Biosphere, which the gentleman from California [Mr. BROWN] rightly said is a research program.

Where are these research dollars being spent? I found it interesting that so many of my colleagues from Florida had opposition to this, because I found that the University of Miami is one of the sources of a couple of the different grants, of some half million dollars of research grants. They receive a significant amount; the University of Alaska, the University of Boston. Of course they did find that the Danish polar center in Copenhagen received $6,000. I guess that is with regard to polar bear migration.

The purpose is clear with these programs, to try to come together and intelligently do research. There is no sovereignty loss. There is no property rights affected by these two voluntary programs.

I think the true nature of this particular amendment is reflected when we get somebody up here with a map of the United States with a black hole in the middle of it, the fact that they are attempting to try to portray these programs as something that they are not. I think that is the reason, because of the misunderstandings and misconceptions that persist, that any amendment like this has ever passed. There is no basis for the enactment or passage of this type of amendment or other negative amendments that deal with the Man and The Biosphere or the World Heritage Convention.

These two programs are important steps where the United States has actually led the world in, and attempted through voluntary means to gain cooperation and recognition by listing those sites that are important to ecosystems, for research or preservation on a collaborative basis, or those sites that have special cultural or environmental significance.

It defies me that the opposition here has tried to, first on a technical basis and then on a substantive basis, but with no facts, there are certainly fears, there is emotion, but there is not the type of substantive criticism that would justify any type of retreat from these two programs. In fact we ought to be doing more of this type of work as we look into the next century. We ought to do much more of this type of work. I think these are important programs. I urge my colleagues to oppose this amendment as the poorly conceived amendment that it is.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one example is the Mammoth Cave Area Biosphere Reserve.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. DICKS. Mr. Chairman, if the gentleman will continue to yield, the Mammoth Cave Area Biosphere Reserve, with the national park as its core protected area, has therefore utilized its stature to better address local conservation and development issues, including securing additional financial resources not previously available. Landowners and communities have derived tangible benefits, received recognition for working together to resolve complex conservation and development issues and protect resource values.

A survey of biosphere reserve managers in 1995 suggests that in cases where their cooperative activities identify explicitly with biosphere reserve concepts, there are more cooperating parties and more participation of local organizations than in cases where such cooperation was merely consistent with these concepts.

The point here I think is that these have worked to the benefit of the local community. I have got two in my State, the Olympic national biosphere reserve and Mt. Rainier. Both of those have been very popular. We are in the heart of marbled murrelet, spotted owl country out there, where disputes rage over Federal involvement. But in this case the biosphere reserve has had the local support and, therefore, I think is a good deal.

What I worry about here is by putting in this amendment, this kind of a meat-ax approach saying no money shall be spent, that means we just cut off this program. We have not had any hearings to cut off this program. It has been in existence.

Mr. VENTO. Mr. Chairman, the gentleman is exactly right.

Mr. DICKS. Mr. Chairman, we ought to stay with this. If the gentleman and the Committee on Resources want to have hearings, have hearings until the cows come home. Then bring some legislation out here.

Mr. VENTO. Mr. Chairman, this is an entirely voluntary program on the part of the Nation and on the part of private landowners. We have provided the impetus, the United States has, to provide encouragement, the education, the preservation of these sites on a voluntary basis. It defies logic to have an amendment like this which would completely arbitrarily withdraw us for no good reason other than to satisfy some conspiracy theories which have cropped up in recent years. Let us be led by reason not emotional falsehoods.

Mrs. EMERSON. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mrs. EMERSON. Mr. Chairman, I would like to ask my good colleagues the gentleman from Minnesota [Mr. VENTO] and the gentleman from Washington [Mr. DICKS] if they all have proposed in their districts, their specific districts, a Man and The Biosphere Program?

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, yes, I have on the Olympic Peninsula, and it is in the Olympic National Park.

Mrs. EMERSON. Mr. Chairman, were the gentleman's local citizens included in the process? Which of his local constituents were?

Mr. DICKS. Mr. Chairman, if the gentlewoman will continue to yield, I think it was Olympic National Park. We have an active advisory group that nominated it to be part of this.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I represent a largely urban area, but there is a 2-year notice provision that is given prior to the Man and The Biosphere listing. These voluntary listings that do not affect sovereignty. That is the intention. I regret that it engendered great controversy in the area of the gentlewoman because of what I believe are misunderstandings. But it must have worked. When that did occur, there was a withdrawal.

But they have interspacial centers in Kentucky. They have the coho salmon program in my colleague's district in Washington. This is a wonderful program in terms of research, and the fact that you are attempting to hang this up and crucify it on the cross of process with regard to some trumped-up issue with regard to reauthorization, I think, is not worthy of this House.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I guess I just look at it from the point of view of my constituents. The counties, the several counties that would be tied up in my district are those of the poorest part of my district where there is a great deal of unemployment and a great deal of poverty. The buffer zone where they live is limited in land use for the future, or that is how the proposal was. Consequently, we could not economically develop that area so we could not

get more jobs there. The only few jobs we have are tourism-related jobs. We cannot bring in big trucks. We cannot build better highways in that kind of a situation.

Mr. DICKS. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Washington.

The CHAIRMAN. The time of the gentlewoman from Missouri [Mrs. EMERSON] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mrs. EMERSON was allowed to proceed for 1 additional minute.)

Mr. DICKS. Mr. Chairman, it seems to me that in the situation where there is not local unanimity that we, as a local representative, have a responsibility either to try to help create it or to tell the department we should not go forward with this. If we do not have the unanimity locally, I do not think we should do it.

Mrs. EMERSON. Mr. Chairman, that is true. We did not, and we were able to keep our land from being used for this purpose. But the problem is, the problem that I have is that there was no community involvement whatsoever during the 2-year process that they were trying to make this designation, I suppose because there is really no authorization for it.

Mr. DICKS. Mr. Chairman, I would not say that. What I would say is, let us work with the people in the executive branch who are involved in this and insist that there be local involvement. That is something we all can agree on. None of us on this side of the aisle that I know of are objecting to the local people being involved in how this is structured and the nomination process, et cetera. But to cut off the money when we have really no example of anything damaging being done is just not fair.

Mrs. EMERSON. Mr. Chairman, how can the gentleman say there is no example if, in fact, two-thirds of my district was going to be tied up?

Mr. MARKEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this amendment that we are debating right now divides into two parts. One part deals with the Man and The Biosphere Program. The other deals with the World Heritage sites. That basically designates areas of countries that the countries are really quite proud of, in our country, Yellowstone, the Grand Canyon, and it goes on a list. The list is one that kind of makes the whole country feel proud.

If a travel magazine was listing the top 10 sites to visit in the United States, any one of these places would be thrilled to have their names on the list, but because the United Nations is participating in this process, there is some kind of threat that there is an international conspiracy to somehow or other take over the local rights of citizens in the United States, when in fact there is absolutely no infringement upon the local or the State or the national laws of the United States by having either one of these designations made, either the Biosphere or the World Heritage sites.

I think that what might be going on here is that we might in fact be engaging in a bit of, I think there is a term for it but essentially it is an anniversary syndrome, because 50 years ago this month something landed in the desert near Roswell, New Mexico, and early reports indicated that the wreckage consisted of the remains of a flying disk but those reports were quickly changed to identify the flying object which had crashed to be a mere weather balloon.

Those are only reports which suggested the only recorded statement by the U.S. military that ET might exist, now form the basis for one of the most convoluted conspiracy theories in history, in this solar system anyway. Eighty percent of Americans believe that the U.S. Government has covered up what it knows about aliens from outer space.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I thought we were talking about the U.S. Man and The Biosphere Program.

Mr. MARKEY. Mr. Chairman, we are.

Mr. COBURN. And the gentleman is talking about supposed UFO's.

Mr. MARKEY. Mr. Chairman, I am Irish and my points are made by parables. So my colleagues have to sit back. If they just wait a little bit, there is a point to the story.

So the book entitled "The Day After Roswell" purportedly documents the U.S. Government's real cold war against the extraterrestrial biological entities. To my great relief, the book does say that the deployment of our space-based advanced particle beam weapon has scared the aliens away for now.

So I think it is a particularly auspicious month, this 50th anniversary, for us to be debating this issue out on the floor, because clearly it is going to take its rightful place at the center of paranoid conspiratorial theories. There is no infringement on State or local or national laws in any way. These are just designations that the country itself embraces.

Now, for reasons that make about as much sense as that we are communicating with little green men telepathically into outer space, we now have a discussion over this subject. What is the plan? What is the plot?

The plot is that Secretary Bruce Babbitt of the Department of the Interior is playing a role, coordinated with the U.N., UNESCO continues to be mentioned out here, to coordinate the subordination of American land to international authorities, compromising the local zoning, the State zoning laws all across our country, and Bruce Babbitt is part of this conspiracy. Who does he work with? He clearly works with Bill Richardson, our Ambassador in the U.N. What State is he from? New Mexico. Think about it. Where is Roswell? Is Richardson a Hispanic name? I do not think so. Where did he come from? And why is he participating in this conspiracy at the U.N. to subordinate the local and State zoning laws of our country.

We do not have any evidence, of course, as yet of a single local or State zoning law having been changed, despite the many years that this process has taken place, but yet we are supposed to believe that this theory, along with other theories of black helicopters with U.N. troops flying over public lands in the United States, continuing to operate without the detection of ordinary Americans.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. MARKEY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

Mr. WELDON of Florida. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Massachusetts [Mr. MARKEY].

□ 1700

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for yielding to me, and I ask the Members of the other side if they would please not have this amendment pass. These are two great programs, the Man and the Biosphere and the World Heritage Recognition Program are both wonderful programs that make America proud without restricting our laws in any manner, shape, or form.

Please, anyone who is listening to this debate, we must reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I want to thank the chairman of this Committee on Appropriations for this opportunity to speak in a colloquy. I also thank the gentleman from Washington [Mr. DICKS] for his kindness in this very important issue.

Mr. Chairman, I rise today to join my colleague, who has been detained, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and the gentleman from Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations, in this colloquy about the need to recognize the contributions of a great American, Sojourner Truth, to the American suffrage movement.

I thank my colleague, the gentleman from Ohio [Mr. REGULA], for his participation in this colloquy, for his sensitivity to this issue, and for his consistent dialog on matters that promote communication and understanding on both sides of the aisle.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, it is a pleasure to join the gentlewoman from Texas [Ms. JACKSON-LEE] and the gentlewoman from California [Ms. MILLENDER-MCDONALD] to discuss the important contributions of Sojourner Truth to the American woman's suffrage movement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I understand I was putting too much emphasis on the "u" in the gentleman's name.

Mr. REGULA. If the gentlewoman will continue to yield, it is not the first time someone has made that mistake.

Ms. JACKSON-LEE of Texas. Well, the gentleman is a "regula" gentleman, and I appreciate that very much.

Mr. Chairman, we are working with others of my colleagues, including the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from Florida [Mr. HASTINGS], who is on floor today, and the gentleman from New York [Mr. OWENS], and over 100 organizations, including the NPCBW, to appeal to the committee for help in identifying sources of funding for the erection of a statue honoring Sojourner Truth in the Nation's Capitol.

We feel strongly that the African-American woman's role in the suffrage movement should be recognized and Sojourner Truth should be recognized along with her white suffragette sisters.

Mr. REGULA. If the gentlewoman will continue to yield.

Sojourner Truth was a very powerful vocal voice in the suffrage movement. She was a renaissance woman who played a pivotal role in ensuring American women and African-American women the right to vote.

As a nonviolent peaceful force for change in our history, Sojourner Truth proved that an equal society would make a better America.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time once again, born Isabella Baumfree, a slave in upstate New York in approximately 1797, Sojourner Truth labored for a succession of five masters until July 4, 1827, when slavery was finally abolished in New York State.

After prevailing in a courageous court action demanding the return of her youngest son, who had been illegally sold away from her to a slave owner in Alabama, Isabella moved to New York City. She then changed her name to Sojourner Truth, which means "itinerant teacher." She became deeply involved in religion. She had always been very spiritual and, soon after being emancipated, had a vision which affected her profoundly, leading her, as she described it, to develop a perfect trust in God and prayer.

After 15 years in New York, Isabella felt a call to become a traveling preacher. She took her name, Sojourner Truth, and with little more than the clothes on her back, began walking through Long Island and Connecticut, speaking to people in the countryside about her life and her relationship with God. She was a powerful speaker and singer. When she rose to speak, wrote one observer, "her commanding figure and dignified manner hushed every trifler to silence." Audiences were, and I quote, melted into tears by her touching stories.

Mr. REGULA. Mr. Chairman, I am well aware of her contributions to the suffrage movement. In her most famous speech at a woman's rights conference in Akron, OH, which is, of course, quite near my district, in 1851, she coined the phrase which continues to embrace the concerns of many women today: "Ain't I A Woman." This powerful speech catapulted her to the forefront of the woman suffrage movement.

It is my understanding that as a political activist, Sojourner Truth campaigned for Ulysses S. Grant in the Presidential election in 1868. She demanded that the board of registration place her name on the list of voters but was denied this right. Then in 1872, she went to Michigan, where she repeated her demand to vote and again was denied.

Undaunted, she sat in President Abraham Lincoln's office until he personally heard her suggestion for dealing with freed and unemployed slaves. The President told her that he had heard her speeches long before.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would not be here in this body with the gentleman today, speaking on this Interior bill, if it was not for Sojourner Truth. Her leadership and dedication more than a century ago paved the way for literally millions of women, and I might add that I historically supported President Grant as well.

The CHAIRMAN. The time of the gentleman from Texas [Ms. JACKSON-LEE) has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, she was passionate and determined, even when others told her to sit back and hold tight. Her booming voice of reason could not be silenced throughout her 84 years of life. She devoted her life to educating and preaching on women's rights and abolitionism, knowing that everyone would benefit from this equality.

Mr. Chairman, a statue would memorialize the image as well as the real accomplishments of those courageous and uniquely nonconformist individuals who have had a profound and lasting impact on the United States.

The women's suffrage movement forever changed the role of women in American society. It was the catalyst for lifting the status of women from one of disenfranchisement to free and equal partners in our Nation's political, social, and economic systems.

As beneficiaries of the women's suffrage movement in the United States, the gentlewoman from California [Ms. MILLENDER-MCDONALD] and myself are both appreciative of all the contributions of the women of the historic movement.

This body must work to acknowledge the contributions to our Nation's history of all Americans, whether they were born male or female, free or slave, Native American or immigrant.

Sojourner Truth was without equal. She must not be forgotten. She embodied a special human spirit which sought to promote justice and to improve society.

A Sojourner Truth statue is necessary to honor both the women and the larger vision which inspired her. A tangible memorial is important to keeping her story alive for our children and for future generations.

Acknowledging the presence of an African-American suffragette will provide a role model in history for African-American girls today and other girls across the Nation who are learning the importance of speaking in the face of wrong.

Mr. REGULA. Mr. Chairman, I assure both gentlewomen that I will assist their efforts to identify appropriate means of recognizing these many accomplishments of Sojourner Truth, including identifying the appropriate source of funding and a location for a statue in the Nation's Capitol.

I also thank the gentlewoman for giving us a great history lesson today.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his commitment as well on the Commission on Martin Luther King. We know of the gentleman's history, and we thank him very much for this commitment and we look forward to working with him.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I just want to finish up our debate on this amendment and make a couple of points.

We have heard about UFO's, we have heard about black helicopters, we have

heard about flatlanders, we have heard about Know-nothings, but what we have not heard about is the Congress doing its job. And this is about authorizing. This is about the Congress being responsible for the money they spend.

There is no doubt in my mind that some of these biosphere programs are excellent; that they have been great for their communities; they have been great for the heritage sites that they surround. But the fact is that we are, as officers of this body and representatives of our constituents, responsible to make sure how we spend the money.

I thought I might just give a short notice of the money and where it came from and who supplied it and where it has been spent because it is rather interesting. We heard today that it is not much money and it is under control. We spent $23,000 in Russia, of our money, for biodiversity, unauthorized. We spent money in Denmark, unauthorized, for biodiversity and the biosphere program. We spent $12,000 on the continent of Europe. We spent over $12,000 in Mexico. All of this money has been unauthorized, money with no chance for oversight.

I do not believe in flying saucers, I do not even believe in black helicopters, but I believe in following the oath of my office. If this is a good program, then take it through the right committees, authorize it, appropriate the money and then let us do it together. But let us not violate the trust that the country has given us in terms of what we do and how we do it.

I want to thank the chairman for being patient on this amendment. I appreciate his input. And I would say to those that oppose this amendment that they can oppose it on technical grounds because they support the U.S. Man and Biosphere and they support the U.S. World Heritage reserves, but if they oppose it on that basis, then they have an obligation to have those programs authorized and then funded individually, not hidden in other budgets, like the Air Force spending $70,000 last year, the State Department spending $50,000, EPA spending $50,000.

Let us talk about the money, where it comes from and make sure it is under the oversight.

Mr. HASTINGS of Washington. Mr. Chairman, I rise today in support of the amendment offered by Congressman COBURN and Congressman STEARNS to prohibit any Federal funds from being used to support the U.S. Man and the Biosphere Program or the World Heritage Program. This same amendment has also been included in the National Science Foundation authorization, the foreign affairs authorization and the defense authorization.

It is hard to believe, but over 68 percent of the lands within our national parks, preserves, and monuments have now been designated as United Nations World Heritage Sites or Biosphere Reserves. As a result, these areas and the land areas surrounding them may be subject to international land management rules ignoring the rights of private property owners in the area. State and local governments are left out of the decision making process when lands are designated as a part of these programs. In my own State of Washington, citizens and local officials have expressed the desire to have input into land use decisions. This is an opportunity they do not have when the United Nations makes land use policy.

In 1996, the National Park Service, the Forest Service, the Smithsonian, and the Bureau of Land Management contributed a total of $170,000 to the Biosphere Program, which has operated for the last 30 years, without authorization or oversight. It is time to eliminate this waste of taxpayer dollars and exercise our constitutional responsibility to account for the expenditures of all public money. This amendment will protect the rights of private property owners, and the integrity of our national park system.

As a result, I urge you to support the Coburn-Stearns amendment.

Mr. BONO. Mr. Chairman, today I rise in support of the supremacy of the U.S. Constitution over the organization known as the United Nations. Through the text of our constitution, the greatest legal document in governmental history, the Founders of our government spoke with both common sense and comprehensible language. If we would simply follow the genius of that document, we would eliminate so many of the arguments and disputes that arise. Therefore, in respect of the Constitution, I urge my colleagues to support the amendment to the Interior Appropriations bill that protects our Nation's land and America's heritage from the United Nations' sovereignty grab.

This important amendment to the Interior bill accomplishes several important goals: (1) it protects the sovereignty of the states; (2) it protects the constitutionally protected rights of U.S. citizens; and (3) it safeguards the private property rights of landowners. It also sends a message for the one-worlders to keep their hands off.

In my view, the best form of government, especially the federal government, should be a limited government. The Constitution spells out the functions of the respective branches, and based on this equation, something is very wrong with the Executive branch's interpretation of their legitimate authority. Of course, just as the key Founders of our Republic advocated limited federal powers, it is clearly appropriate for Congress to exercise its oversight duty when necessary to prevent an abuse.

The proposals for the U.S. Man and the Biosphere program (USMAB) and the World Heritage Program are not endeavors that I support. As many of my constituents in the 44th District know, these sites are under the jurisdiction of the United Nations Educational, Scientific and Cultural Organization, better known as UNESCO. Further, I do not believe that the Executive Branch, the part of our federal government that our federal Constitution charges with enforcing the law, has the ability to make the law binding our citizens and land-owners regarding our participation in this agenda.

Some may wish to capture the majesty and assets of our country through the bloated U.N. bureaucracy. As a member of Congress, I must strenuously object to these efforts. Through our vote this afternoon, the position of the House of Representatives is made clear. Tax payer dollars must not go to fund these ill-advised U.N. projects. I wish to thank my colleague, the gentleman from Oklahoma, Dr. TOM COBURN, for his attention to this matter over the years. He can trust that he has my support in safeguarding the rights of all citizens against the influence of foreign agents.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

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

Mr. YATES. Mr. Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment printed in House Report 105–174 offered by Mr. Weldon of Florida:

Page 89, after line 15, insert the following new section:

SEC. 325. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard Country, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordnance.

The CHAIRMAN. Pursuant to House Resolution 181, the gentleman from Florida [Mr. WELDON] and a Member opposed each will be recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. Pursuant to House Resolution 181, all points of order against this amendment are waived.

The Chair recognizes the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a beach in my district, Canaveral National Seashore. It is a beautiful beach, a pristine beach, considered by many to be one of the most beautiful on the entire East Coast of the United States. Several years ago this beach began to be taken over by nudists and other people who engage in lewd and lascivious activity. I have with me today a binder containing more than 250 police reports indicating the nature of this lewd and lascivious behavior.

This amendment is not about simply prohibiting people from sunbathing in the nude or swimming in the nude. This amendment is about sexual harassment of a form and nature that pales in comparison to what we see on the job sites in many of our places today. Indeed, if I were to describe some of the content of what is going on on this beach in my district, we would need a rating system for C-SPAN.

I repeat, this is not just about nude sunbathers. This is about a lot of behavior that I would rather not even describe here on the floor of the House.

Now, I approached the National Park Service and asked them to deal with Canaveral National Seashore like they dealt with Cape Cod in 1991 under the Bush administration, where they designated that nudity would not be allowed, and the National Park Service refused.

In response to that, the county commission in Brevard County, FL, where the beach is located, passed an ordinance designating no nudity. And then, against my recommendations, the National Park Service chose to post signs designating a portion of the beach as "clothing optional." What happened subsequent to that was that there were people arrested for violating the county's nudity ordinance, and then they used the existence of those signs in their defense and the charges were dropped.

Now, in the defense of the National Park Service, they have now since removed those signs designating a portion of the beach as "clothing optional." However, people in my community remain concerned that the National Park Service will not respect local authority on this issue and may choose to redesignate an area of the beach as clothing optional.

My amendment is very simple. It basically states that the Park Service cannot designate a portion of the beach as clothing optional in the future. Additionally, my amendment states that this will not be in effect if the county should repeal its county ordinance.

I therefore encourage all my colleagues to support the amendment. My amendment is very simple. It basically states it is limited to Canaveral National Seashore. Its also states that if the local ordinance is repealed, that this amendment is no longer in effect.

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

Mr. YATES. Mr. Speaker, I yield myself such time as I may consume to say that I originally rose in opposition because I was not sure of what the facts were in this case.

□ 1715

As explained by the gentleman, a question comes to my mind, and that is this: The gentleman stated that the Park Service had removed its signs, if I understood the gentleman correctly. If that be true, why then is the amendment needed?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. WELDON of Florida. We asked the Park Service to designate Canaveral National Seashore as "no nudity," like they had at Cape Cod in Massachusetts, and they have refused, for reasons that I do not understand, and we continue to have a serious ongoing problem. And then when they posted those signs, there were a lot of constituents in my district who were very disturbed about that. And there is concern amongst my constituents, because of their unwillingness to designate this beach as no nudity, that they may in the future again try to set aside a portion of the beach.

So I am responding to my constituents, putting into law language that prohibits the Park Service from doing this again. And frankly, I think it was very inappropriate for the Park Service to do that in the first place.

Mr. YATES. Mr. Chairman, reclaiming my time, based on the explanation of the gentleman from Florida [Mr. Weldon], perhaps I may be inclined to support his amendment.

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

Mr. WELDON of Florida. Mr. Chairman, I yield myself the balance of my time.

In closing, I would like to thank the gentleman from Illinois [Mr. YATES] for supporting my amendment. I would encourage all of my colleagues to support this amendment. This is about whether moms can go to the beach with their kids and enjoy themselves.

I have lots of case reports that I can share with any of my colleagues here of how the enjoyment of those families on the beach was very, very much intruded upon.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I ask if the gentleman would put some of those in the RECORD to support his position?

Mr. WELDON of Florida. Reclaiming my time, I would be happy to do that.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have no objection to the amendment. I join with my colleague from Illinois [Mr. YATES] in accepting it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. WELDON].

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

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 181, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

The Clerk will read the final lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1998".

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GIBBONS], having assumed the chair, Mr. LATOURETTE, 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. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, followed by the question de novo on approval of the Journal.

Votes will be taken in the following order: H.R. 1818 by the yeas and nays; H.R. 2035 by the yeas and nays; and on the approval of the Journal de novo.

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

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1818, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. RIGGS] that the House suspend the rules and pass the bill, H.R. 1818, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 14, not voting 7, as follows:

[Roll No. 267]

YEAS—413

Abercrombie	Baesler	Bartlett
Ackerman	Baker	Barton
Aderholt	Baldacci	Bass
Allen	Ballenger	Bateman
Andrews	Barcia	Becerra
Archer	Barr	Bentsen
Armey	Barrett (NE)	Bereuter
Bachus	Barrett (WI)	Berman

Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
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
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
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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
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
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
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
Wynn
Yates
Young (FL)

NAYS—14

Blunt
Chenoweth
Coble
Davis (IL)
Hostettler
Metcalf
Paul
Pombo
Royce
Sanford
Scarborough
Sensenbrenner
Shadegg
Stump

NOT VOTING—7

Brown (FL)
Engel
Eshoo
Reyes
Schiff
Woolsey
Young (AK)

□ 1743

Messrs. COBLE, DAVIS of Illinois, ROYCE, and METCALF changed their vote from "yea" to "nay."

Mr. FATTAH changed his vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1745

AUTHORIZING TRANSFER OF NAVAL VESSELS

The SPEAKER pro tempore [Mr. GIBBONS]. The pending business is the question of suspending the rules and passing the bill, H.R. 2035, 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 New York [Mr. GILMAN] that the House suspend the rules and pass the bill, H.R. 2035, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 1, not voting 7, as follows:

[Roll No. 268]

YEAS—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (OH)
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
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
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
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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
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)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella

Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
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
Wynn
Yates
Young (FL)

NAYS—1

Taylor (MS)

NOT VOTING—7

Brown (FL)
Eshoo
Reyes
Schiff
Torres
Woolsey
Young (AK)

□ 1801

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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GIBBONS). 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 the approval of the Journal.

THE JOURNAL

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

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

RECORDED VOTE

Mr. BURR of North Carolina. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members are reminded this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 373, noes 50, not voting 11, as follows:

[Roll No. 269]

AYES—373

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
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clayton
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Flake
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
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)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Weldon (PA)
Wexler
Weygand
White
Whitfield
Wise
Wolf
Wynn
Yates
Young (FL)

NOES—50

Abercrombie
Becerra
Borski
Brown (CA)
Chenoweth
Clay
Clyburn
Costello
Cunningham
DeFazio
English
Ensign
Everett
Fazio
Filner
Foglietta
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hulshof
Kingston
Kucinich
Lewis (GA)
LoBiondo
McDermott
Meek
Moran (KS)
Pallone
Pascrell
Pickett
Pombo
Poshard
Ramstad
Redmond
Rush
Sabo
Sessions
Stenholm
Stupak
Sununu
Taylor (MS)
Thompson
Tiahrt
Visclosky
Waters
Watts (OK)
Weller
Wicker

NOT VOTING—11

Brown (FL)
Eshoo
Franks (NJ)
Kennedy (RI)
Markey
Reyes
Schiff
Waxman
Weldon (FL)
Woolsey
Young (AK)

□ 1810

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2158, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 184 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 184

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. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 306 of the Congressional Budget Act of 1974 are waived. 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 except as follows: on page 25, line 17, through page 27, line 4; beginning with ": *Provided*" on page 28, line 20, through "loans" on page 29, line 11; beginning with ": *Provided*" on page 48, line 3, through "program" on line 7; and on page 76, line 7 through line 12. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. The amendments printed in the report of the Committee on Rules accompanying this resolution may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report 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.

□ 1815

The SPEAKER pro tempore (Mr. GIBBONS). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 184 is an open rule providing for consideration of H.R. 2158, the VA, HUD and Independent Agencies Appropriations bill for fiscal year 1998. The rule waives points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI related to the 3-day availability of the report, clause 7 of rule XXI related to the 3-day availability of printed hearings on appropriations bills, or section 306 of the Budget Act related to the prohibition on including matters within the jurisdiction of the Committee on the Budget in a measure not reported by it. I assure the House that this is a technical violation and not a substantive budget violation.

House Resolution 184 provides for one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 and clause 6 of rule XXI, except as specified in the rule. The rule also waives all points of order against the amendments printed in the Committee on Rules report which may, one, only be offered by a Member designated in the report and only at the appropriate point in the reading of the bill; two, shall be considered as read; and, three, shall not be subject to further amendment or to a demand for a division in the House.

This rule also continues to implement two approaches that have been used effectively in recent Congresses by according priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and allowing the chairman to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question, provided that voting time on the first in any series of questions is not less than 15 minutes. These provisions will facilitate consideration of amendments and guarantee the timely completion of the appropriations bills.

House Resolution 184 also provides for one motion to recommit, with or without instructions.

I mentioned earlier that there are a few exceptions to the waiver of clause 2 of rule XXI specified in the rule. I want to briefly describe those exceptions at this time.

First, the Committee on Rules has left exposed two provisions objected to by the Committee on Banking and Financial Services, one related to a program under the Community Development Block Grant Program for supportive services, and the other relating to an expansion of the secondary market for nonconforming home mortgage loans under the HOME program.

In addition, the Committee on Science objected to a provision relating to $35 million in funds being transferred from the EPA to the NIH, and the Committee on Transportation and Infrastructure objected to a provision related to the implementation of comprehensive conservation and management plans. Each of these provisions has been exposed to a point of order under House Resolution 184.

Mr. Speaker, House Resolution 184 is an open rule providing Members with every opportunity to amend this appropriations bill. As I stated earlier, the Committee on Rules has also made in order two amendments to be offered by the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER], and the chairman of the Committee on Rules, the gentleman from New York [Mr. SOLOMON]. I will leave it to those Members to fully explain the substance of their amendments.

H.R. 2158 appropriates a total of $70.1 billion for fiscal year 1998, and I want to mention a number of important provisions in this bill.

First, regarding appropriations for our veterans, this country has a commitment to our men and women in uniform, and we as Americans owe those dedicated men and women a debt of gratitude. This bill will meet our obligation to our veterans by providing $40.4 billion for the Department of Veterans Affairs, $21.7 billion for the Veterans Benefits Administration compensation and pensions, $17.5 billion for the Veterans Health Administration medical care, and $267 million for veterans medical and prosthetic research. It is important to note that these are increases above the fiscal year 1997 appropriations.

I also believe our space program has been sufficiently funded this bill. We have all been captivated in the past few weeks by the images broadcast back to us from the planet Mars by the Pathfinder mission via NASA's Jet Propulsion Laboratory. I am pleased that H.R. 258 provides $13.6 billion for NASA, which is $148 million more than the President requested.

The Committee on Appropriations has once again had to balance a wide array of interests, and as we work to get our fiscal house in order, we must ensure that all funding is spent efficiently and where it is needed most. This bill achieves this goal. I want to commend the chairman, the gentleman from California [Mr. LEWIS] and the ranking member, the gentleman from Ohio [Mr. STOKES] for the bipartisan manner in which they constructed this appropriations bill.

H.R. 2158 was favorably reported out of the Committee on Appropriations, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

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

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume. I thank my colleague from Georgia [Mr. LINDER] for yielding me the customary half hour.

Mr. Speaker, I want to begin by congratulating my colleagues on the appropriations subcommittee, the ranking member, the gentleman from Ohio [Mr. STOKES], and the chairman, the gentleman from California [Mr. LEWIS], for their outstanding efforts on this bill. The gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] and the members of their committee worked extremely hard and came up with a relatively bipartisan bill that many of us can support.

They recognize the need to fund American housing and veterans programs fully, as well as the Federal Emergency Management Program and NASA. I know that the Space Rover on Mars is a lot more exciting to some Members than housing rehabilitation in south Boston, but as a former resident of public housing I can tell my colleagues it is very important. Lucky for us, Mr. Speaker, that the members of the subcommittee have decided that we could have our Rover and our houses, too.

This bill will allow Housing Secretary Cuomo to continue his outstanding work in securing affordable housing for the less fortunate Americans and providing grants to spur economic development.

The bill also funds all renewals of section 8 contracts so nobody will have to move and nobody will lose their housing assistance.

It will also allow the Secretary to reform the project-based section 8 program through which HUD has been paying incredibly high rents.

It also increases HOME grants to cities and States for building affordable housing. Mr. Speaker, one of my cities in my district, the city of Brockton, just received a HOME grant. I can tell Members it is going to do a tremendous amount of good. Thanks to last year's grant, Brockton has been able to help 200 people buy homes. This year they will be able to even help more people. It is a very good program and very well worth funding.

Mr. Speaker, the bill will also provide funding for the Veterans Administration and the Consumer Product Safety Commission. It funds the Environmental Protection Agency, which keeps our air and our water clean. And most of the funding levels are at or above President Clinton's requests.

Mr. Speaker, I am very proud to see how well Members from both sides of the aisle have worked on getting this bill together. I urge my colleagues to support the rule.

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

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], a colleague on the committee.

Mr. GOSS. Mr. Speaker, I thank my friend, the distinguished gentleman from Georgia [Mr. LINDER] for yielding me this time. I rise in strong support of this fair and open rule. It is the right process, as each Member can have the opportunity to address the issues that we have in this appropriations bill, the committee's product.

I would like to focus my limited time on an area of great concern to my constituents and perhaps constituents of other Members; that is, veterans, the veterans' health care aspects of this. I am very pleased that we are going to provide $549 million more for veterans' medical care this year. That is going to mean a lot to our veterans. I think it is a very responsible increase when you measure it against the resources available.

For the first time we are going to try something different. Not all the money for veterans' care is going to come from the appropriators. A portion of it is going to come from allowing the VA to retain third party insurance collections and user fees, something like $600 million, we expect. This is in response to an administration request and a provision in the bipartisan budget agreement.

I think it is a good idea, but I understand that the veterans' community is a little concerned that we have not planned realistically enough, given recent trends of collecting these kinds of fees. I share that concern, and I am going to be supporting an amendment that is going to be offered by the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, to place a fail-safe provision in the bill in case the funds are not sufficient. So either way the veterans can be assured they are going to have the moneys they need for veterans' care. There is nothing wrong with experimenting with new ways to fund the VA as long as we are certain that the money gets to the veterans, and that it is done fairly and equitably and put where the veterans are.

That gives me the biggest pause with this bill we have got before us. The report accompanying the bill contains controversial language that would reinstate the funding inequities of previous years that we saw in the VA medical care system, and it could deprive many veterans in my district and elsewhere of needed health care. That language seeks to reverse a funding formula put in place by the VA and approved in last year's VA-HUD bill, in fact, overwhelmingly approved, to ensure that the dollars flow to the veterans where the veterans are. The numbers paint a very clear picture.

Since 1980, Florida and Arizona and other similar places have registered a large growth rate, in fact in Florida and Arizona nearly 25 percent in their veterans' populations. While in other States, New York comes to mind, that is dropped by nearly 20 percent. Obviously we have to adjust the funding. There is no reason why veterans in southwest Florida with service-connected disabilities should be turned away in order to serve lower priority, routine needs of nondisabled counterparts in other areas of the country. That is unfair. It is bad policy. I hope that the gentleman from California [Mr. LEWIS] and the gentleman from Louisiana [Mr. LIVINGSTON] will not pursue that language in the conference.

I urge a "yes" vote, nevertheless, on this wide-open rule and for the bill that it makes in order. I believe that the Committee on Rules has done an excellent job on this. I thank the distinguished gentleman from Georgia for yielding me this time.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me the time. I rise in support of the rule but with concerns about the NASA budget.

First of all, I would like to congratulate NASA and the Jet Propulsion Laboratory out in California for pulling off one of the most spectacular scientific accomplishments and achievements that we have seen in decades in this country. The Mars Pathfinder and the Sojourner have returned us marvelous scientific data, exceeding all expectations. What they have done for $267 million has restored some of the public's confidence in our ability not only to get into space in faster, cheaper, better methods but they have also, I think, opened up a new thing to the American people, that it does not particularly have to always be men and women in space, although I support men and women in space. It does not always have to be something like a space station to captivate the public. This unmanned vehicle on Mars has excited the entire Nation and the world for what it is bringing back home to America.

The space station, which has been capped at $2.1 billion per year, and I believe this bill, if the Rohrabacher-Roemer amendment is not agreed to, will exceed that cap, the space station flies in the face of what the Mars Pathfinder, Galileo, Hubbell, Clementine and a host of other projects have been able to accomplish, which is a great deal for the taxpayer, phenomenal science, and maintaining a budget.

As we are trying to make difficult decisions here in this Congress to fairly balance the budget, do it structurally and do it with the right values, do it fairly to education, fairly to the environment and fairly to science, then the Mars Pathfinder, the Hubbell, these are the kinds of projects, Mr. Speaker, that really will captivate the public's attention and support, that return NASA to the glory days of the 1960's and 1970's, that for every $1 we invest in NASA, we return $7 in new technology, in new experimentation and knowledge, in new things that really would help not only support NASA in the future but would bring us the knowledge and the science for us to leverage those kinds of discoveries into new things here on earth.

□ 1830

So I would continue to applaud NASA for its wonderful achievement on Mars with the Pathfinder, but to further push them to do things like the Pathfinder, and Galileo and Hubbell, and reusable launch vehicles, and to not only sustain the cap on the space station but I would advocate eliminate the space station and find even more things that we can do in manned and unmanned ways to return NASA to the public confidence and excitement that we have seen NASA achieve in the past.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise with great concern about the United States' efforts in the space station program, not agreeing with my colleague from Indiana who so eloquently stated the achievements of the space program, but specifically stating that the United States has made a very strong commitment in elevating the vision of this Nation and the potential of this Nation in building a space station, in paving the way for international cooperation, which would have been undreamed of in those fiercest days of the cold war; and that the space station presents not just a bridge to outer space but a bridge across the oceans for cooperation and for peace in our time and for the future.

The very thought of people being up in outer space working together shows certainly what the manifest possibilities here are on earth. And any efforts to try to change that program, any effort to try to lessen the resources that program needs to be successful inadvertently attacks the underpinnings of this great effort that has been made to try to achieve peace. It is the cooperation of the United States and Russia in space which has shown the world that great powers can work together.

How can we put a dollar value on that? We must in the program and we have. And I submit that the benefits of the space station have not only been certainly for the private sector programs, which are looking for that public-private partnership that enables the growth of many industries, but even more importantly than that, the benefit of that station has been to enable this country to achieve peace that we would not have been able to dream of.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I thank my good friend and colleague, the ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding me this time.

Mr. Speaker, I believe the rule before the House today is a reasonable and fair measure which will allow for a free and open debate of the fiscal year 1998 VA HUD appropriations bill. While I support and will vote for the rule, I am concerned about a number of provisions and omissions in the underlying bill.

Mr. Speaker, I must concur in the additional views submitted by the gentleman from Wisconsin [Mr. OBEY], the ranking member of the full Committee on Appropriations, which accompanied the report on H.R. 2158 and question the judgment of numerous outlays contained in the bill. The bill falls short in one area of environmental protection which I simply cannot allow to go unchallenged, and that is the failure of the subcommittee to include the President's requested increase in funding to double the pace of Superfund cleanups.

Mr. Speaker, I am deeply disappointed in the failure to include an additional $650 million for the Superfund Program. This increase in the Superfund response, or cleanup account, was requested by the President and concurred in by the bipartisan leadership of both the House and the Senate budget agreement.

This money is vitally important if we are to expedite the cleanup of hundreds of toxic waste sites located in virtually every State of the Union. The failure to include the requested funding in this bill will ensure that at least 250 additional Superfund invites will not be cleaned up over the next 3 years.

Mr. Speaker, as the ranking minority member of the Subcommittee on Finance and Hazardous Materials, I am uniquely aware of the importance of the Superfund Program and the President's initiative to double the pace of cleanups.

If there is one clear and overriding call I have heard regarding the Superfund Program, it is that the pace of cleanups is too slow. Time and time again over the past several years of hearings, concerns have been expressed that the program has not cleaned up hazardous waste sites quickly enough, that the program is mired in bureaucracy, resulting in unnecessary and costly delays in cleanups.

Mr. Speaker, I have several letters that I received which emphasize the importance of approving the President's initiative to speed cleanups and stress the administration's understanding that the initiative was indeed a significant part of the budget agreement and was not, let me repeat, was not contingent upon the enactment of Superfund reauthorization. I submit these letters from Vice President GORE, Administrator Browner and OMB Director Raines to be included in the RECORD.

The letters referred to are included as follows:

OFFICE OF THE VICE PRESIDENT,
Washington, DC, June 25, 1997.

Hon. THOMAS J. MANTON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANTON: I am writing to you because you have a strong supporter of our efforts to protect communities from toxic waste and to address the problem of brownfields. Our shared commitment to these issues reflects an important bipartisan consensus concerning the importance of toxic waste cleanup to restoring both the environment and the economy in communities burdened with toxic waste sites.

As part of their landmark agreement with the President on a balanced budget, the House and Senate leadership committed to support the President's brownfields tax incentive. This proposal is a targeted tax incentive that should generate cleanup and redevelopment at approximately 14,000 sites in distressed communities by the year 2000.

Unfortunately, the tax bill recently reported by the Ways and Means Committee does not include the brownfields tax incentive. I hope you will join me in urging the House leadership to meet its commitment by addressing this issue before final passage of the bill.

I also hope that the Administration can rely on your support for other aspects of the budget agreement that protect communities from toxics, including the funding needed to achieve cleanup at two-thirds of the national priority list sites by the year 2000, and significantly expand funding of brownfields cleanup and redevelopment efforts by the Environmental Protection Agency. This acceleration of toxic waste cleanup highlights the importance of reinstating the taxes that support the Superfund program. Superfund taxes fund emergency removals of hazardous substances, support long-term cleanups at more than a thousand toxic waste sites, and provide assistance to brownfields and other cleanup efforts by state and local governments.

Several Members of Congress are suggesting that all of these proposals must await the outcome of protracted negotiations on a Superfund reauthorization bill. While this Administration is participating actively in those negotiations and hopes to achieve a bipartisan reform bill with broad support, we must draw the line of attempts to hold communities and their cleanup funds hostage pending the outcome of that process. The accelerated cleanup funding and brownfields tax incentive are needed now.

I know that, given your leadership on brownfields issues, you understand how important these initiatives are to empowering our communities. Therefore, I hope you will

join me in pressing the Congressional leadership to honor the commitments in the budget agreement regarding brownfields. Additionally, I hope you will support expedited action to fully fund our initiative to accelerate toxic waste cleanup and to reinstate the taxes that support the Superfund program. I would be most grateful for your support.

Sincerely,

AL GORE.

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC.

Hon. THOMAS J. MANTON,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MANTON: The House Appropriations Committee marked up the VA, HUD and Independent Agencies FY 1998 Appropriations Bill on July 8, 1997. While I appreciate the overall funding provided to EPA by the House, the Committee failed to include funding to restore the environment and the economy in communities burdened with toxic waste sites. The President's initiative to clean up an additional 500 Superfund sites by the end of the year 2000 was designed to protect the public from the risks these sites pose to health and the environment. The importance of this initiative was recognized by Congress and the President's request for Superfund was accommodated in the Bipartisan Budget Agreement.

As Vice President Gore and the Office of Management and Budget Director Raines have recently indicated, the Administration remains committed to working with Congress to enact a consensus-based Superfund reform bill. However, it is not agreed that additional Superfund cleanup funding provided in the Budget Agreement is contingent on any prior legislation, much less a comprehensive reform bill. Agreement still needs to be reached on ways in which the supplemental cleanup funds would be spent, but not on the level of funding.

In the Budget Agreement, Congress and the Administration increased funding for the Superfund program to accelerate the cleanups affecting the quality of life for millions of Americans. Failing the increase, up to 120 fewer sites would begin cleanup. This would mean hundreds of communities nationwide waiting even longer before the hazardous waste sites in their neighborhoods are cleaned up. Not only will this put their health and the environment at risk, it will prevent economic redevelopment in those areas.

EPA, through our administrative reforms, has done much to improve the overall pace, cost, and fairness of the program. These administrative reforms represent permanent changes in the way EPA does business and reflect the Administration's vision for the future of Superfund—a future that builds upon our progress over the past four years. These reforms are building a faster, fairer, more efficient Superfund program which: (1) achieves our goal of 20% reduction in total cleanup process time, with 439 completed cleanups (as of 7/7/97) and more than 480 site cleanup constructions underway; (2) includes 75% of Superfund long-term cleanups performed by responsible parties; and (3) reduces cleanup costs towards our goal of 20% cost reduction.

Based on the Agency's administrative reforms, EPA is ready to accelerate the cleanup program. Much of the pre-cleanup work has been completed and actual cleanup work is ready to begin at many toxic waste sites. The necessary contracts to implement an accelerated cleanup program are in place. We have worked with state offices in identifying sites ready for cleanup and will continue to coordinate with them on cleanup activities.

I urge you to support the funding level for the Superfund program as outlined in the Budget Agreement while we continue our discussions on Superfund reauthorization.

Sincerely,

CAROL M. BROWNER.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC. June 25, 1997.

Hon. JOHN D. DINGELL,
Ranking Member, Committee on Commerce, U.S. House of Representatives, Washington, DC

DEAR REPRESENTATIVE DINGELL: I am writing to clarify the Administration's views regarding the Superfund funding that was included in the recent Bipartisan Budget Agreement.

On June 5th, Congressmen Kasich and Oxley conducted a colloquy on this subject on the floor of the House of Representatives. As they discussed, the Budget Agreement establishes a reserve fund to provide $200 million per year for Superfund orphan shares. As this would be mandatory spending, the reserve fund requires authorizing legislation to be reported by the Committees on Commerce and Transportation and Infrastructure, although the reserve fund could be authorized in a reconciliation bill, a Superfund reform bill, or other legislative vehicle. The Administration does not agree that these funds should become available only after the Congress passes a Superfund reform bill.

Regarding the $700 million of additional requested funding, the Administration adheres to the language of the Budget Agreement, which provides that Superfund appropriations will be at the President's level "if policies can be worked out." We have always understood this to mean that the Administration needs to reach agreement with the appropriate Committees regarding the way in which the supplemental cleanup funds would be spent. We do not agree that the additional Superfund cleanup funding agreed to in the budget Agreement is contingent on any prior legislation, much less a comprehensive reform bill.

The Administration remains committed to working with Congress to enact a bipartisan consensus-based Superfund reform bill. However, we believe that the increased Superfund appropriations should not be held up until this occurs, since these funds are urgently needed to eliminate the backlog of Superfund cleanups and improve the quality of life for more than 27 million Americans, including over four million children, who live within four miles of a Superfund site.

Please do not hesitate to contract me if I can be of further assistance in this matter.

Sincerely,

FRANKLIN D. RAINES,
Director.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEWIS of California. 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. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, and that I be permitted to include tables, charts and other extraneous material.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 184 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 2158.

□ 1830

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. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, with Mr. COMBEST 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 the first time.

Under the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] will each control 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure today to outline the work of the Subcommittee on VA, HUD and Independent Agencies as well as the full Committee on Appropriations in developing the fiscal year 1998 VA–HUD and Independent Agencies appropriations bill.

First, I want to thank my friend and colleague, the gentleman from Ohio [Mr. STOKES], and his staff for their helping in crafting this bill. Our working relationship, I believe, is a model of how appropriations subcommittees can and should work together on a bipartisan basis. We have effectively controlled the rate of growth of Federal

spending through our bill while making sure that the needs of our constituents are met in communities across the country.

Mr. Chairman, beginning with the fiscal year 1995 rescission bill, this subcommittee has led the way in our battle with the budget by reducing spending and fully paying for the emergency supplemental. While the administration and Congress have finally agreed in principle to balancing that budget by 2002, this subcommittee has been moving in that direction for well over 2 years now, and so far we have produced some $20 billion in spending cuts to show for our efforts.

Because of the bipartisan budget agreement with the President, this year the subcommittee had the chance to catch its breath. The subcommittee's 602(b) allocation for fiscal year 1998 will provide us with the funding levels necessary to continue our commitment to serving veterans, protecting the environment, providing housing for the poorest of the poor, and ensuring America's future leadership in space.

With regard to space programs, I hope that each of my colleagues have had an opportunity to focus upon the remarkable NASA Pathfinder mission to Mars. If this mission does not provide the catalyst for our next generation of scientists, then I certainly do not know what will.

We are able to achieve all of these important results while still holding a line on spending of hard-earned taxpayers' dollars. Our allocation should allow us to go through the process quickly and eventually gain a signature by the President.

Since our counterparts in the Senate received an allocation well below ours in the House, we are in for some very tough decisions nonetheless as we go down this road. Not everything in this bill will find its way in the final conference report. While the President may not wholeheartedly endorse every decision reflected in this bill, it is my hope that when we conference in September, we can come to a mutual agreement on a final bill that will be signed.

Let me quickly move to some of the specifics of this bill beginning with our 602(b) allocation.

Due to the structure of the budget resolution, there is some confusion about our allocation. Basically, when we take into account the recent rescission of $3.6 billion we enacted to pay for the emergency disaster supplemental, our allocation this year is the same as for fiscal year 1997, amounting to some $60.8 billion. When we consider that, it would be a mistake, however, not to look at the fact that within this whole package there is an additional $9.2 billion that is necessary to pay for HUD's section 8 program, a program that suddenly has blown up before us and creates ongoing problems that all of us must deal with.

Since the gentleman from Ohio and I have proposed funding the section 8 program at the administration's request of $9.2 billion, our allocation increased by that amount once we reported our bill from the full committee. With that in mind, even this funding level may not be enough if the administration, in dealing with section 8, working along with the House and the Senate housing authorizing committees, do not work in a way to solve this critical section 8 problem, a difficulty which, as I have indicated, will balloon in the years ahead of us.

Now, let me explain the highlights of the larger agencies funded through this measure.

First, the veterans medical care is funded at the full budget request of $17 billion, and we expect an additional $468 million will be made available when the reconciliation bill becomes law.

Veterans research operating expenses and construction activities are moderately increased over the budget request levels.

For the Department of Housing and Urban Development, the section 8 program, as I have indicated, at $9.2 billion, is a part of the package.

Severely distressed housing and drug elimination grants are at the President's request of $524 million and $290 million respectively. CDBG, HOPWA, and Homeless Assistance Grants are also funded at the budget request level.

□ 1845

The native American housing block grant program is funded at $650 million, an increase of some $165 million above the budget request. Likewise, the HOME Program has also increased by $191 million to a figure of $1.5 billion for fiscal year 1998.

Finally, and thanks to an amendment offered during our subcommittee markup by the gentlewoman from Florida [Mrs. MEEK] and the gentleman from New Jersey [Mr. FRELINGHUYSEN], the section 202 elderly housing program is funded at $645 million, which is $345 million above the President's request.

The section 811 housing for the disabled program is funded at $194 million, at an increase of $20 million over the budget request.

For EPA, the budget agreement requires us to produce a bill which funds the EPA operating programs at the budget request level of $3.4 billion. The operating programs include all programs at the agency except Superfund; Leaking Underground Storage Tank Program, known as LUST; and the clean and safe drinking water State revolving funds. We have met this obligation in a way that I believe accurately reflects congressional priorities.

For example, we have proposed an additional $40 million for particulate matter and ozone research, something I believe most Members strongly support and all of us wish the EPA would utilize before implementing new PM and ozone regulations that many would suggest have questionable scientific backing. We have also increased by $25 million the funds going to States and cities for air monitoring and data collection, a necessary component of better research in this very important area.

Furthermore, the Great Lakes programs are fully funded, many above the budget request. The State revolving fund programs have been increased by $200 million over the President's request. Brownfields are funded at $85 million. And the Superfund Program, although it continues to need serious, comprehensive reform, is funded at $1.5 billion.

Space station and shuttle programs at NASA are fully funded, and NASA will receive a modest increase of $148 million over the budget request. I would note, however, that NASA's funding level still represents a decrease of $61 million below last year's level. NASA is a prime example of an agency that has responded to our charge of doing more with less. One need only look at the $200 million Pathfinder program as a prime example of doing more with less.

The National Science Foundation would, likewise, receive a modest increase above the President's request, including an additional $23 million for research, $90 million for major research equipment, and $7 million for education programs. We have provided the full budget request for the Federal Emergency Management Agency, FEMA.

Finally, we have frozen funds for AmeriCorps at the 1997 level of just over $402 million. This year's funding level for AmeriCorps represents a reduction of $146.5 million, or 27 percent below the President's request.

I want my colleagues to know that together, the gentleman from Ohio [Mr. STOKES], members of the subcommittee and I have worked hard to produce a fair and balanced bill, one that can and should be supported all the way to the Presidential signature. It is true that it will be a long and hot summer while we all work on this and the other 12 appropriations bills that are necessary to keep our Government operating. On the other hand, the bipartisan support that this measure has already received will certainly make the summer a little easier.

Again, I want to thank the gentleman from Ohio [Mr. STOKES], my friend and ranking member, and his staff Fredette West, David Reich, and Del Davis, as well as Rose ROBERTS, Valerie Baldwin, Tim Peterson, Paul Thomson, and Frank Cushing of my committee staff, and Dave Les Strang, Alex Heslop, and Jeff Shockey of my

personal staff for their help and support for putting together this difficult bill which is full of competing interests but balanced funding priorities.

Mr. Chairman, I want to take just a moment to say that it is obvious this is a very complex bill, dealing with programs that are very, very important to the American public as well as those individual families that receive many of the services involved. In shrinking budgetary circumstances, the competition between accounts is all the more difficult.

There will be amendments, as we go forward in this discussion, which people will come to the floor and suggest that their program has higher priority than another, let us say taking away from AmeriCorps and putting in another program, maybe a veterans' program, without necessarily evaluating the good work we have already done on the veterans programs. That sort of exchange is part of the process. But I urge the Members to recognize that this is a very difficult process and we have done a very good, I think, bipartisan job in putting this bill together.

With that, Mr. Chairman, I reserve the balance of my time.

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

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I					
Veterans Benefits Administration					
Compensation and pensions	18,671,259,000	19,932,997,000	19,932,997,000	+1,261,738,000	
Supplemental (P.L. 105-18)	928,000,000			-928,000,000	
Readjustment benefits	1,377,000,000	1,366,000,000	1,366,000,000	-11,000,000	
Veterans insurance and indemnities	38,970,000	51,360,000	51,360,000	+12,390,000	
Veterans housing benefit program fund program account (indef)		192,447,000	192,447,000	+192,447,000	
(Limitation on direct loans)		(300,000)	(300,000)	(+300,000)	
Administrative expenses		160,437,000	160,437,000	+160,437,000	
Guaranty and indemnity program account (indefinite)	158,643,000			-158,643,000	
Administrative expenses	105,226,000			-105,226,000	
Loan guaranty program account (indefinite)	14,091,000			-14,091,000	
Administrative expenses	33,810,000			-33,810,000	
Direct loan program account (indefinite)	30,000			-30,000	
(Limitation on direct loans)	(300,000)			(-300,000)	
Administrative expenses	80,000			-80,000	
Education loan fund program account	1,000	1,000	1,000		
(Limitation on direct loans)	(3,000)	(3,000)	(3,000)		
Administrative expenses	195,000	200,000	200,000	+5,000	
Vocational rehabilitation loans program account	49,000	44,000	44,000	-5,000	
(Limitation on direct loans)	(2,822,000)	(2,278,000)	(2,278,000)	(-544,000)	
Administrative expenses	377,000	388,000	388,000	+11,000	
Native American Veteran Housing Loan Program Account	205,000	515,000	515,000	+310,000	
Total, Veterans Benefits Administration	21,327,936,000	21,704,389,000	21,704,389,000	+376,453,000	
Veterans Health Administration					
Medical care	16,313,447,000	16,958,846,000	16,393,846,000	+80,399,000	-565,000,000
Delayed equipment obligation	700,000,000		565,000,000	-135,000,000	+565,000,000
Total	17,013,447,000	16,958,846,000	16,958,846,000	-54,601,000	
Medical care cost recovery collections:					
Offsetting receipts		-604,000,000	-604,000,000	-604,000,000	
Appropriations (indefinite)		604,000,000	604,000,000	+604,000,000	
Total available	(17,013,447,000)	(17,562,846,000)	(17,562,846,000)	(+549,399,000)	
Medical and prosthetic research	262,000,000	234,374,000	267,000,000	+5,000,000	+32,626,000
Medical administration and miscellaneous operating expenses	61,207,000	60,160,000	60,160,000	-1,047,000	
General Post Fund, National Homes:					
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)		
Administrative expenses (by transfer)	(54,000)	(54,000)	(54,000)		
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)		
General post fund (transfer out)	(-61,000)	(-61,000)	(-61,000)		
Total, Veterans Health Administration	17,336,654,000	17,253,380,000	17,286,006,000	-50,648,000	+32,626,000
Departmental Administration					
General operating expenses	827,584,000	846,385,000	853,385,000	+25,801,000	+7,000,000
Offsetting receipts	(32,000,000)	(36,000,000)	(36,000,000)	(+4,000,000)	
Total, Program Level	(859,584,000)	(882,385,000)	(889,385,000)	(+29,801,000)	(+7,000,000)
National Cemetery System	76,864,000	84,183,000	84,183,000	+7,319,000	
Office of Inspector General	30,900,000	31,013,000	31,013,000	+113,000	
Construction, major projects	250,858,000	79,500,000	155,600,000	-95,258,000	+76,100,000
Construction, minor projects	175,000,000	166,300,000	175,000,000		+8,700,000
Parking revolving fund	12,300,000			-12,300,000	
Grants for construction of State extended care facilities	47,397,000	41,000,000	60,000,000	+12,603,000	+19,000,000
Grants for the construction of State veterans cemeteries	1,000,000	10,000,000	10,000,000	+9,000,000	
Total, Departmental Administration	1,421,903,000	1,258,381,000	1,369,181,000	-52,722,000	+110,800,000
Total, title I, Department of Veterans Affairs	40,086,493,000	40,216,150,000	40,359,576,000	+273,083,000	+143,426,000
(By transfer)	(61,000)	(61,000)	(61,000)		
(Limitation on direct loans)	(3,195,000)	(2,651,000)	(2,651,000)	(-544,000)	
Consisting of:					
Mandatory	(21,187,993,000)	(21,542,804,000)	(21,542,804,000)	(+354,811,000)	
Discretionary	(18,898,500,000)	(18,673,346,000)	(18,816,772,000)	(-81,728,000)	(+143,426,000)

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE II					
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Selected Housing Programs					
Housing Certificate Fund		10,676,000,000	10,393,000,000	+10,393,000,000	-283,000,000
Expiring section 8 contracts		(9,232,000,000)	(9,200,000,000)	(+9,200,000,000)	(-32,000,000)
Section 8 amendments		(850,000,000)	(850,000,000)	(+850,000,000)	
Section 8 relocation assistance		(594,000,000)	(343,000,000)	(+343,000,000)	(-251,000,000)
Prevention of resident displacement	4,640,000,000			-4,640,000,000	
Expiring section 8 contracts	(3,600,000,000)			(-3,600,000,000)	
Section 8 amendments	(850,000,000)			(-850,000,000)	
Section 8 relocation assistance	(190,000,000)			(-190,000,000)	
Transfer from recaptures	(50,000,000)			(-50,000,000)	
Subtotal	(4,690,000,000)	(10,676,000,000)	(10,393,000,000)	(+5,703,000,000)	(-283,000,000)
Annual contributions (rescission)		-855,000,000	-565,000,000	-565,000,000	+290,000,000
Rescission (P.L. 105-18)	-3,650,000,000			+3,650,000,000	
Public housing capital fund		2,500,000,000	2,500,000,000	+2,500,000,000	
Public housing operating fund		2,900,000,000	2,900,000,000	+2,900,000,000	
Preserving existing housing investment	5,750,000,000			-5,750,000,000	
Public housing operating subsidies	(2,900,000,000)			(-2,900,000,000)	
Public housing modernization	(2,500,000,000)			(-2,500,000,000)	
Preservation	(350,000,000)			(-350,000,000)	
Rescission of recaptures	-150,000,000			+150,000,000	
Prepayment authority	2,000,000			-2,000,000	
Supplemental (P.L. 105-18)	3,500,000			-3,500,000	
Subtotal	(5,605,500,000)	(5,400,000,000)	(5,400,000,000)	(-205,500,000)	
Drug elimination grants for low-income housing	290,000,000	290,000,000	290,000,000		
Revitalization of severely distressed public housing (HOPE VI)	550,000,000	524,000,000	524,000,000	-26,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants) (transfer out) (P.L. 105-18)	(-30,200,000)			(+30,200,000)	
Native American housing block grant		485,000,000	650,000,000	+650,000,000	+165,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000		
(Limitation on guaranteed loans)	(36,900,000)	(36,900,000)	(36,900,000)		
Development of additional new subsidized housing	1,039,000,000			-1,039,000,000	
Housing for the elderly	(645,000,000)			(-645,000,000)	
Housing for the disabled	(194,000,000)			(-194,000,000)	
Indian housing development	(200,000,000)			(-200,000,000)	
Capacity Building for Community Development and Affordable Housing					
National community development initiative (by transfer)	(30,200,000)			(-30,200,000)	
Community Planning and Development					
Housing opportunities for persons with AIDS	171,000,000	204,000,000	204,000,000	+33,000,000	
Transfer from recaptures	(25,000,000)			(-25,000,000)	
Community development block grants	4,600,000,000	4,600,000,000	4,600,000,000		
Emergency appropriations (P.L. 105-18)	250,000,000			-250,000,000	
Emergency appropriations, FY 1998 (P.L. 105-18)	250,000,000			-250,000,000	
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(1,500,000,000)	(1,261,000,000)	(1,261,000,000)	(-239,000,000)	
Credit subsidy	31,750,000	29,000,000	29,000,000	-2,750,000	
Administrative expenses	675,000	1,000,000	1,000,000	+325,000	
Brownfields redevelopment		25,000,000			-25,000,000
HOME investment partnerships program	1,400,000,000	1,309,000,000	1,500,000,000	+100,000,000	+191,000,000
Supportive housing program (rescission)		-6,000,000	-6,000,000	-6,000,000	
Shelter plus care (rescission)		-4,000,000	-4,000,000	-4,000,000	
Homelesss assistance grants	823,000,000	823,000,000	823,000,000		
Youthbuild		30,000,000			-30,000,000
Housing counseling assistance		23,000,000			-23,000,000
Empowerment Zones and Enterprise Communities		100,000,000			-100,000,000
Total, Selected housing programs (net)	16,003,925,000	23,657,000,000	23,842,000,000	+7,838,075,000	+185,000,000
Housing Programs					
Housing for special populations		474,000,000	839,000,000	+839,000,000	+365,000,000
Housing for the elderly		(300,000,000)	(645,000,000)	(+645,000,000)	(+345,000,000)
Housing for the disabled		(174,000,000)	(194,000,000)	(+194,000,000)	(+20,000,000)
Rental housing assistance:					
Rescission of budget authority, indefinite		-125,000,000	-125,000,000	-125,000,000	
(Limitation on annual contract authority, indefinite)	(-2,000,000)			(+2,000,000)	
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)		
(Limitation on direct loans)	(200,000,000)	(200,000,000)	(200,000,000)		
Administrative expenses	350,595,000	333,421,000	333,421,000	-17,174,000	
Offsetting receipts	-350,595,000	-333,421,000	-333,421,000	+17,174,000	

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
FHA - General and special risk program account:					
Program costs	85,000,000	81,000,000	81,000,000	-4,000,000	
(Limitation on guaranteed loans)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)		
(Limitation on direct loans)	(120,000,000)	(120,000,000)	(120,000,000)		
Administrative expenses	207,470,000	222,305,000	222,305,000	+14,835,000	
Subsidy - multifamily	-18,000,000	-18,000,000	-18,000,000		
Subsidy - single family	-64,000,000	-64,000,000	-64,000,000		
Subsidy - Title I	-25,000,000	-25,000,000	-25,000,000		
Total, Federal Housing Administration	185,470,000	196,305,000	196,305,000	+10,835,000	
Government National Mortgage Association					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(110,000,000,000)	(130,000,000,000)	(130,000,000,000)	(+20,000,000,000)	
Administrative expenses	9,383,000	9,383,000	9,383,000		
Offsetting receipts	-218,000,000	-204,000,000	-204,000,000	+14,000,000	
Policy Development and Research					
Research and technology	34,000,000	39,000,000	39,000,000	+5,000,000	
Fair Housing and Equal Opportunity					
Fair housing activities	30,000,000	39,000,000	30,000,000		-9,000,000
Management and Administration					
Salaries and expenses	420,000,000	451,000,000	451,000,000	+31,000,000	
(By transfer, limitation on FHA corporate funds)	(546,782,000)	(544,443,000)	(544,443,000)	(-2,339,000)	
(By transfer, GNMA)	(9,383,000)	(9,383,000)	(9,383,000)		
(By transfer, Community Planning & Development)	(675,000)	(1,000,000)	(1,000,000)	(+325,000)	
Total, Salaries and expenses	(976,840,000)	(1,005,826,000)	(1,005,826,000)	(+28,986,000)	
Office of Inspector General	36,567,000	36,567,000	45,567,000	+9,000,000	+9,000,000
(By transfer, limitation on FHA corporate funds)	(11,283,000)	(11,283,000)	(11,283,000)		
(By transfer from Drug Elimination Grants)	(5,000,000)	(10,000,000)	(10,000,000)	(+5,000,000)	
Total, Office of Inspector General	(52,850,000)	(57,850,000)	(66,850,000)	(+14,000,000)	(+9,000,000)
Office of federal housing enterprise oversight	15,500,000	16,312,000	16,312,000	+812,000	
Offsetting receipts	-15,500,000	-16,312,000	-16,312,000	-812,000	
Administrative Provisions					
Sec. 203 - FHA Assignment Reform, 1997	-128,000,000			+128,000,000	
Sec. 204 - Multifamily property disposition - FHA fund	-80,000,000			+80,000,000	
Sec. 210 - financing adjustment	464,442			-464,442	
Sec. 212 - demonstration	10,000,000			-10,000,000	
Total, administrative provisions	-197,535,558			+197,535,558	
Total, title II, Dept of Housing & Urban Development (net)	16,303,809,442	24,573,255,000	25,123,255,000	+8,819,445,558	+550,000,000
Appropriations	(19,453,809,442)	(25,563,255,000)	(25,823,255,000)	(+6,369,445,558)	(+260,000,000)
Rescissions	(-3,650,000,000)	(-990,000,000)	(-700,000,000)	(+2,950,000,000)	(+290,000,000)
Emergency appropriations	(250,000,000)			(-250,000,000)	
Emergency appropriations, FY 1998	(250,000,000)			(-250,000,000)	
(Limitation on annual contract authority, indefinite)	(-2,000,000)			(+2,000,000)	
(Limitation on guaranteed loans)	(238,900,000,000)	(258,661,000,000)	(258,661,000,000)	(+19,761,000,000)	
(Limitation on corporate funds)	(573,123,000)	(576,109,000)	(576,109,000)	(+2,986,000)	
TITLE III					
INDEPENDENT AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	22,265,000	23,897,000	26,897,000	+4,632,000	+3,000,000
Department of the Treasury					
Community Development Financial Institutions					
Community development financial institutions fund program account	50,000,000	125,000,000	125,000,000	+75,000,000	
Consumer Product Safety Commission					
Salaries and expenses	42,500,000	45,000,000	44,000,000	+1,500,000	-1,000,000
Corporation for National and Community Service					
National and community service programs operating expenses	400,500,000	546,500,000	400,500,000		-146,000,000
Office of Inspector General	2,000,000	2,500,000	2,000,000		-500,000
Total	402,500,000	549,000,000	402,500,000		-146,500,000
Court of Veterans Appeals					
Salaries and expenses	9,229,000	9,380,000	9,319,000	+90,000	-61,000
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	11,600,000	11,815,000	11,815,000	+215,000	

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Environmental Protection Agency					
Science and Technology	552,000,000	614,269,400	656,223,000	+104,223,000	+41,953,600
Transfer from Hazardous Substance Superfund	35,000,000	39,755,900	35,000,000		-4,755,900
Subtotal, Science and Technology	587,000,000	654,025,300	691,223,000	+104,223,000	+37,197,700
Environmental Programs and Management	1,752,221,000	1,887,590,900	1,763,352,000	+11,131,000	-124,238,900
Office of Inspector General	28,500,000	28,500,000	28,501,000	+1,000	+1,000
Transfer from Hazardous Substance Superfund	11,000,000	11,641,300	11,641,000	+641,000	-300
Transfer from Leaking Underground Storage Tanks	577,000			-577,000	
Subtotal, OIG	40,077,000	40,141,300	40,142,000	+65,000	+700
Buildings and facilities	87,220,000	141,420,000	182,120,000	+94,900,000	+40,700,000
Hazardous Substance Superfund	1,294,245,000	2,094,245,000	1,500,699,000	+206,454,000	-593,546,000
Delay of obligation	100,000,000			-100,000,000	
Transfer to Office of Inspector General	-11,000,000	-11,641,300	-11,641,000	-641,000	+300
Transfer to Science and Technology	-35,000,000	-39,755,900	-35,000,000		+4,755,900
Subtotal, Hazardous Substance Superfund	1,348,245,000	2,042,847,800	1,454,058,000	+105,813,000	-588,789,800
Leaking Underground Storage Tank Trust Fund	60,000,000	71,210,700	60,000,000		-11,210,700
Transfer to Office of Inspector General	-577,000			+577,000	
(Limitation on administrative expenses)	(7,000,000)		(7,000,000)		(+7,000,000)
Subtotal, LUST	59,423,000	71,210,700	60,000,000	+577,000	-11,210,700
Oil spill response	15,000,000	15,000,000	15,000,000		
(Limitation on administrative expenses)	(8,000,000)		(8,000,000)		(+8,000,000)
State and Tribal Assistance Grants	2,236,000,000	2,043,000,000	2,275,925,000	+39,925,000	+232,925,000
Categorical grants	674,207,000	750,257,000	750,257,000	+76,050,000	
Subtotal, STAG	2,910,207,000	2,793,257,000	3,026,182,000	+115,975,000	+232,925,000
Working capital fund	(101,526,000)	(101,000,000)	(101,000,000)	(-526,000)	
Total, EPA	6,799,393,000	7,645,493,000	7,232,077,000	+432,684,000	-413,416,000
Executive Office of the President					
Office of Science and Technology Policy	4,932,000	4,932,000	4,932,000		
Council on Environmental Quality and Office of Environmental Quality	2,436,000	3,020,000	2,506,000	+70,000	-514,000
Total	7,368,000	7,952,000	7,438,000	+70,000	-514,000
Federal Deposit Insurance Corporation					
Office of Inspector General (transfer)		(34,365,000)	(34,365,000)	(+34,365,000)	
Federal Emergency Management Agency					
Disaster relief	1,320,000,000	370,000,000	500,000,000	-820,000,000	+130,000,000
Emergency appropriations (P.L. 105-18)	3,300,000,000			-3,300,000,000	
Emergency approp (transfer out) (P.L. 105-18)	(-20,000,000)			(+20,000,000)	
Disaster assistance direct loan program account:					
State share loan	1,385,000	1,495,000	1,495,000	+110,000	
(Limitation on direct loans)	(25,000,000)	(25,000,000)	(25,000,000)		
Administrative expenses	548,000	341,000	341,000	-207,000	
Community disaster loans (by transfer) (emergency)	(20,000,000)			(-20,000,000)	
Salaries and expenses	170,500,000	171,773,000	171,773,000	+1,273,000	
Office of Inspector General	4,673,000	4,803,000	4,803,000	+130,000	
Emergency management planning and assistance	218,701,000	202,146,000	321,646,000	+102,945,000	+119,500,000
Emergency food and shelter program	100,000,000	100,000,000	100,000,000		
National Flood Insurance Fund (limitation on administrative expenses):					
Salaries and expenses	(20,981,000)	(21,610,000)	(21,610,000)	(+629,000)	
Flood mitigation	(78,464,000)	(78,464,000)	(78,464,000)		
Working capital fund	(16,816,000)			(-16,816,000)	
Administrative provision: REP savings	-12,251,000	-12,000,000	-12,000,000	+251,000	
Total, Federal Emergency Management Agency	5,103,556,000	838,558,000	1,088,058,000	-4,015,498,000	+249,500,000
General Services Administration					
Consumer Information Center Fund	2,260,000	2,119,000	2,419,000	+159,000	+300,000
Department of Health and Human Services					
Office of Consumer Affairs	1,500,000	1,800,000		-1,500,000	-1,800,000

VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL (H.R. 2158)—Continued

	FY 1997 Enacted	FY 1998 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
National Aeronautics and Space Administration					
Human space flight	5,362,900,000	5,326,500,000	5,426,500,000	+63,600,000	+100,000,000
Science, aeronautics and technology	5,767,100,000	5,642,000,000	5,690,000,000	-77,100,000	+48,000,000
Mission support	2,562,200,000	2,513,200,000	2,513,200,000	-49,000,000	.....
Office of Inspector General	17,000,000	18,300,000	18,300,000	+1,300,000	.....
Administrative provision: Transfer authority	(177,000,000)	.....	(150,000,000)	(-27,000,000)	(+150,000,000)
Total, NASA	13,709,200,000	13,500,000,000	13,648,000,000	-61,200,000	+148,000,000
National Credit Union Administration					
Central liquidity facility:					
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	.....	.....
(Limitation on administrative expenses, corporate funds)	(560,000)	(203,000)	(203,000)	(-357,000)	.....
Revolving loan program	1,000,000	.....	.....	-1,000,000	.....
National Science Foundation					
Research and related activities	2,432,000,000	2,514,700,000	2,537,700,000	+105,700,000	+23,000,000
Major research equipment	80,000,000	85,000,000	175,000,000	+95,000,000	+90,000,000
Education and human resources	619,000,000	625,500,000	632,500,000	+13,500,000	+7,000,000
Salaries and expenses	134,310,000	136,950,000	136,950,000	+2,640,000	.....
Office of Inspector General	4,690,000	4,850,000	4,850,000	+160,000	.....
Total, NSF	3,270,000,000	3,367,000,000	3,487,000,000	+217,000,000	+120,000,000
Neighborhood Reinvestment Corporation					
Payment to the Neighborhood Reinvestment Corporation	49,900,000	50,000,000	70,000,000	+20,100,000	+20,000,000
Selective Service System					
Salaries and expenses	22,930,000	23,919,000	23,413,000	+483,000	-506,000
Total, title III, Independent agencies	29,505,201,000	26,200,933,000	26,177,936,000	-3,327,265,000	-22,997,000
(Limitation on administrative expenses)	(114,445,000)	(100,074,000)	(115,074,000)	(+629,000)	(+15,000,000)
(Limitation on direct loans)	(625,000,000)	(625,000,000)	(625,000,000)	.....	.....
(Limitation on corporate funds)	(560,000)	(203,000)	(203,000)	(-357,000)	.....
Grand total (net)	85,895,503,442	90,990,338,000	91,660,767,000	+5,765,263,558	+670,429,000
Appropriations	(85,745,503,442)	(91,980,338,000)	(92,360,767,000)	(+6,615,263,558)	(+380,429,000)
Rescissions	(-3,650,000,000)	(-990,000,000)	(-700,000,000)	(+2,950,000,000)	(+290,000,000)
Emergency appropriations (net)	(3,550,000,000)	.....	.....	(-3,550,000,000)	.....
(By transfer)	(82,170,564,442)	(91,024,764,000)	(91,695,193,000)	(+9,524,628,558)	(+670,429,000)
(Limitation on administrative expenses)	(114,445,000)	(100,074,000)	(115,074,000)	(+629,000)	(+15,000,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	.....	.....	(+2,000,000)	.....
(Limitation on direct loans)	(985,095,000)	(984,551,000)	(984,551,000)	(-544,000)	.....
(Limitation on guaranteed loans)	(238,900,000,000)	(258,661,000,000)	(258,661,000,000)	(+19,761,000,000)	.....
(Limitation on corporate funds)	(573,683,000)	(576,312,000)	(576,312,000)	(+2,629,000)	.....
Total amounts in this bill	85,895,503,442	90,990,338,000	91,660,767,000	+5,765,263,558	+670,429,000
Scorekeeping adjustments	-3,832,100,000	32,100,000	32,100,000	+3,864,200,000	.....
Total mandatory and discretionary	82,063,403,442	91,022,438,000	91,692,867,000	+9,629,463,558	+670,429,000
Mandatory	21,187,993,000	21,542,804,000	21,542,804,000	+354,811,000	.....
Discretionary: General purposes:					
Defense	125,930,000	128,919,000	129,413,000	+3,483,000	+494,000
Nondefense	60,749,480,442	69,350,715,000	70,020,650,000	+9,271,169,558	+669,935,000
Total, General purposes	60,875,410,442	69,479,634,000	70,150,063,000	+9,274,652,558	+670,429,000
Total, Discretionary	60,875,410,442	69,479,634,000	70,150,063,000	+9,274,652,558	+670,429,000

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill, and I urge my colleagues to do likewise. I could not make a similar statement last year or the year before that for the VA–HUD appropriation bills. I am pleased that I can support this legislation, and I am pleased with the circumstances that have made this possible.

First, I wanted to take a moment to thank the gentleman from California [Mr. LEWIS], the chairman, for the open and inclusive way that he has approached the drafting of this bill. Both the gentleman from California [Mr. LEWIS] and his able staff have been extremely courteous and helpful during the hearing process and especially preparing for the markup of this bill in subcommittee.

I want to thank the gentleman from California [Mr. LEWIS] publicly for the comity which has been restored to the operation of this subcommittee and for the pleasure it is to work with him in crafting this bill.

While I cannot wholeheartedly embrace every recommendation contained in the bill and report, I think overall the bill represents a fair balance for the diverse and worthwhile programs which it funds. I think the administration currently holds a similar opinion. In the last statement of administration policy, there is no mention of a possible veto for the bill as it now stands.

However, the statement continues that if an amendment is adopted to eliminate funding for the Corporation for National and Community Service, or AmeriCorps, a veto is likely. The administration is already deeply concerned that the committee's recommendations for AmeriCorps is $146 million below their request and does not provide for the new America Reads initiative.

An amendment was offered in committee and may be renewed in the House to eliminate AmeriCorps funding. I sincerely hope that amendment is not offered or, if offered, is defeated. We all know how strongly the President believes in this program. He has fought hard for it in the past, and I am sure he will continue to do so.

After some understandable startup issues, the program appears to be operating much more smoothly. Reforms have been made, costs are coming down, and results are being achieved. So I would hope that we would avoid the histrionics and posturing and the tired old arguments about AmeriCorps and pass a bill that the President will sign.

As I said, all and all, this is a fairly well balanced bill, one that is worthy of the Members' support. In notable contrast to the experience during the last Congress, this bill contains virtually no legislative provisions. There are no antienvironmental riders, unlike the score of such controversial riders 2 years ago, and there is no major rewrite of housing law as there was last year.

The combination of the subcommittee's section 602(b) allocations and the provision in the budget resolution providing an additional $9.2 billion in budget authority and associated outlays for the section 8 contract renewal situation has allowed the subcommittee the flexibility to craft a bill with many positive aspects. In particular, the bill provides the full amount requested for renewal of all expiring section 8 housing assistance contracts. It also provides the full administration request for operation and modernization of public housing and for revitalization of severely distressed public housing.

Further, the bill includes substantial increases over last year's level for the Neighborhood Reinvestment Corporation and the Community Development Financial Institutions Fund, two relatively small programs that are nevertheless very important to economic development in cities and rural areas alike.

The measure also maintains funding for housing for the elderly and disabled and provides the full amount requested for homeless assistance programs. It also gets the new native American housing block grant program off to a good start by providing a $165 million increase over the levels spent on comparable programs this year.

I do wish that we could have done more in some areas. I especially wish we could have provided the 50,000 new section 8 housing certificates proposed by the administration. This will be the third year in a row without any additional units of assisted housing. The need for affordable housing for low-income families is growing, while the supply is shrinking.

I also wish we could have funded the administration's proposal for grants to promote the redevelopment of brownfields, that is, former industrial properties with moderate environmental contamination. The problem of brownfields is one of the most serious difficulties hampering redevelopment in many inner cities.

I also wish we could have provided the requested increase in the Superfund Program to speed the clean-up of contaminated sites across the country. There appears to be a considerable difference of opinion regarding the wording of the budget agreement as it relates to Superfund.

The Republican leadership says the agreement means "enactment of comprehensive Superfund reform legislation." OMB Director Frank Raines has stated, and I quote him, "We do not agree that the additional Superfund cleanup funding agreed to in the budget agreement is contingent on any prior legislation, much less a comprehensive reform bill."

Because there has not been any movement yet with regard to Superfund policies, I believe the committee's action not to include the requested increase at this time is understandable. However, in effect, by taking the extra Superfund money and spending it on other programs and activities instead of keeping a reserve against the day the Superfund policies are worked out, I fear that we have prejudiced the program unfairly. I doubt that we have heard the last from the administration on the additional Superfund spending.

I also wish we could have provided additional funding for veterans' medical care. Although increases above the President's request are recommended for NASA, the National Science Foundation, the Federal Emergency Management Agency, and the Department of Housing and Urban Development, veterans' medical care receives only the requested amount.

If the proceeds of the third party reimbursement proposal are realized in the amounts estimated, and if the legislation to enable individual medical centers to keep such funds is enacted, the crunch will be eased somewhat. However, there is some concern that the estimated level of third party reimbursements may be overly optimistic. Concerning veterans' medical care funding, Mr. Chairman, I have received a letter signed by all the Democrats on the Committee on Veterans' Affairs. I quote in part from their letter, which is dated June 25:

> As you know, the President's proposed budget for fiscal year 1998 did not request a level of appropriations expected to be needed to meet the cost of veterans' health care. We disagreed with this approach when it was initially proposed and we continue to disagree with the President's proposal today. As our veterans age and their health-related needs increase, this is surely not the time to provide an appropriation for VA which is insufficient to meet the health care needs of veterans.

I share their concerns. Even with the additional funding from third party reimbursements, veterans' medical care is not sufficient to sustain the current services level, much less provide for any increase in patient work load.

In sum, Mr. Chairman, while I have some concerns about the bill, on the whole it is a bill which we should support. It is a good bill now, and I hope that it can be made even better by the time we go to conference and we send it to the President. Again, I express my appreciation to both the gentleman from California [Mr. LEWIS], the chairman, and his staff for the excellent cooperation that we have received in crafting this bill.

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

□ 1900

Mr. LEWIS of California. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Chairman, I rise today in support of this bill. I commend the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from California [Mr. LEWIS], the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Ohio [Mr. STOKES] for the fair and equitable manner in which they have sorted out the competing priorities of the agencies funded by this proposal. I particularly want to express my appreciation for the commitment this appropriation makes to the Department of Veterans Affairs.

The Department of Veterans Affairs plays a vital role for the thousands of veterans in America. I want to share with my colleagues the story of Mr. Joe Atterbury of Hansen, Kentucky. As a 17-year-old in Vietnam, Joe, like many soldiers of that era, experienced many traumatic events, some so traumatic that I really cannot discuss them.

After serving in Vietnam, Joe returned home to western Kentucky, got a job, married and began raising a family. He worked hard as his family grew, with the addition of each of his six children. But by 1972, he began to have serious doubts about his ability to work and support his family. There was something affecting Joe Atterbury. He turned to the Department of Veterans Affairs for help seeking disability compensation. Seven years later, after several appeals, Joe was denied his claim. The VA found no cause for his inability to hold a job. He continued to work, off and on, trying to make ends meet for his family and it was very difficult. But in 1991 with the help of a caring physician, Joe refiled his claim.

I am pleased to say today, with the help of the Department of Veterans Affairs, after 25 years of denials and frustrations, Joe Atterbury was awarded a disability claim in excess of $100,000 for the posttraumatic stress disorder he had suffered since 1972.

The bill before us today represents a modest increase for veterans benefits, health administration, construction projects and other programs. I urge my colleagues to vote in favor of the bill and to renew their commitment to ensuring that all American veterans will find the help and the hope they deserve as did Joe Atterbury.

Mr. STOKES. Mr. Chairman, I yield 4½ minutes to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Chairman, I rise in support of H.R. 2158, a bill making appropriations in 1998 for VA, HUD and the independent agencies. Although I continue to be deeply troubled by the severe budgetary limitations on domestic discretionary spending, particularly for the most vulnerable and working families in future years, I applaud the Committee on Appropriations for the work that they have done this year.

H.R. 2158 is devoid of noxious legislative riders and most authorizing language that should be developed by the Committee on Banking and Financial Services. Indeed I am hopeful that even the few housing provisions will not be necessary here and that the Congress will enact real and fair public housing reform this year. On one of the problems of the last appropriations bill, the very complicated issue of section 8 portfolio restructuring, I am hopeful that the budget reconciliation conference will provide the legislative framework for reviewing section 8 contracts. The Committee on Appropriations took the most critical step in this bill. H.R. 2158 provides sufficient funding for all renewals coming due in 1998. I applaud them for their work and foresight.

Now the authorizers must do their work in reconciliation. We are well on our way to balancing all the disparate interests of the tenants, owners, communities, and the Federal Government in preserving as much affordable housing as possible, reducing the costs to the Federal Government, reasonably protecting the financial investments of the owners and protecting the tenants from unnecessary displacement. We thank them for making our job a little easier.

Mr. Chairman, that having been said, there are two glaring deficiencies in this bill. For the third year in a row, there is absolutely no money for incremental section 8 housing assistance, even in the face of continued, mounting evidence that greater numbers of very low income families and the working poor are finding it ever more difficult to find affordable housing. Some 5.3 million Americans have worst-case housing needs. That number grows by leaps and by bounds. I find it unconscionable that this refuses to fund any new section 8 assistance in this proviso.

The bill also fails to provide funding for preservation. Since its inception, 751 properties with more than 90,000 units have received preservation funding. Another 477 properties with about 56,000 units costing $1.6 billion are ready and waiting for preservation funding. The 1997 appropriations will take care of only about 58 of the approved preservation units, or plans, but that leaves more than 400 properties where owners or nonprofit and community groups that wish to preserve affordable housing will not be funded. Affordable housing will be lost.

Mr. Chairman, we are building precious few new affordable housing units. We simply cannot afford to lose this scarce and precious affordable housing resource.

On balance, however, this bill is about as good as we can get under our severe budget constraints. I urge my colleagues to support H.R. 2158.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], an outstanding member of our committee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time, and I rise in support of the bill.

Mr. Chairman, I would first like to thank the gentleman from California [Mr. LEWIS], the gentleman from Ohio [Mr. STOKES]) and the subcommittee staff for their guidance throughout the year.

This bill contains funding for many vital programs for our Nation's veterans, for protection and preservation of our environment, for meeting the housing needs for our elderly and disabled, and for scientific research and discovery.

Nearly half of this bill's funding of $40.4 billion supports the Department of Veterans Affairs efforts to provide health care, housing and benefits. As a member of this subcommittee, I am pleased that this bill provides full funding for the VA health care system.

In addition to veterans funding, H.R. 2158 provides funding for the section 811 program, housing for people with disabilities at $194 million, $20 million more than the President requested, and for the section 202 program, housing for older Americans, the number is $645 million, $300 million more than the President's request. Both of these programs are working extremely well at the Department of Housing and Urban Development, and I am pleased that the committee provided increased funding for both of them.

This bill also continues a set-aside program that the committee started last year to meet housing needs for people with disabilities. The committee has again included, and I commend the gentleman from California [Mr. LEWIS] in particular, $50 million for tenant based rental assistance to ensure decent, safe and affordable housing in communities for low income people with disabilities.

Finally, this bill includes more funding for Superfund cleanups. Specifically, $1.5 billion is included for the program, $106 million more than last year's funding.

Mr. Chairman, there is a desperate need for Superfund reform and change. First, the program needs to be reauthorized. Secondly, it needs to promote actual cleanups based on sound science, not the rhetoric of political science. Polluters need to pay and steps need to be taken to ensure that public or private funds are used for environmental cleanup, not to sustain endless litigation.

Mr. Chairman, I am proud to be a member of this committee and I support the bill.

This bill contains funding for many vital programs for our Nation's veterans, for protection and preservation of our environment, for meeting the housing needs for our elderly and disabled and for scientific research and discovery.

In total this bill provides over $91 billion for the Departments of Veteran Affairs, Housing and Urban Development and 17 independent agencies and offices. Nearly half of the bill's funding $40.4 billion, supports the Department of Veterans Affairs' efforts to provide health care, housing and benefits.

As a member of this subcommittee I am pleased that this bill provides full funding for the VA Health Care System. However, I remain concerned over the way the VA has chosen to implement the Veterans Integrated Network System [VISN]. My concern lies with the fact that veterans' health care funding has increased each year for the last 2 years by some $400 million yet some area networks are not seeing any increases and in fact are receiving cuts in funding and services.

In testimony before our subcommittee this year VA Secretary Jesse Brown told the subcommittee that no services will be reduced under the VISN proposal. In spite of this promise, the VA continues to reduce the number of veteran services to VA hospitals in New Jersey and veterans are beginning to believe that the Secretary's promise is meaningless.

During subcommittee markup I offered report language, accepted by the subcommittee, which would delay by 4 months the cuts to specific veterans' networks until the General Accounting Office has reviewed the new system. This review would determine if funding is being equitably distributed and if services to our veterans are adequate. I believe that this provision is a fair way of assessing the new VA plans to distribute these important health care funds.

In addition to veterans funding, H.R. 2158 provides funding for the section 811 program, housing for people with disabilities, at $194 million, $20 million more than the President requested and the section 202 program, housing for older Americans, at $645 million, $300 million more than the President's request. Both of these programs are working extremely well at the Department of Housing and Urban Development and I am pleased that the committee provided increased funding for them.

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There is a desperate need for Superfund reform and change. First, the program needs to be re-authorized and second it needs to promote actual clean-ups based on sound science, not the rhetoric of political science. Polluters need to pay and steps need to be taken to assure that public or private funds are used for environmental clean-up, not to sustain endless litigation.

Mr. Chairman, I am proud to be a member of this committee and I support this bill.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. MEEK], a very distinguished member of this subcommittee, very hardworking and very knowledgeable.

Mrs. MEEK of Florida. Mr. Chairman, I thank the leadership of the Subcommittee on VA, HUD and Independent Agencies, the gentleman from California [Mr. LEWIS], the chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member. I am pleased to have served on this subcommittee.

I think that the work that was done by this subcommittee was surely a bipartisan kind of effort, where both Democrats and Republicans worked well for the benefit of the people of this country. I want to congratulate them and their staffs for the work on this fine bill.

This particular bill will not do everything for everybody, Mr. Chairman, but what it does, it does a lot for people in need to improve the housing in this country. It is a responsible compromise that merits the support of every Member of this House. I think there is something in this bill, Mr. Chairman, that every Member of the House can go back home and say, "This is what this subcommittee did and we are very proud of it."

This has been a very tight budget year. Each of us is aware of that. The 602(b) appropriation is not as high as many of us thought it would be. Of course in the Senate it is probably much lower. So I think this committee did an outstanding job. They prepared for the renewal of expiring section 8 contracts, increased funding for EPA research which is so direly needed, the Superfund cleanups, housing for people with AIDS, community development financial institutions and a 40-percent increase for the Neighborhood Reinvestment Corporation. They really went out and reached out to those groups that really needed help and those programs that have been working well.

This bill also continues the Nation's commitment to space exploration and research, including development of the space station as well as the AmeriCorps national service program.

I particularly thank the chairman for working with the gentleman from New Jersey [Mr. FRELINGHUYSEN] and myself in increasing funding for the section 202 housing program for the elderly and for working with us on increasing funding for the self-help home ownership opportunity program. The gentleman from California [Mr. LEWIS], the chairman and the gentleman from Ohio [Mr. STOKES], the ranking member, were very receptive to ideas that would be workable for the people of this country as far as veterans housing and independent agencies. Many groups like Habitat for Humanity that our chairman so graciously decided that we would go out and help them, this was a show to this country and to those of us on that subcommittee that we not only deal with projects and with numbers but we deal with human lives in trying to rebuild housing for people in need.

Another thing in my district, like Centro Campesino dealing with the Mexicans in that area who are in so much dire need of housing. The chairman provided for those kinds of people to make possible the home ownership, Mr. Chairman, for people who perhaps would never get that opportunity. While this bill is not perfect, I want to again congratulate the chairman and the ranking member. It is a responsible bill and it is supportable. I urge my colleagues to support it.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the subcommittee.

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Mr. KNOLLENBERG. Mr. Chairman, I rise today in strong support of the bill. I want to thank the chairman of the subcommittee, the gentleman from California [Mr. LEWIS], who has done an outstanding job along with, of course, the gentleman from Ohio [Mr. STOKES], the ranking member. I think the two of them forged a relationship that brings about some bipartisanship that frankly we need in this body, and I applaud both of them for that.

As we began this appropriations process this year, the biggest unanswered question was whether we could fashion a good bill acceptable to a bipartisan majority. I would say that this subcommittee has done just that in a definitive fashion. This appropriations bill is unique in that it covers an array of diverse agencies ranging from AmeriCorps, to the environment, to space exploration. It is not easy to bring such a wide range of interests together into a single bill. In fact, it is one of the most difficult legislative juggling acts that my colleagues will ever encounter in this body, and again the gentleman from California [Mr. LEWIS] and the ranking member, the gentleman from Ohio [Mr. STOKES], deserve a lot of credit.

I believe that H.R. 2158 strikes a unique balance that addresses the needs of our veterans' housing programs, the environment and special needs of space exploration. Veterans funding is increased by more than 330 million, sending, I believe, a clear message of continued support for those who risk their lives for our country. We preserved funding for NASA's core mission, and in light of the recent success of Sojourner's mission to Mars, I think we should applaud what has been done and exciting to see some of the results of that spending. While we increased EPA funding to protect our environment, I have some grave concerns over EPA's use of these funds to implement the proposed new clean air standards. Much of the debate surrounding

this issue has become emotional, polarizing, rather than constructive and innovative. Without question, I believe the administration is attempting to impose costly new regulations on our communities, workers, businesses and families without anything more than a shred of concrete evidence that the new standards will help.

A part of me would really like to see this bill separated in the fashion so we could look at it, analyze it and apply some cost-benefit analysis and some risk analysis to this whole process. I do not believe that is the case.

But in conclusion, the bill before us is a good bill. I am very sure, very sure that every Member in this body could find something wrong with it, and probably has, but on the basis of what has been presented I believe it is a good bill and, frankly, if they can find something wrong with it, that is the nature of the process down here on the floor. We can all find something wrong with whatever comes through in the way of a product.

But I again want to take a moment to applaud the gentleman from California [Mr. LEWIS], the staff who have done an outstanding job, again the ranking member, the gentleman from Ohio [Mr. STOKES], and I particularly wanted to thank Mr. STOKES for his working with me on an issue that in times passed has been a bit of a hang-up, but it has come about, I think, where we have reached a conclusion that we have agreed that we can agree on this issue.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I just wanted to express my appreciation to the gentleman for his kind remarks and in the same turn that the matter which the gentleman and I were able to work out satisfactorily to both of us I think is one that also demonstrated the bipartisan manner in which the gentleman and I have approached matters relating to this committee, and it has been a pleasure to serve and work with him.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Ohio [Mr. STOKES]. I appreciate his comments.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. EVANS].

Mr. EVANS. Mr. Chairman, I thank the ranking member, the gentleman from Ohio [Mr. STOKES] for yielding this time to me.

Mr. Chairman, I prepared an amendment to this appropriations bill that would have prohibited the VA from using fiscal year 1998 dollars to contract with businesses that have serious and repeated violations of Federal labor and safety laws. I will not, however, offer my amendment at this time. The Committee on Rules did not agree to waive possible points of order against it. But I want to remind Members that our Nation's Federal contracting laws are in need of much reform.

The amendment I had hoped to offer this evening is similar to H.R. 1624, the Federal Procurement and Assistance Integrity Act that I introduced during this Congress. The amendment was narrowly tailored, however, so it would only apply to VA appropriations during the next fiscal year. It would have prohibited the VA from contracting with businesses with a history of serious and repeated labor and safety law violations. The amendment would have helped ensure that the VA only does business with entities that comply with the laws that protect America's working men and women from unfair working practices and unsafe workplace conditions.

Beverly Enterprises is one of the largest nursing home operations in the United States. It has an extremely poor safety record and a longstanding record of vindictive and illegal labor practices. The GAO has labeled Beverly as one of the most serious labor violators among our Nation's Federal contractors. The U.S. District Court in Pennsylvania recently stated that Beverly's labor law practices have been "selectively geared to destroy or at least impede communication among union members." On the health and safety front Beverly has repeatedly refused to allow investigators from OSHA to visit their facilities, even when the inspectors produce a warrant.

These facts speak for themselves. It is time to stop pouring taxpayer dollars down the corporate coffers of the Federal contractors who play fast and loose with the employees' rights and jeopardize the lives of American workers for the sake of the bottom line.

Mr. Chairman, I urge my colleagues to consider this kind of contracting reform as we take up future appropriations bills in this Congress.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. QUINN] for purposes of a colloquy.

Mr. QUINN. Mr. Chairman, I thank the chairman of the subcommittee for his courtesies today.

Mr. Chairman, as the chairman of the Subcommittee on Benefits, I am very concerned about the gradual decline in the overall appearance at our Arlington National Cemetery. The cemetery staff does a marvelous job, Mr. Chairman, of trying to keep the Nation's premier veterans' cemetery up to the standards of a National shrine that it is, but relatively flat budgets and a growing workload make that more and more difficult every year.

For instance, in 1992, Arlington employed a staff of 140 and interred 4,352. Five years later in 1997, the cemetery interred 5,400 with a staff of only 117. We know construction funds are also lagging, and these are the funds that are needed to replace an aging infrastructure such as old buildings and roads and to open new areas for burial. In 1992, Arlington received $4.8 million; this year's budget requests only $2.4 million, and clearly, Mr. Chairman, if this continues, our standards will not be met.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. QUINN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the chairman of the Subcommittee on Veterans Benefits is right on target. The gentleman from New York [Mr. QUINN] and I have discussed this matter on other occasions. Arlington National Cemetery holds a very special place in the hearts of the Nation, and I think it is important that Arlington be maintained at the highest standards. I am very aware that the cemetery's maintenance backlog has been growing.

Mr. Chairman, does the gentleman have a proposal?

Mr. QUINN. Mr. Chairman, I believe that they can probably absorb several millions of dollars worth of improvements, but the budget pressures that we are under, and others have worked so hard, I was going to offer an amendment to add $250,000 to the cemetery's budget. I appreciate the gentleman's leadership and respect the hard work of the subcommittee.

So I would merely request that during the conference with the other body the gentleman from California seek to add that $250,000 to the operations and maintenance accounts so that we can maintain Arlington in the manner reflecting the deeds of those who are buried there.

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for his cooperation and consideration of the subcommittee's work and the difficulty we face. This is a modest sum, and I am sure that it will be well used at Arlington. I would be pleased to seek additional funds during conference.

Mr. QUINN. Mr. Chairman, I thank the gentleman from California.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I would like to say a few words about the VA-HUD-Independent Agencies' appropriation bill developed under the able leadership of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], the ranking member. While there are, of course, specific items to which I may object, I believe that the bill is, on balance, a good one. Thus, in the brief time that I have I would like to comment on a few of the NASA provisions that have generated some controversy.

The bill, as reported, provides the NASA Administrator with the authority to transfer up to $150 million from the science, aeronautics, and technology and mission support accounts to the space station account. I shared the concern of the gentleman from Wisconsin [Mr. SENSENBRENNER] with that provision, and I am disappointed that the rule protects the provisions against a point of order. However, I do want to be clear about the reasons for my opposition.

I do not oppose providing NASA with additional funds to complete the development of the space station. I recognize that both NASA and the space station prime contractor have suffered cost growth and schedule problems over the past year. That does not make me happy, but it would be foolish to ignore reality and to pretend that all is well with the program and that additional funds will not be needed.

The situation has been exacerbated by the $2.1 billion annual funding cap that was imposed on the space station program in 1993. The cap may have been politically advantageous, even necessary, but it has further constrained NASA's ability to respond to Station development problems.

It is not very surprising to me that an R&D undertaking as large and as complex as the space station has run into difficulties, especially since we are at the point in the development program where we would anticipate such problems typically would arise. Moreover, I fully expect that the space station program will need additional funds prior to its completion, and I am prepared to support additional funding as appropriate.

However, I strongly believe that additional funding requests should not be quietly slipped into appropriations bills without prior review by the authorizing committee. Neither do I believe that it is prudent to indiscriminately raid NASA's other important activities to pay for space station cost growth. We will need to be flexible in our approach in order to ensure that no programs are damaged. Conversely, I would also oppose a limitation on the administration's ability to add funds to the space station engineering account, subject to congressional approval.

In a related vein, I intend to oppose the amendment that I understand will be offered by Mr. ROHRABACHER and Mr. ROEMER to eliminate the $100 million Russian program assurance account. While the amendment may reflect an understandable frustration with Russian delays in meeting their space station commitments, this amendment would have the net effect of damaging American interests—not promoting them.

That is because the $100 million is intended to reduce United States dependence on the Russians by funding the development of United States-owned contingency hardware that would help take Russia off the space station's critical path. Moreover, it is money that will be almost entirely spent within the United States—it is not a gift to the Russians, nor is it a blank check. Eliminating those funds would, in all likelihood, force NASA to curtail its work on contingency options and alternatives. Fundamentally, we can't have it both ways: We can't direct NASA to reduce the space station program's dependence on the Russians, and at the same time eliminate the funds NASA requires to carry out that directive.

The authors of the amendment have tried to add additional provisions that they hope will make it more appealing. However, Members should not be confused. If adopted, I believe that this amendment would lead to increased space station costs, further delays, and continued vulnerability to potential Russian delays. I intend to support Chairman LEWIS and oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska [Mr. BEREUTER], my colleague and friend.

Mr. BEREUTER. Mr. Chairman, I want to thank, first of all, the chairman and the ranking member and all the members of the subcommittee for the excellent work they did under difficult budgetary restraints, and I want to particularly comment favorably upon their treatment of some of the housing programs. Section 8, section 184, section 202, and section 811 programs were funded as adequately as we can under the circumstances, and they are very important, and I appreciate the subcommittee's good work.

Mostly, however, I would like to address the Safe Drinking Water Act. Legislation was enacted last year to amend that act and inject more common sense in the process of testing and treating our Nation's water. This Member is concerned, however, that the Environmental Protection Agency's groundwater disinfection program may be ignoring congressional intent. Specifically, the EPA may attempt to implement a rule which would result in enormous disinfection costs for small communities, but with no actual benefit to the citizens of those communities. In recognition of the general good quality of our Nation's groundwater, the excellent existing State water quality protection programs and the expense and other complications of unneeded treatment, the Safe Drinking Water Act of 1996 provided the EPA with only the authority to promulgate regulations requiring disinfection as a treatment technique as necessary, and I stress the words as necessary, for all public water systems using groundwater. Therefore, it appears that the EPA staff, all too predictably and as this Member predicted, would be the problem in his floor comments on June 25, 1996. It appears they may be focusing on a proposed regulation which goes far beyond the regulation of those systems with groundwater quality problems. Agency drafts have proposed regulatory measures that exceed disinfection and which are currently and properly covered under State authority or State programs.

Therefore, this Member would request that the chairman of the appropriations Subcommittee on VA–HUD enter into a colloquy on this matter.

Mr. Chairman, is it the committee's intention that a small community using groundwater should not be subject to EPA-directed improvements unless the community's groundwater poses a genuine health risk?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from California.

Mr. LEWIS of California. Unless the community's groundwater poses a genuine health risk, yes, there is such a requirement.

Mr. BEREUTER. Mr. Chairman, is it also the committee's intention that in order not to override creative and locally supported State efforts, which are effective in assuring public health, the EPA should develop a rule that clearly demonstrates that the groundwater poses a genuine health risk before requiring systems to disinfect?

Mr. LEWIS of California. Yes, it is, and I must say to my colleague that I very much appreciate his raising this question, for across the country there are other districts that have similar concerns, and the answer is yes.

Mr. BEREUTER. This Member thanks the distinguished gentleman for this clarification. Since Nebraska has more communities, all except five public water systems, that depend upon groundwater, more than any other State, this is a matter of great importance to our State, and I understand it affects other districts around the country as well.

Mr. Chairman, once again, the Appropriations Committee has completed the tough task of allocating limited resources to many deserving programs. As a member of the House Banking Committee, the committee with jurisdiction over Federal public housing programs, this Member is keenly aware of the growing strain section 8 contract renewals are placing on the HUD budget. This Member commends the appropriators for dealing with this difficult task in the absence of a legislative solution.

Although there are numerous deserving programs included in this funding bill, this Member would like to mention three specific programs. First, the bill provides $3.0 million for the section 184 Indian Housing Loan Guarantee Program which is administered by HUD. According to the committee report, this appropriation will result in over $36.9 million in loan guarantees. The section 184 Indian Housing Loan Guarantee Program has already proven to be an excellent program that for the first time is providing privately financed homes through a guarantee program for Indian families who are otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Second, appropriators should be applauded for including $4.6 billion for the Community Development Block Grant [CDBG]. This amount, which is the same as the fiscal year 1997 enacted level will efficiently provide block

grants for many successful programs, including Youthbuild.

Finally, this Member would like to thank appropriators for retaining the fiscal year 1997 enacted level of $645 million for the section 202 elderly housing program and $194 million for the section 811 disabled housing program. These levels, which this Member supported during House floor consideration last year, are a minimum commitment Congress should make to these special needs citizens.

Mr. Speaker, this Member rises in support of H.R. 2158 and urges his colleagues to support this measure.

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Mr. STOKES. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Pennsylvania [Mr. BORSKI], the ranking member of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure.

Mr. BORSKI. I thank the distinguished gentleman for yielding me this time, Mr. Chairman.

Mr. Chairman, while this bill has many positive attributes, it fails to adequately fund the Superfund toxic waste cleanup program. It violates the budget agreement by refusing to fund the President's request. It shortchanges the millions of Americans and their children whose lives and welfare are threatened by toxic waste.

By failing to provide the $650 million requested by the President for Superfund cleanup in fiscal year 1998, up to 120 Superfund site cleanups will not begin. There will be an enormous reduction in the relief that could be afforded to nearly 70 million Americans, including 10 million children who live within 4 miles of a Superfund site. The money requested sits in a trust fund collected for the very purpose of providing relief to these people who live with hazardous waste, threatening the water supplies and health.

Mr. Chairman, in the past the Superfund program has been justly criticized for the speed with which it cleaned up sites. As ranking member of the Subcommittee on Water Resources and Environment, I am all too aware of the history of the program. But I can tell the Members with a certainty that EPA, under the effective leadership of Carol Browner, has implemented over 50 initiatives to reform and improve the program.

The criticisms of the past do not accurately reflect the Superfund program of today. Eighty-two percent of sites on the final list are undergoing cleanup construction or already have construction completed.

Superfund has 439 completed cleanups and an additional 492 underway. These numbers indicate that the current program is clearly much more effective than in years past. The President proposed funding in his budget to complete an additional 500 cleanups by the year 2000. These are cleanups that are ready to go.

Despite their insistence that they, too, are committed to speeding up cleanups, the Republican leadership refused to provide needed cleanup funding.

Mr. Chairman, the Committee on Transportation and Infrastructure and the Committee on Commerce, along with the administration, have been meeting on a bipartisan basis to reauthorize the Superfund program. However, that process should not be the excuse to fail to fund cleanups which are ready to begin today. I do not know what a revised Superfund might look like, but I do know that the failure to provide additional cleanup funding will delay cleanups.

Mr. STOKES. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I want to urge support of this bill, and I must say that I am pleased with the overall funding for the EPA, plus language that was put in in an appropriation of $4 million for our decontamination effort of toxic dredge material in the New York Harbor, which impacts New Jersey. I wanted to thank the chairman, the gentleman from Ohio [Mr. STOKES], as well as the gentleman from New Jersey [Mr. FRELINGHUYSEN] for that effort in particular.

But I do have to say, as my previous colleague, the gentleman from Pennsylvania [Mr. BORSKI] did, that there is not enough money to significantly expand the Superfund program as proposed by the President. The President's initiative to clean up an additional 3,500 Superfund sites by the end of the year 2000 was designed to protect the public from the risks that these sites posed to health and the environment. I think this was an important initiative. It was recognized by the Congress. It was part of the accommodation in the balanced budget agreement.

What we intend to do, myself, the gentleman from Massachusetts [Mr. MARKEY] and the gentlewoman from Colorado [Ms. DEGETTE], is to offer an amendment that restores the $650 million in additional funding requested by the President.

Many of Superfund's detractors are fond of saying that the sites do not get cleaned up fast enough. I think this is the opportunity to make a difference. We should reauthorize and reform Superfund, but we have to fund the cleanups while we work on the bill.

I just wanted to say that in my home State of New Jersey, there are some 70 percent of our 107 sites that are either being cleaned up or are cleaned up. A great number of the sites have not been delisted in New Jersey only because long-term monitoring is still ongoing or long-term treatment of groundwater is still ongoing, but we have worked very hard with the EPA administrator and the President to put in place a Superfund program that is leaner and cleaner than it ever was before.

Nationally, the reforms put into place by the EPA have revived the Superfund program after many years of neglect. In the last 4 years the EPA has cleaned up more sites than in all of the 12 years of the program's previous years.

Mr. Chairman, the President made a promise to clean up these additional sites by the year 2000. To do that, I think we should include this money in the bill.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to my colleague, the gentleman from Cleveland, Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, at this hour the ailing Russian astronaut Tsibliyev is aboard the Mir space station awaiting help in outer space to see if an American astronaut, Michael Foale, can take charge to make critical repairs to the space station.

As often happens in the universe, the drama in the sky above mirrors that on the Earth below, because we are faced with the possible elimination of $100 million in the fiscal year 1998 appropriations for NASA's Russian Program assurance activities. This $100 million is needed to continue NASA's contingency against Russian delay in the delivery of the International Space Station service module.

The majority of these funds will be spent in the United States to develop and modify hardware needed to ensure that the International Space Station will be built on time. The elimination of these funds would put the program at risk and delay the critical research that is being planned for the space station.

Mr. Chairman, NASA has made significant progress towards the on-orbit assembly of this unique international research facility. The $100 million allows NASA to fulfill a mandate that has been emphasized by Congress, the importance of contingency planning to prepare the United States to deal with delays in Russian hardware for the space station.

The day is near when the International Space Station, the product of an international partnership between the United States and 13 other countries, will begin to be assembled in orbit around the Earth. When it is completed soon after the turn of the century, it will serve as a world class laboratory for microgravity research.

Mr. Chairman, the International Space Station represents the future of aerospace technology, medical research, international cooperation, and space travel. The continued support of this orbiting laboratory is critical. We wish the Russian astronaut well and Godspeed, and we wish our American astronaut good luck as he faces this critical moment. We are with him, and

I hope that we will support the continuation of the International Space Station.

Mr. STOKES. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. STOKES] is recognized for 2 minutes.

Mr. STOKES. Mr. Chairman, I do not expect to take all the time. I just want to once again say to my colleagues that this is a good bill. I want to say also that this is a difficult bill to craft. It is a bill that takes a number of months to put together. The staffs on both sides, the majority and minority staffs, have spent a lot of time working on this bill. Then the chairman and I spent long hours working to craft this bill.

Mr. Chairman, we wish, both of us I am sure, the gentleman from California [Mr. LEWIS] and I, that we could have had the resources to do many more things with this bill, but with the resources that were available to us I think we have crafted a bill that the House can take pride in.

Right now this bill has the support of the President. I hope we will not put any onerous amendments on this bill to place it in jeopardy of any type of a veto. I would like to see us be able to pass this bill and go to conference, and bring back to the House an even better bill.

In closing, Mr. Chairman, once again I want to thank my esteemed colleague, the gentleman from California [Mr. LEWIS], and say what a pleasure it is to work with him in crafting this very difficult bill. I offer him full support for this bill and hope that our colleagues will pass it.

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

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The gentleman from California [Mr. LEWIS] is recognized for 6 minutes.

Mr. LEWIS of California. Mr. Chairman, it has been suggested that the gentleman from Ohio [Mr. STOKES] and I, working on this very complex bill, have found ourselves in a circumstance where perhaps this subcommittee is a model for the work of the balance of our subcommittees.

I think more important than that, the bill involves, as has been suggested, a great variety of very complex issues that cover the gamut in terms of services to the American public. Veterans' medical programs are important, obviously. Housing programs are important. We are all excited today about NASA. EPA's work is critical to the country's future.

Indeed, when those kinds of programs are involved and there is competition head-on, the point that shortly comes to the fore is that major public policy issues, when we can get down to the nub of it, have very little to do with partisan politics. It is searching for alternative solutions and answers that lead to the best result for the American public. In this bill, I think we come very close to accomplishing much of that.

Because of that, I give my thanks to our staff, as the gentleman from Ohio [Mr. STOKES] has suggested, but very much to my colleague, the gentleman from Ohio, Mr. LEWIS STOKES, for his cooperation as well.

Mr. Chairman, I urge Members to support this bill.

Mr. RUSH. Mr. Chairman, I rise today to voice unqualified support for one of the Nation's most vital housing programs—the Low Income Housing Preservation and Resident Homeownership Act [LIHPHRA] of 1990 and its predecessor, the Emergency Low Income Housing Act of 1987. This program has, without qualification, preserved the homes of thousands of low- and moderate-income families and senior citizens. Yet, the HUD–VA appropriations bill that we have before us today includes zero funding for this popular and effective program.

In Chicago, there are presently 600 units of housing that have been approved by the Department of Housing and Urban Development for preservation. These apartments involve sales to community-based nonprofit organizations that are awaiting funding. But they will not be preserved as affordable housing if this Congress fails to provide funding for the LIHPHRA Program.

In the First Congressional District, there are presently 418 units approved for preservation and awaiting funding. Since its inception, LIHPHRA funds have contributed to the preservation of 1,500 apartments in the First Congressional District and 7,500 units in Illinois. This includes the recent transfer of a 312-unit senior citizen property on Chicago's south side—Cambridge Manor—to resident nonprofit ownership. Just weeks ago I had the opportunity to share in the celebration of this achievement with residents of the community.

LIHPHRA has proven a cost-effective approach to preserving affordable housing in our financially strapped cities. The national average cost to acquire and rehabilitate housing under LIHPHRA is $40,000 per apartment. This compares to an average cost of $80,000 to $120,000 per unit for total replacement of housing in the First Congressional District.

Regrettably, the actions of the HUD–VA Appropriations Committee will result in hundreds of prepayments of HUD-assisted mortgages. The end result will be the conversion of quality housing stock that has been financed with taxpayer dollars to market-rate uses.

In place of continued and expanded LIHPHRA funding, the committee is recommending the use of housing vouchers. But experience shows that in Chicago, at least 20 percent of tenant-based assistance is returned to the housing authority unused because of economic and racial barriers faced by tenants who try to use the certificates. Clearly, the voucher alternative does not offer a workable viable vehicle to preserve housing stock as a source of low-income housing for current tenants and future generations.

I regret that the VA–HUD appropriations bill reported by the committee failed to include funding for the preservation program. I urge my colleagues in the Senate and the conferees to ensure that funding for the LIHPHRA Program is restored.

Mr. EVERETT. Mr. Chairman, I rise today to extend my support for the legislation before us. I especially commend Chairman LEWIS and his colleagues on the VA–HUD Appropriations Committee for their cooperation with the Committee on Veterans Affairs in reaching a consensus and commitment to adequately fund the Department of Veterans Affairs for fiscal year 1998.

Chairman LEWIS has provided a total appropriation of $40.0 billion in fiscal year 1998 for programs and benefits provided to our veterans by the VA. This total is $143 million more than requested by the administration and includes $17.0 billion in direct appropriation for medical care and treatment of eligible beneficiaries. The legislation also takes an important step to allow the VA to retain for its own use the collections and user fees paid from third parties as reimbursement for VA-provided medical care.

While this Congress is dedicated to spending less of the taxpayers dollars on unnecessary programs and departments of Government, we cannot and should not jeopardize veterans healthcare, compensation, and other program benefits. This country made a commitment to every single veteran and we have a responsibility to follow through. I believe that this legislation is true to this commitment.

This Congress should, however, expect the Department of Veterans Affairs to commit taxpayer dollars toward programs and services in a fiscally responsible manner. I am particularly concerned with the manner in which the VA is progressing toward VA hospital integrations across the country.

Let me first say that I support consolidating VA facilities. I believe this process is necessary to improve the efficiency of healthcare delivery for America's veterans. However, the VA should never implement an integration of facilities before designing a detailed integration plan. Unfortunately, the VA proceeded with the formation of the Central Alabama VA Health Care System and implementation of clinical and administrative changes without a business plan. The GAO considers the VA proposal inadequate, at best. Further, the GAO suggests that the plan raises more questions that it provides answers.

For this reason, I have requested that the VA halt the integration of two facilities in Alabama until such time as the Department has provided critical information on the consolidation process, specifically, on the formation of the Central Alabama Veterans Health Care System through the integration of the Montgomery, AL, VA Medical Center, and the Tuskegee, AL, VA Medical Center.

The General Accounting Office [GAO] is reviewing the integration of these facilities and has identified specific issues which should be addressed before further implementation takes place. The VA agreed to temporarily halt this integration in June.

At my request, Chairman LEWIS has included report language in the bill directing the VA to not proceed with further integration of

these two facilities until a detailed plan of the integration has been submitted to the Congress and the General Accounting Office issues a report reviewing the plan.

I believe, and the committee agrees, that given the specific circumstances surrounding the integration of these two facilities, integration should be halted until the VA and the GAO can assure this Congress that the integration of the Montgomery and Tuskegee facilities will serve the best interests of the veterans of Alabama and the taxpayers of this country.

Mr. Chairman, I stand in strong support of this legislation and thank Chairman LEWIS, once again, for this attention to the concerns of veterans in my district and throughout the country.

Mr. STUMP. Mr. Chairman, I want to commend the members of the Appropriations Committee and its leaders, Mr. LIVINGSTON, Mr. OBEY, Mr. LEWIS, and Mr. STOKES, for their work on this bill. It is a good bill for veterans.

Earlier this year, when the administration sent its budget to the Congress, there was a great deal of concern about the proposed funding scheme for veterans health care. For the first time, the administration proposed that part of the funding for veterans health care would be dependent on what VA could collect from insurance companies and others who are obligated to pay for VA health care.

The funding level contained in this bill assumes that Congress will send to the President authority for the Secretary to spend amounts collected from insurance companies for veterans' health care. However, it is important to note that the House has taken a number of steps to make this less risky than the administration's original proposal. In the House-passed reconciliation bill, the VA Committee inserted several provisions to avoid a situation in which veterans are denied health care because of an unexpected shortfall in collections. The House-passed provisions would: Provide additional appropriations if collections from third parties fall short of projections by more than $25 million; authorize VA to collect the same amount that insurance companies pay other health care providers; require VA to develop a plan to maximize collections through appropriate incentives; and establish a monitoring mechanism so that Congress can accurately assess whether this new authority is working.

The language reported by the VA Committee would have made these collections available without any further action by the Congress, and I still believe that if we want to maximize collections, that is the best policy.

There are a number of other noteworthy improvements to the administration's budget proposal for veterans contained in this measure. It adds $32.6 million to the President's request for veterans medical research. I am concerned, however, that the reported bill includes unwise and unnecessary restrictions on how this money is to be spent. The bill includes increased funding for the State veterans home construction grant program, an action which the VA Committee recommended earlier this year. The bill provides the funds requested by the administration to upgrade the National Cemetery in Arizona. It also adds funds to modernize some of the VA's health care facilities, a necessary investment even though the VA is going through a nationwide restructuring of the way in which health care is delivered. Finally, it adds modestly to the funds needed to administer the benefits which the Congress has authorized for veterans. All of these increases were recommended earlier this year and I congratulate the committee for its wise choices.

Mr. VENTO. Mr. Chairman, I rise in overall support of this legislation which will provide $91.7 billion in fiscal year 1998 for housing programs, veterans programs, environmental programs, and a myriad of other independent agencies' programs.

I think, Mr. Chairman, that this bill is acceptable, in relative terms, for housing, an area of appropriations that continues to bear the scars and burden of the 1995 rescissions bill which gutted important housing and homeless programs. We see in this bill a recognition of the section 8 renewal needs at $9.2 billion, a recognition of the political realities. The measure as reported does not antagonize Presidential priorities with regard to AmeriCorps or community development financial institutions, and there is a recognition in the bill of the need for balance among the programs funded through this important mixture of programs. These programs in effect display the full spectrum of Federal Government activities.

Mr. Chairman, I do have reservations about some of the spending priorities in this VA–HUD-independent agencies appropriations bill. For example, while these are exciting times on Mars and as a person with a strong science interest, I celebrate the discoveries, I only wish we could see such exuberance, ingenuity, and funding commitment in tackling our Nation's housing challenge. If only we could see such commitment to funding and supporting efforts to clean up our Nation's air, and those in our Nation's Capital these past few days in July has only shown too "clearly" that our air is in need of help, and other environmental cleanup needs of spaceship Earth. Certainly I recognize that this is an acceptable bill than recently has been presented on the floor because the 602(b) appropriation allocation permitted the subcommittee, led by Messrs. LEWIS and STOKES, a more equitable allocation.

There are several issues I am pleased to note specifically: for one, the level funding of the AmeriCorps Program at $400 million. There has been a lot of talk about the Minnesota/North Dakota/South Dakota floods; about funding; and about the necessity of expedited funding. AmeriCorps put its people and money where its promises were and sent close to 100 AmeriCorps members to help flood victims. They came from all over the country, from Colorado, from Virginia, to help slog through the mud of the Red River that clogged people's basements, to pitch sandbags, to deliver food, and to work in other important jobs that were essential during this still trying time. These volunteers did all this and more for an opportunity to help people and to restore hope for people who really needed it.

AmeriCorps helped more than 9 million individuals throughout 1995–96. Although we could do more for this vital win-win program that wins for the volunteers and those who are served, level funding is a step ahead of where we were in the previous bills. I urge the House to defeat amendments to strike or reduce AmeriCorps funding.

I am surprised and dismayed that the bill does not fund the additional 50,000 section 8 certificates and vouchers requested by the administration. The third year without new housing being made available. The need for housing persists. It has not gone away. The changes that welfare reform will bring are going to impact our housing programs in many ways including a likely increase in demand for section 8 housing. Affordable housing supplies are not keeping pace with the growth in housing needs. It has been estimated that the gap between the number of affordable housing units and the number of people needing them is 4.7 million units. The U.S. Department of Housing and Urban Development estimates that over 11 million Americans have worst case housing needs. Families with children represent 43 percent of the households with those needs—paying more than half of their income for rent and utilities, or living in substandard housing. These are housing canyons forming in our Nation, not mere housing gaps and the numbers clearly show that many, many millions of Americans are but an accident, a job loss, or a health care crisis away from unfortunately becoming homeless.

In its annual survey, the U.S. Conference of Mayors found that 20 percent of all requests for emergency shelter went unmet this year because of a lack of resources. Emergency shelter requests increased in the 29-city survey by an average of 5 percent, with the requests for assistance from homeless families increasing by 7 percent. On average, people remain homeless for a disappointing 6 months in the survey cities. The No. 1 reason, among many reasons to be sure, is the lack, of affordable housing. And now, with the impact of welfare reform starting to be felt, it is even more evident that we must marshal the necessary resources to keep American citizens off the streets.

I intend to offer an amendment to restore the Federal Emergency Management Agencys' Emergency Food and Shelter Program to $130 million, up from $100 million in the bill, and to support the Kennedy amendments to increase funding from the HUD McKinney Act homeless programs for $823 million to $1.1 billion and to add 45,000 units of incremental section 8 assistance. I urge my colleagues to consider that same course of action. This would indeed bring homeless funding to its 1995 level and provide some new additional support.

The public housing program will be affected by welfare reform, especially in their operating subsidies. Although public housing programs are level funded, I fear that a proper accounting has not been made on the real potential impacts of welfare reform cuts on public housing in the future. Public housing authorities are strapped already. I am pleased, however, that the committee fully funded the important Drug Elimination Grants Program, a program I've been fighting to save in the authorizing legislation process, the spending commitment is necessary and deserves the support of the house.

Other housing and community development programs are in need of mentioning. Last

Congress, we reorganized the native American housing programs into a block grant. Although the bill provides $165 million more than requested by the administration for this new block grant, I am concerned that be shielded from cuts as it goes through the congressional process. Housing needs in Indian country are great, and block grants that dribble out are not as effective as those that come out with meaningful allocation amounts to the designated housing entities.

I thank the committee for allocating additional resources to the Community Development Financial Institutions [CDFI] fund. This important fund seeks to increase the availability of credit and investment capital in distressed communities as a means of increasing economic opportunity and revitalizing distressed communities. In many places, like rural Minnesota and right here in Washington DC, allocations have been approved that may well work through innovative micro credit lending that is being advanced through the CDFI. Funding this program at $125 million will give the CDFI program additional boost to help more communities, businesses, and individuals the opportunity to help themselves. CDFI works. Now its appropriate to realistically fund the CDFI's.

In this same vein, H.R. 2158 has allocated $70 million for the highly successful and proven work of the Neighborhood Reinvestment Corporation. As a long-time supporter of this program and an author of the law expanding their mission several Congresses ago, I am pleased at the dollar commitment for the Neighborhood Reinvestment and Neighborhood Housing programs serving hundreds of cities across our country.

With regard to the funding level for the EPA, the bill on the whole is positive but has some serious flaws. I am very concerned about the failure to fund to restore the environment in communities burdened with toxic waste sites. By providing only $1.5 billion for the Superfund hazardous waste cleanup program, the bill translates into 29 percent less than requested by the administration. I would also like to have seen funds allocated from Brown fields cleanup, not just $85 million for assessment. Our cities need assistance in cleaning up sites so that they can turn these areas into positive areas, environmentally and economically. I regret that the politics of reauthorization has resulted in shortchanging these key programs, Superfund and Brownfields which are integral to the economic vitality of our communities.

Mr. Chairman, I urge my colleagues to support H.R. 2158 and to support the several important amendments that will be offered to increase funding for housing and homeless assistance programs.

Mr. HOBSON. Mr. Chairman, I rise today in strong support of the H.R. 2158, the fiscal year 1998 VA, HUD and independent agencies appropriations bill. As a member of the VA–HUD Subcommittee I have enjoyed working with Chairman LEWIS, my fellow subcommittee members, and the fine subcommittee staff and I commend their work on this often difficult bill.

This year, as always, the subcommittee was faced with many challenges as it worked to approve funding for the wide array of programs under its jurisdiction. Nonetheless, I am pleased that we were able to appropriate $70 billion to meet the important needs of our veterans, protect the environment, address the Nation's housing and emergency assistance needs, and retain our commitment to space and science programs. The 1998 funding level in this bill is $600 million more than the President's request and approximately $6 billion higher than last year, guaranteeing that our most vulnerable citizens receive the assistance they need to lead productive lives.

As someone who has served on active duty, I firmly believe that we can never thank our veterans enough for putting their lives on the line in defense of our Nation. I am proud that the VA–HUD bill continues the House's strong support for veterans by protecting the veterans medical care account from reductions by funding it at $17 billion, with an extra $468 million to follow when the Balanced Budget Act is passed.

The bill also provides funding to ensure that those Americans who need housing assistance can receive it. H.R. 2158 funds the section 202 housing program for the elderly at $645 million and the 811 housing program for persons with disabilities at $195 million, both of which have been a concern of residents of Ohio's seventh district. Spending in both of these programs represents an increase over the President's request. Also, section 8 contract renewals are fully funded at $9.1 billion ensuring that all expiring contracts will be renewed for 1 year. The extremely popular Community Development Block Grant Program and HOME home investment partnerships are funded at $4.6 billion and $1.5 billion respectively, which protects CDBG funding and expands the HOME effort by $100 million.

The Environmental Protection Agency also received an increase of $433 million which will allow for the protection of our Nation's resources, for increased environmental research and for the clean-up of hazardous sites. More specifically, H.R. 2158 appropriates $656 million for EPA research including $40 million to study aspects of the controversial proposed EPA air regulations. The Superfund receives $1.5 billion, an increase of $100 million, and $85 million is allocated to help clean-up brownfield sites and restore them to useable condition, which is $48 million over the 1997 level. Finally, the clean water state revolving loan fund is funded at $1.25 billion and the safe drinking water revolving fund at $750 million, a total increase of $200 million. These funding levels will help preserve our valuable resources for future generations and help ensure that small communities receive the technical assistance to continue providing pure, clean water for rural families.

H.R. 2185 fully funds the Federal Emergency Management Agency's disaster relief account. This agency is of vital importance to coordinating the Federal Government's emergency preparation, response and recovery efforts. FEMA works closely with State and local governments in managing emergency programs and offering technical assistance and I am pleased to see these efforts being maintained.

Finally, the VA–HUD bill increases funding for NASA by $148 million over the President's request. Over the past few weeks we have marveled at the Mars Pathfinder mission and other projects such as the microgravity experiments developed by Ohio's NASA Lewis Research that are being conducted on the Space Shuttle *Columbia*. In Ohio and other locations across the country NASA taps the excitement of space exploration to help underserved children learn about science and math, and I'm glad to see these efforts adequately funded in this bill. It is important that our Nation continue our investment in science and space exploration, and that we use these efforts to improve life on Earth—H.R. 2185 provides the funding necessary to do all of these.

Tough decisions are made in this bill, such as the action to close the Office of Consumer Affairs—whose functions can be transferred to existing agencies—and freeze funding for the expensive Americorps program. These were carefully considered actions, and make it possible for the 1998 VA–HUD bill to provide for our veterans, meet the country's housing and environmental needs, invest in emergency planning, and support science and space exploration. I urge my colleagues to join me in supporting this bill.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CUNNINGHAM) having assumed the chair, Mr. COMBEST, 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. 2158), making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 181 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2107.

□ 1942

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 further consideration of the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the final lines of the bill had been read.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 181, proceedings will now

resume on those amendments on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Ohio [Mr. CHABOT]; amendment No. 3 printed in House Report 105–174 offered by the gentleman from Idaho [Mr. CRAPO]; the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK]; amendment No. 2 offered by the gentleman from Oklahoma [Mr. COBURN]; and amendment No. 2 printed in House Report 105–174 offered by the gentleman from Florida [Mr. WELDON].

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

AMENDMENT OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT:

Beginning on page 76, strike line 14 and all that follows through line 10 on page 77.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 96, noes 328, not voting 10, as follows:

[Roll No. 270]

AYES—96

Aderholt
Archer
Armey
Barr
Bartlett
Barton
Boehner
Bono
Brady
Bryant
Burton
Buyer
Canady
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Ehrlich
Emerson
Gekas
Goodlatte
Goodling
Graham
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Herger
Hilleary
Hostettler
Hunter
Hyde
Inglis
Istook
Jones
Kasich
King (NY)
Kingston
Largent
Latham
Linder
Manzullo
McIntosh
McKeon
Myrick
Neumann
Norwood
Nussle
Paul
Paxon
Pease
Petri
Pombo
Radanovich
Riley
Rogan
Rohrabacher
Royce
Ryun
Salmon
Scarborough
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shuster
Smith, Linda
Solomon
Souder
Stearns
Stenholm
Stump
Talent
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Weldon (FL)

NOES—328

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Bunning
Burr
Callahan
Calvert
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Cook
Cooksey
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Granger
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Spence
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (FL)

NOT VOTING—10

Brown (FL)
Conyers
Eshoo
Gephardt
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

□ 2003

Messrs. SKELTON, COOKSEY, BONILLA and ENSIGN changed their vote from "aye" to "no."

Messrs. HALL of Texas, PAXON, WELDON of Florida, and ARCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRAPO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Idaho [Mr. CRAPO], on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 314, noes 109, not voting 11, as follows:

[Roll No. 271]

AYES—314

Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Fawell
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)

Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Jones
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Wynn

NOES—109

Abercrombie
Ackerman
Allen
Bateman
Becerra
Berman
Blumenauer
Bonior
Bono
Borski
Boucher
Boyd
Brown (CA)
Carson
Clay
Coyne
Cummings
Davis (IL)
DeGette
Dellums
Dicks
Dingell
Dixon
Edwards
Engel
Evans
Ewing
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gephardt
Gonzalez
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kilpatrick
Knollenberg
Kucinich
Lantos
Lewis (GA)
Livingston
Lofgren
Lowey
Manton
Markey
McDermott
McGovern
McNulty
Meek
Millender-McDonald
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Rahall
Rangel
Rodriguez
Rogers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Serrano
Shuster
Skaggs
Slaughter
Smith, Adam
Snyder
Spence
Stark
Stokes
Tierney
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wise
Yates
Young (FL)

NOT VOTING—11

Brown (FL)
Buyer
Conyers
Cubin
Eshoo
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

□ 2011

Messrs. MCINTYRE, STRICKLAND, and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma [Mr. ISTOOK], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 216, not voting 10, as follows:

[Roll No. 272]

AYES—208

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Canady
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Paul
Paxon
Pease
Peterson (PA)
Petri
Pitts
Pombo
Porter
Portman
Poshard
Price (NC)
Quinn
Radanovich
Rahall
Riley
Roemer
Rogan
Rogers
Rothman
Roukema
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wolf
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brown (CA)
Brown (OH)
Burton
Camp
Campbell
Cannon
Capps
Cardin
Carson
Castle
Clay
Clayton
Clyburn
Condit
Cooksey
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Engel
Ensign
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goss
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hunter
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Pickett
Pomeroy
Pryce (OH)
Ramstad
Rangel
Redmond
Regula
Riggs
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sawyer
Schaffer, Bob

Schumer
Scott
Serrano
Shaw
Sherman
Skaggs
Skeen
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Wicker
Wise
Wynn
Yates

NOT VOTING—10

Brown (FL)
Conyers
Eshoo
Johnson, Sam
LaFalce
Lewis (CA)
Reyes
Schiff
Woolsey
Young (AK)

□ 2019

Mr. GIBBONS and Mr. BENTSEN changed their vote from "aye" to "no."

Messrs. SHAYS, SAXTON, GILCHREST, and CUNNINGHAM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. COBURN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma [Mr. COBURN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 203, not voting 9, as follows:

[Roll No. 273]

AYES—222

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NOES—203

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schumer
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Wynn
Yates

NOT VOTING—9

Brown (FL)
Conyers
Eshoo
Johnson, Sam
LaFalce
Reyes
Schiff
Woolsey
Young (AK)

□ 2027

Messrs. HOBSON, McINTYRE, and LIVINGSTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. WELDON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 396, noes 25, not voting 13, as follows:

[Roll No. 274]

AYES—396

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
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 (OH)
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
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
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
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 (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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (FL)

NOES—25

Ackerman
Becerra
Brown (CA)
Dellums
Engel
Farr
Frank (MA)
Furse
Hastings (FL)
Kennedy (RI)
McDermott
Meehan
Miller (CA)
Moran (VA)
Nadler
Neal
Olver
Pallone
Payne
Pelosi
Sabo
Scott
Tierney
Waters
Yates

NOT VOTING—13

Brown (FL)
Cooksey
Eshoo
Hall (TX)
Herger
Johnson (CT)
Miller (FL)
Myrick
Reyes
Scarborough
Schiff
Woolsey
Young (AK)

□ 2033

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MILLER of Florida. Mr. Chairman, on rollcall No. 274, I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Chairman, on rollcall No. 274, I was unavoidably detained.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Chairman, I was unavoidably detained and missed several votes earlier today due to mechanical failures on my scheduled flight.

Had I been present, I would have voted:

Yea on rollcall No. 267; Yea on rollcall No. 268; Yea on rollcall No. 269; Nay on rollcall No. 270; Nay on rollcall No. 271; Nay on rollcall No. 272; Nay on rollcall No. 273; and, Yea on rollcall No. 274.

PERSONAL EXPLANATION

Ms. ESHOO. Mr. Chairman, I was unavoidably detained because of airline equipment problems, and missed the following rollcall votes earlier today. Had I been present, I would have voted as follows:

On rollcall No. 267, yes; on rollcall No. 268, yes; on rollcall No. 269, the Journal, yes; on rollcall No. 270, no; on rollcall No. 271, yes; on rollcall No. 272, no; on rollcall No. 273, no; on rollcall No. 274, yes.

Mr. QUINN. Mr. Chairman, I rise today to commend Interior Chairman Regula for all of his hard work regarding H.R. 2107, fiscal year 1998 Interior Appropriations Act. Specifically, I wish to thank the chairman for his efforts regarding funding for the low-income weatherization program.

Low-income weatherization funding is a proenvironment, money saving program to help low-income families protect themselves from extreme seasonal conditions. Funding for energy saving programs like the Low Income Home Energy Assistance Program [LIHEAP] and weatherization are under attack. Weatherization funds save money and make LIHEAP funds go further. They help update old inefficient heating and cooling systems, insulate drafty homes, and yield annual energy savings of about 18 percent. When these funds are slashed, hard-working low-income families are left to face the cold winters and the sweltering summer heat without assistance.

Mr. Chairman, these funds are particularly important to the elderly who cannot tolerate extreme temperature changes. I know that the city of Buffalo received $1 million in weatherization funding last year, which allows the city to help an average of 450 houses per year increase energy efficiency in their homes. Sadly, there is a 2-year waiting list consisting of between 1,200 and 1,500 homes that are in need of weatherization assistance. We cannot afford to cut funding that is in such need by so many low-income American families.

Thanks to Chairman REGULA's efforts, an additional $3 million has been added to the weatherization funding contained in the fiscal year 1998 Interior Appropriations Act. Therefore, I am withdrawing the Sanders-Quinn amendment for compromise low-income weatherization funding from consideration.

Mr. CLAY. Mr. Chairman, if the National Endowment for the Arts is terminated and a State block grant is enacted, local communities will suffer tremendous losses, educationally, culturally and economically. Under the block grant, less than $50 million would be directed to the States for school-based art education programs. Currently, there are approximately 51 million students enrolled in primary and secondary schools. Thus, under the block grant each child would receive less than $1 for arts education activities. Dispensing funds in such piddling amounts is tantamount to throwing that money away.

During its 31-year history, the NEA has fostered the placement of thousands of artists-in-residence in our public schools and has allowed for the creation of literacy programs and children's festivals. In partnership with the Department of Education, the NEA assists over 100 national arts and education organizations to implement arts education in the curriculum. The NEA has also assisted universities in providing training for teachers and faculty, including national research on the effects of arts education on cognitive learning. The block grant would eliminate funding to universities, as well as lifelong learning programs that serve our Nation's adults, senior citizens, and disabled citizens.

In addition to improved quality of life and education, the NEA has made a very positive contribution to our Nation's economy. Through grants to orchestras, theaters, music ensembles, and other cultural festivals, the arts industry has supported nearly a million jobs across the Nation. In turn, these jobs have resulted in billions of dollars in revenue to the Federal Government. Local economies have seen the benefits of the arts through increased hotel stays and increased sales in local restaurants and shops.

Supporters of the block grant of Federal arts funding argue that it allows more equitable funding to all congressional districts. This is simply untrue. Under the Ehlers funding formula, funds to State arts agencies would be cut below the fiscal year 1997 level, which was already reduce 40 percent under the fiscal year 1996 budget cut. It is unlikely that

these limited State funds will actually reach local programs, particularly in the Nation's poorest and most isolated counties. NEA programs, such as Chamber Music Rural Residences—that have brought chamber music and jazz ensembles to rural areas, including Tifton, GA, Jesup, IA, and Blytheville, AR—would be eliminated. A block grant would likely neglect those art and culture groups that have been historically underserved, groups such as the native American woodcarvers and the black American dance troupes.

The NEA has brought art to people in small towns and rural areas throughout the United States. The NEA has helped to educate and enlighten the young and the old. The NEA has enriched urban and rural communities across this country, financially as well as culturally.

The Ehlers amendment makes no effort to promote effective development of, and access to, the arts. The Ehlers amendment does not endeavor to make effective use of scarce Federal resources. Rather, to please a fringe group that regard art as synonymous with sin, the Ehlers amendment would scatter those funds to the winds in amounts too small to make a difference. I urge rejection to the Ehlers approach.

Mr. ENGEL. Mr. Chairman, for many years, a plan has been in development to build the Ellis Island Family History Center, a facility equipped with a data base which visitors of Ellis Island can access to learn about their immigrant ancestors.

The Center would provide passenger lists and ship manifests for the millions of visitors who travel to Ellis Island searching for a piece of their past. Upon completion the Family History Center would contain almost 30 million records. This project has been listed by the Department of the Interior and the National Park Service as one of their highest priorities, and it has been allowed to languish for too many years.

Various groups, including the Ellis Island Restoration Commission, which has served as a consultant to the Department of the Interior, have compiled a data base of almost 8 million records. Yet, no action has been taken to put all of these records to any use. Some may wonder why this project has been delayed.

The answer is this: Over the objections of many distinguished Members of this body as well as some officials at the Department of the Interior, a contract was signed between the Department of the Interior and the Statue of Liberty/Ellis Island Foundation for the construction of the Center. The foundation's employees have raised millions of dollars for this project. In fact, recent financial reports show the Statute of Liberty-Ellis Island Foundation has almost $30 million in the bank, but the foundation has failed to present an actual plan which would justify their salaries.

Why hasn't the Department of the Interior put pressure on the foundation to complete the Center? This very issue was addressed at a 1992 subcommittee hearing when representatives of the National Park Service testified, incredibly, that since its inception, the foundation had raised somewhere in the neighborhood of $360 to $370 million of or the Statue of Liberty and Ellis Island. However the National Park Service representatives also testified that "[the National Park Service] has had to go hat-in-hand asking for dollars that are due the Park Service and due the project, simply because the structure of the Foundation, does not give us an opportunity to exercise oversight on the receipt or the expenditure of that money."

That was 1992. It is now 1997 and the time has come for some action on this project. Our distinguished colleague in the other body, CARL LEVIN has been active on this issue and has contacted Secretary Babbitt asking for some assistance. The Secretary's reply, dated June 9, 1997 states: "no formal plan exists" for the project.

By way of comparison I should inform my colleagues that, currently there is a photographic exhibit of the history of Italian-American immigrants being displayed a Ellis Island in cooperation with the Italian government. The Balch Foundation, which has compiled millions of immigration record for the National Archives, agreed to create a database of approximately half-a-million Italian American records for use in conjunction with the photographs. The time that it took the Balch Foundation from its first contact by the Italian Government to the installation of the database at Ellis Island for use in the exhibit was approximately 2 weeks.

For millions of our Nation's citizens the search for their roots brings them to Ellis Island. The Family History Center would provide Ellis Island's visitors with a tangible link to their past. However, at the present pace it seems likely that this project will never be realized.

I hope that the House of Representatives will work with me to have the National Park Service and the Department of the Interior to either urge the Foundation to act on the Family History Center or award the contract to an organization that will.

Mrs. MINK of Hawaii. Mr. Chairman, the Interior Appropriations bill for fiscal year 1998 neglects to fund a number of projects important to Hawaii.

This bill denies a specific earmark of $700 million for land acquisitions and exchanges through the Land and Water Conservation Fund [LWCF] that was included in the recent budget agreement. The direct result of this omission is no funding for land acquisition at Kai Malino Ranch on the island of Hawaii, for the Hakalau National Wildlife Refuge. This parcel comprises some of the only remaining tropical rainforest in the United States—severely threatened forestland in Kona—which had been designated by the U.S. Fish & Wildlife Service [FWS] in recent past fiscal years as a top national priority for acquisition. The President's fiscal year 1996 budget included $7 million for acquisition of these forestlands, which was partially funded by the U.S. Department of the Interior [DOI] at $5 million in fiscal year 1997. H.R. 2107 neglects to fund the remaining $2 million to complete the acquisition.

This project demonstrates a cooperative partnership between the Federal Government and private property owners seeking to conserve precious natural habitat and unique species living in the rainforest. Total acquisition of Kai Malino is necessary for the long-term protection of several of Hawaii's threatened and endangered bird species, especially the endangered Hawaiian crow, or 'alala. FWS and the Peregrine Fund have been working together for years to save the crow from extinction, and their coordinated efforts have focused on Kai Malino which is the only land remaining where crows live in the wild.

A second project that has gone unfunded in this bill is Waihee Marsh in Kahaluu on the Island of Oahu, which is to be added to the Oahu National Wildlife Refuge Complex. Last year, Congress authorized this acquisition. President Clinton signed the bill into law on October 1, 1996 as Public Law 104–209.

Waihee Marsh consists of about 36 acres located on the Northeastern coast of Oahu. FWS identified Waihee Marsh as a priority acquisition site in its 1990 wetlands concept plan. The plan documented a loss of coastal wetland in Hawaii of 31 percent from 1880 to 1980, leaving only 15,474 acres of wetland for indigenous waterbird habitat. The few remaining wetlands are being preserved, but urban development pressures continue to take their toll.

A site visit by FWS in November 1994 identified a number of management priorities for the restoration of Waihee Marsh to a healthy, naturally functioning wetland. Sediment dredging is necessary to increase water quality and re-create suitable waterbird habitats. Aggressive predators such as feral cats, dogs, mongooses and rats that interfere with waterbird nesting and other activities need to be kept out of the wetland. Invasive non-native plants such as California grass and primrose willow that have overrun the refuge need to be removed. FWS would also need to rehabilitate the Marsh to maintain and create shallow mudflats, deeper open water areas, areas with fairly dense native vegetation and other varied features.

Waihee Marsh also serves as a flood control system for adjacent residential areas in Kaalaea and Waihee. It also acts as a filtration system for the nearby Kaneohe Bay, which is also undergoing cleanup and restoration of the diverse marine ecosystem that once occupied the Bay.

H.R. 2107 does not provide funding to purchase Kai Malino Ranch and Waihee Marsh. These projects are important to help stem the impact on Hawaii's current endangered species crisis. About 75 percent of plant and bird extinctions in the U.S. have been Hawaiian species, despite that fact that the Hawaiian Islands make up less than 0.2 percent of the country's total land mass. A recent study in the journal Science highlighted the serious extent of Hawaii's endangered species crisis by naming Hawaii as one of four hot spots in which the Nation's endangered species are concentrated.

Last, I am very concerned about the future of Hawaii's dwindling biodiversity. I requested $1.5 million in funding for genetic plant conservation. Technology now exists to preserve genetic material from endangered and threatened plants, in anticipation of future methods that could recreate populations of these plants again in the future, even after the last plant disappears from the Earth. H.R. 2107 fails to fund this request, which would provide for a range of activities including rare plant monitoring and sampling, seed bank upgrade and curation, curation and propagation of endangered plant collections, expanded greenhouse

capacity, nursery construction, cryogenic storage research and development, and in-vitro storage expansion.

Genetic plant conservation is a crucial part of the solution to save endangered plants not only in Hawaii, but throughout the Nation as critical habitat dwindles under human pressures. As genetic technology develops, we would have saved essential materials necessary to restore plant populations, preventing extinction. Unfortunately, this small but vital investment in our future was not included in this bill.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. LAHOOD, having assumed the chair, Mr. LATOURETTE, 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. 2107) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes, pursuant to House Resolution 181, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 192, not voting 5, as follows:

[Roll No. 275]

YEAS—238

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCrery
McDade
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Frank (MA)
Frost
Furse
Ganske
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klug
Kucinich
LaFalce
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Quinn
Ramstad
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Brown (FL)
Markey
Reyes
Schiff
Young (AK)

□ 2051

So 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. REYES. Mr. Speaker, I was unavoidably detained and missed several votes this evening. If I had been here, I would have voted Yes on rollcall 267; Yes on rollcall 268; Yes on rollcall 269; No on rollcall 270; Yes on rollcall 271; No on rollcall 272; No on rollcall 273; Yes on rollcall 274; and No on rollcall 275.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2107, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

Mr. REGULA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2107, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. REGULA. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a.m. on tomorrow.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2159, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1998

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 105–184) on the resolution (H. Res. 185) providing for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1210

Mr. FATTAH. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor to H.R. 1210.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 972

Mr. WYNN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 972.

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

There was no objection.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The SPEAKER pro tempore. Pursuant to House Resolution 184 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2158.

□ 2055

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 further consideration of the bill (H.R. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Amendments printed in House Report 105–180 may be offered only by a Member designated in the report and only at the appropriate point in the reading of the bill, are considered read, are not subject to amendment and are not subject to a demand for division of the question.

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 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.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word for purposes of making an announcement.

Mr. Chairman, before we get into reading the bill for amendments, I would like to make this announcement about how we have agreed to proceed for the balance of the evening.

First, there will be no more recorded votes this evening. Any votes ordered will be rolled until tomorrow.

We will be reading the bill for amendments. We plan to read for amendments and debate all amendments through title II at the maximum. We will not read into title III even if we finish the first two titles quickly.

So, any Member with an amendment that will be offered in the first two titles needs to be here tonight. However, we will stop considering amendments no later than 10:30 p.m. even if we are not through with title II.

To summarize, there will be no more recorded votes tonight, and we will consider amendments through title II or 10:30 p.m., whichever occurs earlier.

□ 2100

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 2158

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 Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPSENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, Chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $19,932,997,000 to remain available until expended: *Provided,* That not to exceed $26,380,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriations: *Provided further,* That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans" Benefits Act of 1992 (38 U.S.C. chapter 55).

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51,53, 55, and 61, $1,366,000,000, to remain available until expended: *Provided,* That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $51,360,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of indirect and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended,: *Provided further,* That during fiscal year 1998, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $160,437,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 238 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $200,000; which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $44,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,278,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $388,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $515,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost, repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $16,958,846,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $565,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1998, and shall remain available until September 30, 1999. *Provided further*, That funds under this heading shall be available for medical examinations required for benefits claims under title 38, United States Code: *Provided further*, That of the amount made available under this heading, not to exceed $5,000,000 shall be for a study on the cost-effectiveness of contracting with local hospitals in East Central Florida for the provision of nonemergent inpatient health care needs of veterans.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

On page 7, line 6, after "$16,958,846,000," insert "(increased by $48,000,000)".

On page 57, line 7, after "$321,646,000" insert "(decreased by $60,000,000)".

Mr. OBEY. Mr. Chairman, let me first say that I regret very much that I am offering this amendment under these circumstances. But for anyone who happens to be watching, either Members or anyone else, on C–SPAN, I am afraid what they are witnessing is another step in the gradual destruction of the ability of this House to conduct rational debate.

What is now happening is that amendments of substance will be debated with virtually nobody in the room. Members will then be called upon as the first order of business tomorrow to vote on those amendments, not having heard them, not having even had the opportunity to watch them from their offices on their TV screens. They will walk in blind and we will be asked, "What is in this? Oh, I don't get it." And within about a minute they have to make up their minds. I think it is a further debilitating of this House, but there is not a whole lot that I can do about it.

Mr. Chairman, let me simply explain what this amendment is. This amendment accomplishes two important objectives. First, it deletes funding for an unauthorized, unbudgeted construction project that appears to be premature at best. Second, it increases funding for veterans' medical care.

There are four veterans' services organizations, the DAV, AmVets, Paralyzed Veterans of America, and VFW that each year jointly produce an independent budget for veterans' programs. This year's independent budget estimates are that $18.044 billion is necessary for medical care in fiscal 1998 just to maintain current services. So the committee recommendation is $17.56 billion, assuming VA medical facilities can keep third-party reimbursements, which are being dealt with in another bill before this Congress.

Those recommendations in the committee are almost $500 million less than the current services amount and $2 billion below the optimum level. So basically what I am trying to do is to add the funding in this amendment to increase that account slightly.

To pay for the increased veterans' medical care, we cut $60 million that the committee has recommended for a windstorm simulation center to be constructed at the Department of Energy's Idaho National Engineering and Environmental Laboratory.

There are many questions raised by the manner in which this project has been considered. Let me simply list a few. First of all, the funds were not requested by the administration. The latest statement of administration policy indicates funds should be redirected to higher priorities.

Second, the project is not authorized, either for the Department of Energy or for FEMA;

Third, the split authority between FEMA and DOE on the project makes it a classic case for mismanagement;

Fourth, the project meets six of the seven criteria of the "porkbusters coalition" as to items that should qualify for viewing as pork;

Fifth, there have been no hearings on the project;

Sixth, the company that operates the Idaho lab for the DOE is the same company that is currently in a major dispute with the government over another construction job at that lab. It seems that the contractor, Lockheed Martin, is $150 million over the amount that they were supposed to reach on a fixed price contract. They now want the government to change the terms of that contract to bail them out.

Seventh, there has been no peer review at all for this project. Indeed, there has not been any review at all. The American Association of Wind Engineers has raised serious concerns about the construction and operation of this facility. In addition, although the contractor has indicated that $34 million is all they can use in 1998, the committee recommendation is for $60 million.

Next, the $60 million is just a down payment. The total is estimated to cost about $181 million. I would also point out that FEMA has indicated its support for the proposal, only to be contingent upon establishment of a broad coalition of financial support. Yet, to date, the industries with potentially the most to gain from this facility, the insurance industry and the home builders' industry, have not contributed one dollar.

I would also point out that 2 years ago the Department of Energy had a major study on the future of the national labs. This project flies in the face of nearly every important recommendation made by the so-called Galvin report. I would also point out that this year a draft report was prepared by a DOE working group, which is chaired by the Deputy Assistant Secretary of Energy for Procurement.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 5 additional minutes.)

Mr. OBEY. Mr. Chairman, they recommended this lab lose its status as a federally funded research and development center, a condition that allows it to receive government contracts on a noncompetitive sole source basis.

I am aware that the chairman of the Committee on Transportation and Infrastructure has indicated his intention to offer an amendment that would require authorization before those funds can be spent, but I would submit that that device is merely a ruse. The amendment contains a kick-out clause. It is only operative until April 1, 1998. If the project is not authorized by that time, the limitation comes off and the money can still be spent.

Mr. Chairman, I would say that in addition to that, it is not even clear that the Committee on Transportation and Infrastructure has jurisdiction over this matter. A good case can be made that the Committee on Science is more properly the House committee with authorization oversight.

In summary, Mr. Chairman, I would simply urge my colleagues to support this amendment. I would suggest that if Congress is to add money above the budget, we ought to be doing so for cash starved programs like veterans' medical care, and not for questionable, unauthorized, premature pork projects like this windstorm simulation center.

Mr. Chairman, this operation started out to be a quite different operation. It started out to be a center to evaluate earthquakes. It did not get quite the review that they wanted, and so now the contractor has simply said: "Well, if we cannot get the money on an earthquake simulation project, we will move it over and we will design a windstorm operation." That is what they have done.

Mr. Chairman, no one suggests that this work does not need to be done, but before it needs to be done this project needs to be peer reviewed. We need to know we are getting what we pay for. It just seems to me that until we do, we ought to simply put this money where it is needed the most, which is in the veterans' medical care budget.

If the House adopts this amendment, I will offer a conforming amendment in the FEMA portion of the bill to delete the proviso earmarking $60 million for the wind facility.

With that, Mr. Chairman, I would simply close and suggest that at the appropriate time tomorrow, the House would do well to adopt this amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise with a good deal of sympathy for the amendment presented by my colleague, the gentleman from Wisconsin [Mr. OBEY]. But I would suggest to him that there are a number of questions that I still have in my head that cause me to resist this amendment.

I can remember our discussions time and time again about horrendous costs that the country is facing relative to disaster circumstances. In the time I have been chairman of this committee, FEMA has received some $10 billion.

One of the areas that is difficult, that we do not have a handle on, does deal with wind damage. One way or another we have to try to do the right things. None of these things seems to be perfect, but we have to try to do the right thing in terms of wind mitigation.

Mr. Chairman, as I look at the gentleman's amendment, I know his purpose is directed at this wind simulation center, but really he just affects one of the accounts within FEMA by reducing that, but that does not prevent them from going forward with the wind tunnel.

In an attempt to respond to the very questions that the gentleman has in mind, I have been in discussion with the gentleman from Pennsylvania [Mr. SHUSTER], and frankly, I am not sure who really has the appropriate jurisdiction, here or there, because those battles on the authorizing side are considerably more difficult than ours.

But having said that, the gentleman from Pennsylvania [Mr. SHUSTER], some discussion, responded by saying, "I would present an amendment where I think we are going to have an authorization that goes forward that would essentially delay this until we have more time to talk through the very questions that the gentleman is discussing."

I do not really think we have any differences here, so I would urge the gentleman to at least reserve at this point and see if we cannot figure out a way to begin marching our way down the path where that makes sense, with the cost of wind damages. And clearly the gentleman can tell from what I am saying here that I do not have the answers either, but we need to begin to seek them in a serious way.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I do not have any problem whatsoever with the way the gentleman is running this subcommittee. But I would simply observe that, as I said earlier, if this amendment is adopted, then under the rules the next amendment that I would be able to offer will indeed eliminate the earmark for the wind tunnel, which is what the amendment is designed to attack.

Mr. Chairman, I would also say that if we really want to do something about protecting the Federal Treasury from the cost of disasters, in my mind what we ought to do is to require States to join an experience-rated self-insurance program, so every time there is a disaster States do not come to Uncle Sam with their hand out; that they can simply, on the basis of their own experience, do just as we do in workmen's compensation and prepay for disasters, so every time a disaster comes we do not have to call up Uncle Sam and jimmy the budget.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I do understand where the gentleman is coming from. But the fact is, one more time, that is an authorizing question, and they ought to be working their way through that without any doubts. I think the gentleman knows that the gentleman from Ohio [Mr. STOKES] and I are struggling with the bill in no small part because over 85 percent of our bill is unauthorized. So we struggle along, at best. I want to address this problem. I do not want to do it pell-mell, but at the same time I do not want to cut off avenues that are important.

I must say, one of the things that is disconcerting here is, because the gentleman and I have such a fine working relationship, up until now the ranking member and his staff have given me amendments ahead of time so I can talk these things through. It must be that he slipped over this technically some way.

Mr. OBEY. If the gentleman will continue to yield further, let me explain that, Mr. Chairman. I was in a Labor-HEW markup all day. I was here all day yesterday working on Labor-HEW, expecting that others on the gentleman's side would also be here. They were not. So today our Labor-HEW mark was extended. I never dreamed that we would be getting to this point in the bill today, given the other legislation we had before us. I expected to give it to you before we had it tomorrow.

Mr. LEWIS of California. Mr. Chairman, if it had not been for the very fine bipartisan work the gentleman from Ohio [Mr. STOKES] and I had been involved in, we would not have moved very quickly, so we even contributed to this very positive development.

□ 2115

In the meantime, Mr. Chairman, there is little doubt that the country knows that disaster costs have been horrendous over the last several years. I think also all of us in the House know that when the next disaster occurs, we are going to come together as Americans and respond.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 5 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, I do not intend to take very much time, but I would say that there is little doubt the next time a disaster comes along, that the Congress will come together, reflecting the American people's view that we ought to help people in disaster circumstances.

But having said that, there is no doubt that we need to do work internally to try to mitigate against these disasters. We are doing it in building codes in earthquake sectors. Clearly the wind problem is a very, very serious problem we need to seriously move in the direction of addressing, trying to find some answers that mitigate against these costs.

Those efforts are not going to be perfect in their initial stages. I would hope that we would work closely with our authorizers and encourage the authorizers to do the work as we make this effort to hold down the costs.

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, why on Earth, if this facility is to be funded by the Government, should it be funded in a manner that allows them to seek sole source contracts with no competition and why should this not be peer reviewed? And if it is so important, why is FEMA resisting providing money for it without that kind of proper review?

Mr. LEWIS of California. Mr. Chairman, I frankly cannot answer the question. I do not know the technical side of how they went about putting it together, this process that relates to a contract. But I do know that this is apparently a facility that would be built on land that the Department of Energy owns and they would see it used for this purpose, and end up with free land. There is a need that is very real and apparently there are personnel in the region that could be very responsive to the challenges of this particular facility.

But I am sure the process is not perfect, and one of the reasons that one of the authorizing chairmen will be presenting an amendment is he wants time to step back and take a look at some of these questions. I think they are very appropriate questions.

Mrs. MEEK of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Obey amendment. It certainly goes against my grain to go against a person of the caliber and capability of the gentleman from Wisconsin [Mr. OBEY]. I truly regret having to oppose my own ranking member, because I do believe he is one of the best representatives in this body. And I know that he has the best of intentions. However, in this case I think my ranking member is wrong.

First of all, I do not think he has walked in the shoes that I have walked in since I have been in this Congress and personally experienced the need for help with disasters, particularly disasters that wipe out the life of your constituents.

Our House Committee on Appropriations has included in this bill funding for the construction of a full size wind damage testing facility. The gentleman from Wisconsin [Mr. OBEY] says we should cut out these funds.

I say and I appeal to the Congress to keep them in because we need this facility. In 1992, Hurricane Andrew was the single most natural disaster ever to hit the United States. Powerful, devastating, it plowed right through the south end of Dade County, FL. It utterly destroyed a huge portion of my congressional district.

I want to say to the Congress, my district has not yet regrown and it has not yet come back from this devastating disaster. I remember vividly the hundreds of homes in my community that literally blew apart in Hurricane Andrew. There was just no estimate of the destruction and of the force of this hurricane. As a matter of fact, according to the people at the Homestead Air Force Base, there was a tornado strength wind within this hurricane. So the desperation, if Members could see the lives of these thousands of men and women and children who were left homeless because of Hurricane Andrew. I spent my first 2 years in this Congress working to try to make this community whole again.

And this Congress has helped me do that. Mr. OBEY was one of the ones who helped me do it. But they still are not whole yet. The gentleman from California [Mr. LEWIS] can tell you that 5 years later I am still working on problems created by Hurricane Andrew.

All three of these things are extremely costly. One, winds from the big, big storms, hurricanes and Nor'easters, kill people and they destroy homes. Two, we know these storms are going to come and we can plan and prepare for them. And, three, they are extremely costly.

That is why we need this wind testing facility. That is why I am appealing to the Congress to take this out of the realm all the time of numbers and utility and philosophical vents, but to think about what it has meant to people, to destroy this community, the entire community. Most of people from this community have moved north. They will never come back to this southernmost area. And therefore, the economy has gone down and the social fabric of the lives of these people has been destroyed.

We need a wind testing facility. With proper research and testing, we can minimize wind damage and destruction. Thousands of insurance companies went under because of this storm, because no one had the facility to know that this storm would be that devastating to this area.

By testing different types of housing and construction techniques and materials under actual hurricane wind conditions, we can design and build homes in ways that will minimize the danger to human life and minimize the cost of these natural disasters. This can be done ahead of time so that we will know what to expect when we have hurricanes and natural disasters.

We need to take action now. We do not need to put this off, because it has been put off too long. If you ask anyone in Florida or in Georgia, or out there in the West where all of these natural disasters have occurred, you will find out that it is time for it now.

We need to be able to develop the knowledge. This knowledge is so important to keep our constituents' homes from blowing a part. That is what this wind testing facility is all about. This is not just common sense. It is dollars and cents. I repeat, it is not just common sense; looking forward to test this facility ahead of time is dollars and cents.

The amount of money at stake here, it is just staggering. It belies one's imagination to realize the cost associated. Hurricane Andrew alone resulted in losses that exceeded $25 million, and those were just the losses that they have been able to account. I am still coming back to the Congress, I am still coming back to FEMA asking them to forgive in many instances the big costs that grew up with this.

No doubt my colleagues remember that 5 years ago the House voted for a disaster relief bill of $8 billion in Federal aid to help my community get back on its feet. We can pay a little now or pay a lot later.

The CHAIRMAN. The time of the gentlewoman from Florida [Mrs. MEEK] has expired.

(By unanimous consent, Mrs. MEEK of Florida was allowed to proceed for 30 additional seconds.)

Mrs. MEEK of Florida. Mr. Chairman, I want to appeal to the House to please vote for this wind testing facility. It will save lives and it will also save money.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am always hesitant to follow my colleague from Florida. It is almost like being against motherhood to do so. But I want to speak in favor of the amendment that has been put forward by the ranking member.

I think what we have here is a comparison. On the one hand we have a proposal to add $48 million in this amendment to the veterans' health services program which everyone understands is needed, where we have people and we have made a promise to our veterans that we were going to provide them with health care in their

lives, particularly when we have so many of our World War II veterans who are at an age when they are in need of health care. So that $48 million on the one hand is replacing monies that are otherwise below, added to funding which is otherwise below what is needed to keep the funds at the level of services that are presently there.

On the other hand we have a very questionable kind of an expenditure for this wind simulation center. The $60 million reduction which we have been talking about is just stage one, phase one of a construction program for this wind simulation center, the sum total of which is going to be $181 million, and all of it is going to come out of FEMA, and apparently from all indications there is not a single cent that has yet been put into this from any of the industries that might be a part of it.

Now, it was not in the President's budget. It was not even requested by either the Department of Energy or by FEMA. So here we have an uncooked idea, a half-baked idea being put in in place of adequate funding for veterans' health care services.

Now, I would like to mention the testimony of the gentleman who is the head of the Idaho National Engineering Laboratory, his testimony before the Committee on Science, which I served on in the previous Congress as a minority member, the statement by W. John Denson. He pointed out in his testimony that the INEL maintains critical technology skills for nuclear operations, nuclear safety and nuclear waste management. The INEL is a multiple purpose laboratory supporting all the missions of the department. The INEL has been designated by DOE as the lead lab for research and development for EM mixed waste. They also lead the national programs for spent nuclear fuels management and national low level waste management.

Now, I say this because what that says is that the mission of the particular DOE laboratory is far from the proposed area. And to follow up on that, we have had a lot of testimony in the 104th Congress before the Committee on Science about this question of just how we were to use our energy laboratories. The GAO study asked experts on energy policy and former DOE executives, including several of the previous Secretaries of DOE, their views on it, and they by a substantial majority said that we should not be taking on missions at the DOE laboratories that are beyond the missions of DOE itself.

Then we have the Galvin Commission that was mentioned by one of the previous speakers, a major commission to look at the future of alternative futures for the Department of Energy national laboratories. They strongly expressed their concern about expanding the laboratories' industrial R&D beyond the existing DOE missions.

I quote from their work: The current industrial partnership activities of the laboratories are unfocused and invariably lead to add-ons. As in this case, an add-on. The Galvin Commission made three specific recommendations. In two of those cases this kind of a project is in direct contradiction to the recommendations. Their recommendations that are contradicted are that government-funded technology transfer industrial competitiveness activities should be focused on industries and areas of technology that contribute directly to the DOE primary missions in national security, energy and environment.

The second recommendation, that competitive selection and more rigorous technical and merit review, namely peer review, which has been mentioned on several occasions by external experts, should be applied broadly within the department's cooperative research and development agreement.

The CHAIRMAN. The time of the gentleman from Connecticut [Mr. OLVER] has expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OLVER. Mr. Chairman, let me just point out here that Citizens Against Government Waste, which held a number of hearings, a group that was invited to a number of hearings to put a focus on government waste during the 104th Congress, had put forward 7 criteria on which to judge what might be considered waste.

Their criteria included cases where the request was made by one chamber of commerce; where it was not authorized; number three, where it was not competitively awarded, not peer reviewed, in essence; four, where it was not requested in the President's budget; five, greatly exceeds the President's budget or the request of the previous year's funding; and, six, had not been the subject of congressional hearing. Six out of the seven, this project violates.

So what I think here, let me go back and just reiterate, what we are comparing is a $48 million increase in veterans' health services to fulfill a promise that we have made to our veterans for a continuation of their veterans' health programs, versus a program, a proposal which is at best not ready for this stage, where it is meant as a partnership, there is no industry portion in the partnership. The money all would come out of a budget from an agency, namely FEMA, which did not request the money at all and which has written at least to the Senate chairman of the subcommittee on VA-HUD to indicate that they have serious questions about this.

□ 2130

And, Mr. Chairman, I will ask to submit this letter into the RECORD during the whole House section of this session.

Mr. Chairman, I would hope the amendment would be adopted.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to make one additional point.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has expired.

(On request of Mr. OBEY, and by unanimous consent, Mr. OLVER was allowed to proceed for 2 additional minutes.)

Mr. OBEY. Mr. Chairman, will the gentleman continue to yield?

Mr. OLVER. I will continue yielding to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the argument has been made that this research needs to be conducted. I am sure the gentleman would agree that no one questions that. Certainly I do not question that.

The question is, why should this research proceed under conditions which enable the contractor to obtain sole source noncompetitive contracts? Why should it proceed when there has been no peer review to determine whether or not this is the right way to proceed? Why should we proceed when a large number of universities and many people in the scientific community have expressed their concern that they will not be able to use the simulator because of the costs associated with this contract?

It has been suggested, for instance, that a number of insurance companies have gone bankrupt because of other disasters. Why then should the insurance industry not do as FEMA wants it to do, namely to share in the cost of producing this research facility? Certainly if they will gain millions of dollars in saved claims from its research, they should be willing to help finance it.

I would simply say in very frank terms what this is is a nice arrangement by one State which has working arrangements with several other universities, but the taxpayers' interests are not protected because of the way this research project is being designed. It will be very convenient for Lockheed Martin, the contractor, but not for anybody else, as far as I know. And it seems to me under those circumstances, this ought not to proceed until we have the proper peer review processes built in.

I would suggest also that with the veterans health budget being some $500 million short of current services, it is not even a close call as to where this money is needed the most.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. OLVER] has again expired.

(By unanimous consent, Mr. OLVER was allowed to proceed for 1 additional minute.)

Mr. OLVER. Mr. Chairman, I thank the House for yielding the additional minute.

I think the answers to the ranking member's questions, the answers to those whys, is that they really should not proceed until all of those conditions are met. In truth, we do need to have that kind of research done. But it ought to be done in a case where it is clearly cofunded by industry as well as by the government, and in a situation where it is peer reviewed and where there can be a broad participation in that research.

Mrs. CLAYTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when Hurricane Fran swept across North Carolina, thousands of homes were severely damaged or destroyed. More than a million people lost their electricity for 5 days and many lives were lost in the process.

Lost too by families in my State were dreams and memories. The devastation and suffering caused by the swath of destruction was tremendous.

We must do more to protect citizens in advance of storms. We cannot afford to be reckless with the lives of our citizens and with their homes.

In the last 2 years, four major hurricanes have caused 57 deaths and $40 billion in damage, but we do not have to sit back and let nature take its course. Today, we will vote on a measure to help protect both homes and lives from hurricanes.

This measure will save billions in tax dollars and countless lives. Supporting the Partnership for Natural Disaster Reduction/HomeSaver Project is critical, Mr. Chairman, to saving American homes and lives. Our goal should be to prevent disasters, not just to manage them or respond to them.

Hurricane season is beginning to approach, and this year it is predicted to be worse than ever. For us not to take preventive measures would be highly irresponsible.

Before there is indeed another Hurricane Fran happening in some other State, I urge my colleagues to support the Partnership for Natural Disaster Reduction/HomeSaver Project. It is the right thing to do. It is the responsible thing to do and also, Mr. Chairman, it is the safe thing to do.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 184, further proceedings on the amendment offered by the gentleman from Wisconsin [Mr. OBEY] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, contingent on enactment of legislation establishing the Medical Collections Fund, such sums as may be derived pursuant to 38 U.S.C. 1729(g) shall be deposited to such Fund and may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 1999, $267,000,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $20,000,000 shall be for medical research relating to Gulf War Illnesses afflicting Persian Gulf Veterans.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIAHRT:

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the first dollar amount (the aggregate), insert the following: "(increased by $25,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $5,000,000)".

In the item relating to "INDEPENDENT AGENCIES—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the first dollar amount (the aggregate), insert the following: "(reduced by $200,000,000)".

Mr. TIAHRT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. TIAHRT. Mr. Chairman, I am here tonight to address the priorities within this bill. The amendment I offer would dedicate an additional $25 million to the Veterans Administration's Medical and Prosthetic Research Account to dramatically increase the level of research which the VA is doing on the illness which is affecting thousands of American veterans who served this country in the Persian Gulf war.

This year the Veterans Administration is dedicating a mere $3.6 million to the research of the illness which our gulf war veterans are suffering from. To pay for this very necessary research, the amendment would partially eliminate funding for the AmeriCorps program and direct it towards this much-needed research.

First, let me address why this amendment is necessary. The fiscal year 1998 VA-HUD Appropriations Act contains $267 million for the VA's medical and prosthetic research account. In the Committee on Appropriations an earmark was added which directs $20 million of this current appropriation to be spent on gulf war research. This pays for and expands the current research into gulf war illness. However it comes at the expense of other important research being done by the VA, such as Diabetes Centers of Excellence, Centers for Rehabilitation Medicine, and the VA's ability to retain high quality physicians. It just takes from one pocket, cutting important research, to put in another. This solves one problem yet, unfortunately, creates many more.

Mr. Chairman, this amendment would remedy the problem completely. This amendment presents a question of priorities. We should do what is more important, expanding the very minimal research which the VA is doing on the illnesses our gulf war vets are experiencing and living with daily, or continuing paying for healthy young people to volunteer for public service jobs.

Before we make our decision, let us examine the facts. This is difficult when discussing the gulf war illness. The problem is we cannot define it conclusively, treat it, or explain exactly how it is caused. The VA itself has said, "Currently, there is no evidence of a single unifying illness to explain the health problems of all gulf war veterans." Without much-needed research, these veterans will continue to suffer, and we do not have the answers to our gulf war illness questions.

We do know that the Department of Defense has confirmed that 27,000 American soldiers could have been exposed to chemical agents in the Persian Gulf. Separately, the CIA has estimated as many as 120,000 could have been exposed.

I can also tell my colleagues what some of our gulf war veterans are experiencing. Like U.S. Army Reserve Sgt. David Janda. He is a 35-year-old father of three from Hutchinson, KS. He suffers from blinding headaches, a blistering rash which he has had for 6 months, chronic diarrhea and joint pain. Or Kenny Schwartz of Great Bend, KS, who endures stabbing pain in his left eye, stiffness in his joints which make him unable to walk, memory loss and scarring rashes. Their doctors can neither diagnose nor effectively treat these symptoms.

To date, 90,000 Persian Gulf war veterans have contacted the VA's gulf war registry and reported symptoms which are consistent with how the Journal of the American Medical Association has described gulf war illness: fatigue, joint pain, gastrointestinal complaints, memory problems, emotional change, impotence, and insomnia.

This is the Veterans' Administration current response: $3.6 million of research funding this year. That is $133 for every American veteran we know of

that has been exposed to chemical agents in the gulf.

On the other hand, we have AmeriCorps. This year we are spending $402 million on the AmeriCorps program. That is $19,000 in Federal funding for every one of the over 20,000 AmeriCorps paid volunteers.

This chart shows the discrepancy, Mr. Chairman; $133 per veteran being spent on research for gulf war illness versus $19,000 spent for every paid volunteer.

AmeriCorps pays recruited volunteers to perform public service jobs. It also provides $7500 for living expenses and $4,725 for an educational award. They also get health coverage and child care. Our $19,000 a year paid volunteers have lobbied the government, worked as low level Federal bureaucrats, and built hornos, which are ovens built from dirt and grass that were originally used some 4,000 years ago.

Two recent audits by the GAO and a report from AmeriCorps' own Inspector General have found serious inefficiencies and mismanagement. In addition, Arthur Andersen has tried to audit AmeriCorps twice, and found the books too much of a mess to even perform an audit, yet we are asking to continue funding AmeriCorps at the current level while ignoring the illness of our Gulf War veterans.

I cannot go back to Kansas and tell David Janda and Kenny Schwartz that we can only muster $133 per veteran to investigate what is making them sick and how to treat it, yet we have $19,000 to pay a paid volunteer to offer a healthy youngster that lives next door to these veterans.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. TIAHRT] has expired.

(By unanimous consent, Mr. TIAHRT was allowed to proceed for 1 additional minute.)

Mr. TIAHRT. Mr. Chairman, this is a very important amendment. I ask every Member of the House to consider what they believe our priorities should be, and I am hopeful that we will place our highest priority on the current and future health of the men and women who fought and served for freedom in our country.

Caring for veterans who fought for America's freedom and security is a necessary function of our Federal Government. Paying healthy AmeriCorps volunteers is simply not. I ask Members to please not turn their backs on the veterans who so faithfully served this country in the Persian Gulf.

Mr. Chairman, I submit for the RECORD two reports on the subject of my amendment:

TIME TO END THE TROUBLED AMERICORPS

On April 27–29, 1997, with Independence Hall as a picturesque backdrop, over 2,800 delegates from across the country, including governors, mayors, private-sector leaders, and representatives from leading foundations, gathered in Philadelphia, Pennsylvania, for the Presidents' Summit for America's Future. With President Bill Clinton and former President George Bush as honorary co-chairmen, this gathering was called to examine a topic that hardly could be more important: the future of volunteerism in the United States, and especially how the voluntary sector can aid America's children.

The great 19th century French observer of American politics, Alexis de Tocqueville, noted that what made America great was the tendency of its people to form voluntary associations to meet community needs. Whereas Europeans looked with docility to government to solve problems, Americans learned self-reliance and the ability to look beyond individual self-interest through cooperation in voluntary organizations. In this century, however, as government programs—particularly human services programs—have usurped much of America's traditionally voluntary domain, both the country's civic fabric and the character of its individual citizens have changed for the worse.

The Presidents' Summit gave Americans a chance to pause and reflect on how community needs could best be met. The increasingly widespread appeal of the conservative message on the need to re-limit government led President Clinton himself to declare that the "era of big government is over." Now America's civil society and corporate community have been called in to deal with the problems created by the failure of federal programs. Over the past few months, *Newsweek* has devoted a portion of its "Periscope" page to the many corporations that have agreed to make major contributions of goods or services as part of the effort to meet these needs. LensCrafters, for example, has agreed to provide free eye care for one million needy people, and the National Restaurant Association has agreed to hire 250,000 youngsters in the next five years.[1]

But for all the fanfare and national press attention surrounding the Presidents' Summit—as well as the bipartisan images and goodwill it generated—there is reason to believe that it may serve less to foster a vision of a healthy voluntary sector free of unwarranted government intervention than to promote further charitable dependence on federal resources. The Presidents' Summit was largely the brainchild of former Senator Harris Wofford (D–PA), Chief Executive of the Corporation for National and Community Service (CNCS). In congressional testimony, Wofford declared that the CNCS, along with the Points of Light Foundation (another federally funded entity designed to promote volunteerism[2]), "is working . . . in initiating and planning the Summit to promote the goals of the National and Community Service Act, the mission of the Corporation, and the vision set forth in the Corporation's Strategic Plan."[3]

The CNCS helps oversee administration of the AmeriCorps program, President Clinton's "domestic Peace Corps," the largest extension of the federal government in recent years. Ever since its creation in 1993, AmeriCorps has been mired in controversy. Two recent independent audits of the program by the U.S. General Accounting Office (GAO), the semiannual report of the Corporation's own Inspector General, and two audits by the nationally renowned Arthur Andersen accounting firm all have found serious evidence of cost overruns and mismanagement. Despite these problems, however, and despite a continuing inability to correct them, the Corporation has benefited from large amounts of good publicity, thanks in part to what one critic has called the "camera-ready smiles of young 'volunteers'" whose efforts made good news copy.[4] In an era in which balancing the federal budget has become a national priority, the CNCS has requested $546,500,000 for fiscal year (FY) 1998—an increase of 36 percent over the $400 million appropriated in FY 1997.

Not only was the Philadelphia summit choreographed in part by AmeriCorps, but its proceedings offered a rousing endorsement of this very troubled program. Despite the good publicity for AmeriCorps that the Summit may generate, Congress should view the request for increased AmeriCorps funding with considerable skepticism. In this age or re-limiting government, the American public and its elected representatives should reject the very premise upon which AmeriCorps rests: that the federal government has an important activist role to play in guiding the voluntary sector in the United States.

WHAT IS AMERICORPS?

One of Governor Bill Clinton's key platform stands in 1992 was a call to create a federal program that would help individuals meet the high costs associated with acquiring a college education in exchange for community service. As President, Clinton saw his vision implemented through the National and Community Service Trust Act of 1993. The Act created the CNCS, which helps administer the "largest national and community service program since the Civilian Conservation Corps of the 1930s."[5]

Over the past four years, AmeriCorps has grown from a mere pilot program to include more than 24,000 people participating in more than 430 programs across the country.

These programs focus primarily on four areas: education, the environment, public safety, and human services. Since 1993, despite the fact that Washington spends $1.3 billion annually to promote volunteerism through 23 other federal programs, more than $800 million has been appropriated to pay for 100,000 participants in CNCS's major program, AmerCorps*USA.[6] Full-time AmeriCorps participants work a minimum of 1,700 hours per year, receiving in turn a $7,460 stipend and an education award of $4,725 in the form of a college tuition voucher or credit to repay a past student loan.

In his 1995 State of the Union address, President Clinton praised AmeriCorps as "citizenship at its best." In Philadelphia, the President announced his intention to expand the program in two ways:

First, he wants to create a "citizen army" of one million volunteer literacy tutors to shore up the failed public school system in the United States. Rather than hold public schools accountable for teaching basic skills, his plan would cost taxpayers at least $2.75 billion and rely heavily on coordination and instruction by 10,000 new AmeriCorps "tutor coordinators."[7]

Second, the President wants to expand AmeriCorps by 33,000 volunteers over the next five years by teaming with private organizations that would be responsible for paying the paid volunteers' living stipends while taxpayers still pay the cost of their college scholarships.[8]

AMERICORPS' TROUBLED BEGINNING

Early on, the Clinton Administration hailed AmeriCorps as the "paradigm of reinvented government." In truth, under the leadership of CNCS's first CEO—Eli J. Segal,

Footnotes at end of article.

chief of staff for the 1992 Clinton-Gore campaign—AmeriCorps offered a case study of how not to run a federal agency. Although AmeriCorps claimed that its mission was to promote the voluntary sector, at least 2,800 of its first 20,000 "volunteers" were assigned directly to federal agencies and departments, most notably the Departments of Agriculture and Justice, the Environmental Protection Agency, the Legal Services Corporation, and the National Endowment for the Arts.

Even though AmeriCorps claimed that its mission was nonpartisan, it offered millions of dollars in grants to numerous activist groups, including ACORN (the Association of Community Organizations for Reform Now), the National Council of La Raza, and the Council of Great City Schools, an organization devoted to the "advancement of education in inner-city public schools through public and legislative advocacy."[9] Despite Segal's repeated denials that AmeriCorps grant money helped subsidize ACORN's political activities, the Corporation was forced to defund ACORN in July 1995 after an Inspector General's report found incontrovertible evidence that the supposedly independent affiliate awarded a grant by AmeriCorps was, in fact, part and parcel of ACORN's political operations. Another AmeriCorps grantee in Denver also engaged in political advocacy at taxpayers' expense and was stripped of its federal funds.[10]

But the most devastating news under Segal's tenure was not the presence of "volunteers" in federal agencies, or the use of federal tax dollars for political purposes: It was the audit of 93 AmeriCorps programs released by the GAO in July 1995. Segal had promised that the "cost [per AmeriCorps volunteer] will be $17,600."[11] The GAO revealed that the cost to field a participant was $25,800 for non-federal agency grantees and $31,000 for federal agency grantees.[12] In other words, although AmeriCorps promised that cost per service hour by volunteers would total $6.43, the GAO found that the real cost was $15.85 per hour—and up to $19.81 per hour when time for non-service AmeriCorps activities was included.[13] Whereas President Clinton repeatedly had cited AmeriCorps as evidence that the government could work in partnership with the voluntary sector and private enterprise to promote volunteerism,[14] the GAO found that taxpayers were paying 93 percent of the costs—79 percent directly from the federal till.[15]

NEW EVIDENCE THAT AMERICORPS DOES NOT WORK

In summer 1995, Segal resigned as AmeriCorps' CEO, to be replaced by Harris Wofford. Wofford began his tenure by seeking bipartisan support for AmeriCorps. Partly because of the July 1995 GAO audit, Wofford promised to end the policy of "paid volunteers" in federal agencies, to reduce the Washington-based bureaucracy, and to seek a direct private-sector match for each dollar contributed by the federal government.

Wofford's promises for reform and his affable style, combined with President Clinton's newfound popularity in the polls, saved the program from almost certain extinction. Yet one and a half years into Wofford's tenure, AmeriCorps still seems to be plagued by many of the same problems that Segal faced. A new GAO report reveals that AmeriCorps costs too much, has difficulty retaining problem participants, and is not attracting the significant private-sector involvement that program supporters had sought.[16]

The GAO sampled 25 AmeriCorps programs and uncovered some disturbing trends:

AmeriCorps fails to retain participants in its programs. The dropout rate for paid volunteers is 39 percent, nearly twice what the CNCS had predicted in November 1994.[17]

AmeriCorps is failing to gain significant private-sector resources for its programs. Officials at the Corporation for National Service have boasted repeatedly that the presence of government funding would help "leverage" private contributions. Yet median private-sector support for AmericCorps programs that were sampled was only 17 percent; 83 percent of the funding comes directly from the taxpayers. This is not surprising when one considers that at least 180 of the Corporation's 430 projects in FY 1996 provided funding to government programs.[18]

Despite the CNCS's claim that 90 percent of participants would use their educational awards, only 54 percent of those eligible for these awards actually have used them. The low percent of educational awards used suggests that many AmeriCorps members either are not planning to attend college or are not recent college graduates saddled with loans to pay. The *Des Moines Register*, for example, reports that "nearly one in five AmeriCorps workers in Des Moines already has a college degree, and more than half in the program are 26 or older."[19] The presence of so many non-student age AmeriCorps members led one observer to conclude that the "program that was sold as the domestic equivalent of the Peace Corps has already turned out to more closely resemble the abysmal failure of the Comprehensive Education and Training Act."[20] AmeriCorps was sold to Congress as a program to help young people pay for college, not as another federal jobs program in addition to the over 160 that already exist.

One AmeriCorps program, the Casa Verde Builders Program, cost the taxpayers $2,448,053. Only 23 of the 64 individuals enrolled as Casa Verde AmeriCorps members completed the program; the cost of taxpayers: over $100,000 per participant. Moreover, only four participants have used their educational awards; to cost to taxpayers: more than $600,000 per award.

Another AmeriCorps program examined by the GAO, the Educational Conservation Corps, cost taxpayers $1,732,000. Of the 97 participants, 58 earned an educational award. So far, only 20 have used their awards; the cost of taxpayers: $86,000 per award in administrative costs plus $4,725 per award.

The Appalachian Service Through Action and Resources program cost taxpayers $632,240. Twenty-two participants completed the program and earned educational awards. The cost to taxpayers (assuming that 90 percent of Appalachian Service members use their awards): $31,612 plus $4,725 per award.

Local AmeriCorps programs are not the only problem. The management techniques at CNCS headquarters are the focus of continuing congressional scrutiny. An October 1995 audit of CNCS books by Arthur Andersen indicated serious accounting weaknesses, leading the firm to declare that the books were "unauditable." A follow-up study by Andersen concluded that the Corporation's "internal controls were not adequate for an independent auditor to perform an effective and efficient financial statement audit in accordance with generally accepted auditing standards for fiscal years 1994 and 1995."[2] The same study concluded that these shortcomings "potentially preclude an audit" of FY 1996 books. Most shockingly, as of December 1996, the CNCS could not account for $38 million in AmeriCorps funding. Despite repeated requests by Representative Peter Hoeskstra (R–MI), Chairman of the Oversight and Investigations Subcommittee of the House Committee on Education and the Workforce, and Senator Christopher Bond (R–MO), Chairman of the VA, HUD and Independent Agencies Subcommittee of the Senate Appropriations Committee, AmeriCorps has yet to provide conclusive evidence that the Corporation's financial statements for FY 1997 can be audited. What is particularly disturbing about the financial fiasco at AmeriCorps is that the program was created and administered entirely during the "reinventing government" era.

WHY AMERICORPS IS UNNECESSARY

Wholly aside from the numerous failures that have occurred in the administration of AmeriCorps, there was no objective reason to create the program in the first place. As one of its supporters concedes, even "AmeriCorps' friends aren't sure exactly what it does."[22] For several reasons, any role for the federal government in the voluntary sector is both unwise and counterproductive:

The voluntary sector in the United States is fundamentally healthy. According to Independent Sector, 89.2 million Americans offered unpaid voluntary service in 1993. Since 1981, the number of hours that Americans volunteer has rise dramatically from 12.7 billion to 19.5 billion.

AmeriCorps' paid volunteerism has discouraged—and will continue to discourage—real charitable involvement. Only programs that cannot generate sufficient community support need to look to Washington for funding. AmeriCorps already turned many of the major charitable nonprofits in the United States—Habitat for Humanity, the Red Cross, and the YMCA—away from the task of raising funds in the private sector toward lobbying Congress for more AmeriCorps funding.

Healthy charities with strong community support look to their neighbors, not the federal government, for financial support and volunteers. When genuine needs must be met, Americans band together with their neighbors to achieve common goals. AmeriCorps distorts the principle of local accountability for charitable groups. The great strength of America's philanthropic sector is its flexibility in responding to the country's social needs. This flexibility arises from a network of community-based voluntary organizations, not from a federally sponsored make-work administration. A far better way to help these organizations to succeed would be to allow taxpayers themselves to take tax credits for contributions to the charities of their choice.[23]

Like all government programs, AmeriCorps costs too much. Considering its stipends and tuition awards, members receive approximately $7.13 per hour, exclusive of the medical benefits and child care available to certain eligible participants. But the real cost per participant hour is far higher, depending on the particular grantee program. The total federal, state, and local costs of this program amount to an average of $18.26 per hour—the equivalent of almost $38,000 per year.

AmeriCorps' record of achievement has come under question. A 1997 Working Paper on AmeriCorps written for Independent Sector, itself sympathetic to the program, notes that, for 70 percent of the AmeriCorps programs it studied, the presence of AmeriCorps members did not produce quantitative results "over and above what the agencies were mandated and ostensibly funded to provide." Among the "reasons for concern and reflection," AmeriCorps' vaunted ability to

leverage volunteers from local communities turned out to have been overstated; researchers found only a "modest 3.5 percent increase in hours volunteered by genuine volunteers."[24]

AmeriCorps is an extremely costly way to help families pay for college. The $26,700 cost for a single participant estimated by the 1995 GAO study would pay for Pell Grants for approximately 18 students. Assuming the Casa Verde program's cost of nearly $100,000 per participant, 67 low-income students could have received Pell Grants.

President Clinton has declared that AmeriCorps aims to help young people who perform public service pay for college. In his 1996 State of the Union address, the President boasted that "AmeriCorps has already helped 70,000 young people to work their way through college as they serve America."[25] In fact, if only 54 percent of AmeriCorps' "graduates" are using their educational awards, the program should have helped approximately 37,800 with college tuition payments. By the time of the Philadelphia summit, the President had corrected his figure downward from 70,000 to 50,000.[26]

AmeriCorps seeks to create a cadre of devoted liberal activists. One of the reasons for creating national service, according to the program's intellectual godfather, Professor Charles Moskos of Northwestern University, was to revitalize the Democratic Party. In its first few years, AmeriCorps has offered grants to dozens of organizations like ASPIRA of New York, the New Jersey Public Interest Research Foundation, the North Carolina Low Income Housing Coalition, the Legal Service Corporation, the National Council of La Raza, and the Northern Virginia Urban League. Congressional investigators also are examining why one high-ranking political appointee at the Corporation for National Service—former Los Angeles City Council Member Michael Woo—used Corporation stationery and resources to set up a meeting between Democratic Party fundraiser John Huang and Asian-American business owners in Los Angeles.[27]

When given the choice between cutting funding for AmeriCorps or other programs such as veterans' benefits, even the President's closest congressional allies—House Minority Whip David Bonior (D–MI), Representative David Obey (D–WI), and Representative Charles Rangel (D–NY)—had no choice but to cut $206 million from AmeriCorps' funding for FY 1996.[28]

The President's plan to expand AmeriCorps by 33,000 volunteers over the next five years by teaming with private organizations that would be responsible for paying the AmeriCorps living stipend while taxpayers covered the cost of the college scholarship will increase federal involvement in the philanthropic sector unnecessarily. Growing numbers of charitable institutions will become dependent on the federal government, designing programs to receive taxpayer-funded subsidies through AmeriCorps.

The President's planned literacy initiative will do little to improve our failing public schools. An additional $2.75 billion on top of the nearly $302 billion the federal government alone spends on education will not teach American students the basic skills they are not learning now.[29] Pumping more money into a failed system or drawing on the efforts of tens of thousands of well-intentioned volunteers will not compensate for the inadequacy of the country's schools.[30]

CONCLUSION

The Presidents' Summit in Philadelphia has drawn further attention to one of the oldest traditions in the United States: voluntary community service. Nearly 90 million Americans volunteer annually, offering 19.7 billion hours of service. These efforts are essential to rebuilding American civil society now that the "era of big government is over."

The end of the era of big government, however, should not be seen as an excuse to boost President Clinton's controversial AmeriCorps program. A recent General Accounting Office study revealed that AmeriCorps continues to be plagued by high dropout rates and high costs. In short, the federal government has no business paying people to volunteer.

KENNETH R. WEINSTEIN,
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AUGUST STOFFERAHN,
Research Assistant.

FOOTNOTES

[1] For a list of these and other commitments made by corporations and nonprofit organizations in conjunction with the President's Summit, see http://www.philanthropy.com/volunt.dir/13commit.htm.

[2] The FY 1997 appropriation for the Points of Light Foundation was $6,000,000.

[3] Harris Wofford, "Testimony Regarding FY 1998 Appropriations for the Corporation for National Service," Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, U.S. House of Representatives, March 11, 1997.

[4] John P. Walters, "Five Questions for AmeriCorps' Board of Directors," Memorandum to Conservative Reformers, New Citizenship Project, February 24, 1995. The authors of this report wish to acknowledge their intellectual debt to John Walters's work.

[5] U.S. General Accounting Office, National Service Programs: Role of State Commissions in Implementing the AmeriCorps Program, February 1997, p. 1.

[6] Ibid. See also Mark Wilson, "AmeriCorps," in Scott A. Hodge, ed., Balancing America's Budget: Ending the Era of Big Government (Washington, D.C.: The Heritage Foundation, 1997), pp. 302–304. Other federal programs designed to promote volunteerism include the Service Corps of Retired Executive Association and the IRS Tax Counseling for the Elderly Program. Several federal programs designed to promote volunteerism that pre-dated the creation of the CNCS were incorporated into its ranks, including the Foster Grandparents program, Literacy Corps, Retired Senior Volunteer Program, and VISTA (Volunteers in Service to America).

[7] Office of the Press Secretary, the White House, "Briefing by Bruce Reed, Director of Domestic Policy Council," April 25, 19976; available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-25-bruce-reed-briefing-on-service-summit.text.

[8] Under the President's plan, no interest would accrue on student loans during the period of service. The White House estimates that the loan deferment program, which it wishes to include in the upcoming reauthorization of the Higher Education Act, would cost approximately $7 million per year for 12,000 participants. See Office of the Press Secretary, The White House, "Press Briefing by Bruce Reed, Eli Segal and Diane Fortuna," April 27, 1997; available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-27-reed-and-segal-briefing-at-volunteer-summit.text. See also Warren P. Strobel, "Clinton Makes a Pitch for Volunteers," The Washington Times, April 29, 1997, pp. A1 and A12, and President Bill Clinton, "Remarks at Volunteer Summit," April 28, 1997, available at http://docs.whitehouse.gov/white-house-publications/1997/04/1997-04-28-remarks-of-presidents-at-volunteer-celebration-event.text.

[9] John P. Walters, "AmeriWaste," Memorandum to Conservative Reformers, New Citizenship Project, September 26, 1995.

[10] See James F. Hirni, "AmeriCorps: A $575 Million Boondoggle," Heritage Foundation Issue Bulletin No. 212, September 14, 1995, p. 5.

[11] MacNeil/Lehrer News Hour, March 27, 1995.

[12] Cornelia M. Blanchette, Associate Director, Education and Employment Issues, U.S. General Accounting Office, "National Service Programs—AmeriCorps*USA—First-Year Experience and Recent Program Initiatives," testimony before Committee on Labor and Human Resources, U.S. Senate, May 21, 1996, p. 3.

[13] John P. Walters, "A Devastating Audit of AmeriCorps: The $23 Per Hour Per Hour 'Paid' Volunteer," Memorandum to Conservative Reformers, New Citizenship Project, July 12, 1995.

[14] president Bill Clinton, "Remarks on Responsible Citizenship and the American Community," July 6, 1995; available at http://docs.whitehouse.gov/white-house-publications/1995/07/1995-07-06-presidents-georgetown-speech-on-responsibility.text.

[15] U.S. General Accounting Office, National Service Programs-AmeriCorps*USA—Early Program Resource and Benefit Information, GAO/HEHS-95-222, August 29, 1995, pp. 30–31; cited in Wilson, "AmeriCorps," p. 452.

[16] GAO, National Service Programs: Role of State Commissions in Implementing the AmeriCorps Program.

[17] Letter from Representative Pete Hoekstra and Senators Christopher Bond and Charles Grassley to the Honorable Harris Wofford, March 13, 1997, p. 1.

[18] Corporation for National Service, AmeriCorps Program Director, available at http://www.cns.gov/pro-dir.html.

[19] Mary Hill, "Too many insiders getting AmeriCorps jobs?" Des Moines Register, February 2, 1996, p. 1.

[20] Jason Lewis, "For the Good of Taxpayers, Unload Pricey AmeriCorps 'Volunteers,'" Minneapolis Star-Tribune, August 7, 1996, p. A11.

[21] Corporation for National Service, Office of the Inspector General, Report No. 97-09, December 9, 1996.

[22] William Raspberry, "Invisible Volunteers," The Washington Post, January 17, 1997, p. A21.

[23] On the charitable tax credits in the Talent-Watts-Flake Community Renewal Act, see Christine Olson, "The American Community Renewal Act of 1997," Heritage Foundation Issue Bulletin No. 229, March 19, 1997.

[24] John Messer, "Disparities Between National Service Outcome Measures and Goals: Core Susquehanna AmeriCorps: A Case Study," 1997 Independent Sector Spring Research Forum, Alexandria, Va., 1997.

[25] President Bill Clinton, State of the Union speech, February 4, 1997; see also speech by President Clinton to the American Council on Education, February 24, 1997.

[26] Clinton, "Remarks at Volunteer Summit." April 28, 1997.

[27] James Rowley, "AmeriCorps Questioned on Jobs," Associated Press, April 28, 1997. Mr. Woo received a salary of approximately $95,000 per year as Director of AmeriCorps' Western Regional Cluster.

[28] John P. Walters, "Pull the Plug Already," Memorandum to Conservative Reformers, New Citizenship Project, October 20, 1995.

[29] Amy Call, ed., Budget Bulletin No. 6, Majority Staff, Committee on the Budget, U.S. Senate, 105th Cong., 1st Sess, March 3, 1997; cited in Nina H. Shokraii and Dorothy B. Hanks, "School Choice Programs: What's Happening in the States," Heritage Foundation F.Y.I. No. 138, April 21, 1997, p. 1.

[30] See Robert W. Sweet, Jr., "Don't Read, Don't Tell: Clinton's Phony War on Illiteracy," Policy Review: The Journal of American Citizenship, No. 83 (May-June 1997), pp. 38–42.

IMPACT OF PRESIDENT'S FY 1998 BUDGET REQUEST FOR $28 MILLION CUT IN VA RESEARCH

The president's FY 1998 budget request proposes a 10.5% cut in the VA research appropriation. If enacted by Congress, this cut would reduce FY 1998 funding for VA research to $234 million, down from an FY 1997 appropriation of $262 million. A cut of this magnitude—15% if the effect of inflation is included—will require VA to make significant changes in the program and future plans including:

Reinvigoration of VA's Career Development Programs, as recommended by the Research Realignment Advisory Committee (RRAC), will be delayed indefinitely. For the third year, VA will not be able to initiate any new Career Development awards. See attached Graph 1. Cut: 15 career development awards at a cost of $2.5 million.

Plans for new research centers of excellence will be terminated or delayed indefinitely. Cut: 9 centers at a cost of $10 million. These include:

Two Epidemiology Research and Information Centers designed to provide VA with much needed epidemiology research capacity

Three new competitively selected Diabetes Centers of Excellence

Two new Centers for Rehabilitation Medicine focusing on sensory loss and traumatic brain injury

A new, competitively selected Health Services Research and Development Center of Excellence

Phasing out one of four existing Environmental Hazards Research Centers

Three hallmark cooperative studies expected to have a far reaching impact on medical care will not be funded. Cut: $3 million.

A substance abuse research initiative related to nicotine and smoking behavior

Two cooperative studies comparing surgical and medical treatments for heart disease

Other steps required to accommodate the remaining $10 million of the $28 million cut:

15–20 new health services research and development programs will be delayed.

VA will sharply decrease its investment in developing medical practice guidelines, reducing its ability to determine the most cost effective methods of delivering high quality care in the network environment.

Ten percent of existing investigator-initiated projects will be terminated. The number of funded projects will decrease from 1666 in FY 1997 to about 1400 in FY 1998. See attached Graph 2 for the impact on the number of Medical Research Service projects alone. This will lower funding opportunity for VA researchers to an all time low of less than 15%—only 1 out of 8–10 approved projects will be funded.

Administrative support for research offices located at VA medical centers will be reduced by 10–15%.

Reduced funding opportunity will affect VA's ability to attract and retain high quality physician investigators for careers in VA. Considering that 75% of VA researchers are physicians who provide medical care for veterans, the potential impact on VA's ability to provide the high quality care associated with academic/research facilities may be significant.

FOVA recommends full restoration of the funds cut in the president's request, plus $18 million in new funding for an FY 1998 appropriation of $280 million.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to this amendment.

First, let me address the amendment of the gentleman from Kansas [Mr. TIAHRT] by way of the discussions that the gentleman and I have had both in the full committee as well as this evening on the floor.

Initially, in the full committee, there was a good deal of discussion about the reality that there are some problems with some AmeriCorps programs operating in the country, but also there are portions of the AmeriCorps Program that are working very, very well. For example, the forestry services going on in my district. AmeriCorps volunteers have done a rather phenomenal job.

Essentially, the gentleman from Kansas was saying to me, I think, that we need to raise a flag that says if there are programs here where taxpayers' dollars are not being spent well, then we either ought to stop that or, indeed, we should try to find a way to improve it. So his amendment essentially raises that flag by taking half of the AmeriCorps funding proposed in this bill and putting it in an area of funding within veterans medical research that is very, very critical.

Now, beyond my comments about AmeriCorps, let me say this about the gentleman from Kansas, a new member of the Committee on Appropriations. There is not a member of our committee who has more effectively brought forward the importance of the Persian Gulf syndrome problem, the reality that literally tens of thousands of veterans are facing circumstances that the medical community seems to know a lot less about than they should know.

As of this moment, as a direct result of his work, through a number of appropriation subcommittees, I am not sure exactly what the figure is, but we are pushing something close to $100 million that is directed along a channel that will have us evaluating in intensive form the Persian Gulf syndrome.

□ 2145

And that concern about those veterans who served is very well-taken and very, very important.

Further, I want to say that while earlier I was personally going to consider just wiping out the AmeriCorps funding because we know at the other end of this, before we get through conference, before we get a signature from the President, AmeriCorps is going to be funded. The gentleman from Kansas [Mr. TIAHRT] is mixing the best of public policy with the best of reality around here in terms of his amendment. It is very helpful to the process, and because of that I would suggest to the Members that the gentleman from Kansas [Mr. TIAHRT] has made a very good point and should get their support.

Mr. NEUMANN. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise to support the gentleman from Kansas [Mr. TIAHRT], my good friend, and his amendment.

This is really about priorities of spending in our government. It is about two programs. And the idea behind AmeriCorps, the idea of helping college students, is certainly an idea that most Americans would support. The idea of encouraging volunteerism is certainly an idea that most Americans would support. But when we start talking about the concept of paying people to volunteer, somehow we lose something in the translation. Once you receive a paycheck for doing something, you are no longer a volunteer.

This program is currently costing $19,000 per student that it is attempting to help, and I would suggest that the cost is out of line. I would also suggest that the accountability is just plain not there in the program.

We then look at a second program and we have to ask ourselves, which program is it more important that we spend the money on? We then look at our Persian Gulf war veterans and the illnesses that they are facing and how much research money is being spent to solve the problems facing our Persian Gulf war veterans.

And we have to conclude, as I think this body will when we vote on this amendment, we have to conclude that our priorities here are wrong. Paying people to volunteer, even if the work that they are doing is good and important, is certainly not as important to our Nation as finding the root cause of the Gulf War syndrome that is affecting so many of our veterans in our Nation today.

I rise to support the gentleman from Kansas [Mr. TIAHRT], my good friend; and I sincerely hope this body makes the right decision and passes this amendment.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment once again places an issue before Members of the House regarding two very important areas of concern, I think, of Members of the House. Certainly all of us support veterans' programs in a great respect and admiration for what veterans have done for this country. And many of us, such as myself, are veterans.

At the same time, we recognize that there is a very real need for programs such as AmeriCorps, which happens to be a program that the President of the United States places a great deal of priority on. In fact, I have before me a statement of administration policy which was received by us today, in which the President states that "the administration understands that an amendment may be offered to terminate the Corporation for National Community Service. The administration would oppose any amendment to terminate the corporation, as well as any amendment that would eliminate the corporation's AmeriCorps grant program. Were any of these actions be incorporated into the final bill presented to the President, the President's senior advisors would recommend that he veto the bill." The President goes on to speak to other aspects of the national service program.

This is a bill that, as we have already stated on the floor earlier today, has been a very difficult bill to craft. It is one that the gentleman from California [Mr. LEWIS] and myself and other members of the subcommittee spent a great deal of time putting together, and we hate to see it in any manner jeopardized by any type of threat of a veto.

But I think it is important to look at what some of the accomplishments of the AmeriCorps Program have been. Just in the 1995–1996 program year, AmeriCorps has trained, supervised or recruited more than 300,000 volunteers; they have taught or tutored more than 500,000 children; built 1,200 houses; rehabilitated 4,700 houses and apartments; immunized 64,000 people; planted more than 200,000 trees; restored more than 3,000 miles of shoreline and river banks; cleaned up 3,500 neighborhoods; enrolled 85,000 students in after-school programs. They have counseled more than 100,000 people in violence prevention; established more than 3,000 public safety patrols; provided 1,100,000 people with health care information; provided 32,000 people with employment-related services.

So AmeriCorps is not about volunteerism; it is really is about service. AmeriCorps has strengthened, not weakened, traditional volunteer activities. More than 3 out of 5, 61 percent of Americorps members have completed 1,700 hours of service and earned education awards. An additional 17 percent earned partial education awards. Only 22 percent earned no award.

One measure of success for the program is the percentage of AmeriCorps members who earned the education awards. Nearly 4 out of 5, 70 percent of AmeriCorps members have earned education awards. Just recently the U.S. Conference of Mayors passed a resolution supporting AmeriCorps.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the ranking member's recitation of the accomplishments of Americorps. I think all of us recognize in the start-up cost it was high, and it was an important new program with this administration. Obviously, there is a high premium on it. I think the program is working.

I would say that this amendment presents a dilemma for many of us. But I think the impetus is clear. I do not know, and I appreciate the gentleman from California [Mr. LEWIS], the chairman, has provided and pointed out that there is nearly $100 million for review and research of gulf war syndrome.

Whether there is a program for the extra $50 million, I do not know. But, obviously, if there was, I would suspect that the Committee on Appropriations would have processed those requests and considered it. In fact, there are many quarters in this Federal Government, unfortunately, where they still seem to be in a state of denial with regard to that.

And I appreciate our friend, the gentleman from Kansas [Mr. TIAHRT], has taken the initiative to try and lead in providing adequate funding. But the bottom line is this: This takes $200 million from the program, a program that is working, a program where these funds are necessary, where they are helping in a variety of ways. I think it has met its promise.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(On request of Mr. STOKES, and by unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, if the gentleman would continue to yield, this eliminates and takes away the opportunity for young people to provide service. And I might say that while they get some modest compensation and recognition, that it is nowhere accorded the right.

Now in a different era, a different time many could take off a year and volunteer for service and do a variety of things and get low compensation or no compensation. But that is not the era we are working in today, in terms of people maybe have the altruism but they do not have the economic wherewithal.

And this program provides and lets people provide that type of volunteer service; and believe me, it is volunteer service when they postpone their vocational plans for those 2 years. So I rise in opposition to this amendment.

I think it is the wrong way to go. I think if we need money for the gulf war vets and the syndrome and the problems there, I would be happy to stand up here with the gentleman from Ohio [Mr. STOKES], my colleague, the ranking member, and support it, but not on the basis that is being offered in this amendment.

I thank the gentleman for yielding.

Mr. STOKES. I appreciate the comments of the gentleman from Minnesota [Mr. VENTO].

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

I would like to make a couple of comments, one in response to the statement of the ranking member with regard to the President of the United States. His comment was in regard to elimination of the program. The amendment offered by the gentleman from Kansas [Mr. TIAHRT] is a reduction of the present program, so he is not offering the amendment to eliminate the present program.

One is, you have to cross a threshold whether or not you eliminate the AmeriCorps as a program. I think the President gets himself in this oxymoron about paid volunteers. He ought to get away from the word "volunteers" in the AmeriCorps program and just sign up and said, yes, he believes in service and we want to pay these individuals for these efforts and service which have normally gone to volunteers, and he should get himself away from this oxymoron and the attacks on the program.

I really do not care for the particular program. In response to the comments of the gentleman about the type of program and all the good which it has done, I also have to think about from 1993 to 1994 it was reported that 1,200 of the paid AmeriCorps "volunteers" worked at the Department of Agriculture, 525 worked in the Department of Interior, 210 worked in the Department of Justice, 135 in EPA, 60 at the National Endowment of the Arts; a total of 2,800 were working at Federal entities.

So that was pretty stunning to me when I discovered that. Also to think that the AmeriCorps spent $1.7 million to a PR firm to work on their image. So when I think about priorities dealing within the restraints of a budget agreement, this is very disappointing in fact to me.

The GAO recently, I know the gentleman from Kansas [Mr. TIAHRT] referred to the $19,000 figure, the GAO estimates the total compensation given to each volunteer. I should not perhaps even call them volunteers because those that work in the AmeriCorps program do not want to be called volunteers, they want to be called members. So each member, it is $26,000. This figure has increased per cost to $33,000 when AmeriCorps' high dropout rate is factored in. That is a heavy price.

So when the gentleman talks about the promise of AmeriCorps has been achieved, all right, at what cost? And then you say of this $33,000 per, what could we spend those monies on better with regard to how many Pell Grants could you get out of that $33,000, or other things? And you are right, somebody mentioned this is about priorities.

So when I think about the issue of the gulf war illness, I do want to entertain a question to the chairman if I could for a second. Earlier he mentioned about $100 million has now been appropriated for Gulf War illness. I am a little confused as to this amendment, if we are adding more moneys or replenishing accounts.

If the gentleman would explain to me, I yield to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I appreciate the gentleman yielding. And when the gentleman from Kansas [Mr. TIAHRT] first raised this question effectively in our full committee, we were talking about $20 million; and it came to our attention that there was some $30 million within the Subcommittee on National Security, at least $10 million in Labor-HHS. If there is an add-on here, that is additional.

But I must say, I do not know all the accounts because I have not had a chance to go through those in the last few days. But there is a growing level of funding in which this issue and this problem is being recognized, and it is a

direct result of the work that the gentleman from Kansas [Mr. TIAHRT] is about.

Mr. BUYER. Reclaiming my time, so what you have earmarked, these monies will help replenish accounts which take away from other funding requirements?

Mr. LEWIS of California. If the gentleman would continue to yield, either they are earmarked funds out of research moneys, for example, there is already DOD money, a pool of money, and they designate some. We designated a portion out of research moneys in this bill, et cetera.

Mr. BUYER. When you compare this year's budget compared to what the President sent you, did the President reduce his VA research budget?

Mr. LEWIS of California. If the gentleman would yield further, yes, the President did. And as a result of our work, we have beefed it back up and there is significant adjustment upward in the research budget.

Mr. BUYER. And you plused up the budget over and above last year's number even though the President reduced his VA research?

Mr. LEWIS of California. If the gentleman would continue to yield, by $33 million over the President.

Mr. BUYER. Let me thank the chairman for having done that.

I would share with the Members with regard to the gulf war issue, whether it has been in the military health delivery systems or in the VA, it has been very difficult to focus them on this issue. We voted here not long ago on the issue of national defense. We spent millions and millions of dollars, whether it is to buy tanks, we can debate over B–2 bombers, we debate a lot of things about military equipment, hummers and a lot of other things, but when it comes time to taking care of those have borne the risk of battle, we need to also step up to the plate and take care of these veterans.

There are many, in fact, who are suffering from multiple types of illnesses, multiple causations, which is very difficult for us to understand, for the family members. I applaud the gentleman for his amendment, and I ask that all the Members support this amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of AmeriCorps and wonder in terms of the statement of the gentleman from Kansas [Mr. TIAHRT], who introduced the amendment, where he said that there was $3.6 million allocated, appropriated, in this bill with his chart for Persian Gulf veterans. Let me assure my colleagues that according to the report put together by the gentleman from California [Mr. LEWIS], our distinguished chairman, and the gentleman from Ohio [Mr. STOKES], the ranking member, on page 16 it says, and I quote, "The bill includes earmarking $20 million," not $3.6 million.

□ 2200

"The bill includes language earmarking $20 million of the funds made available for medical research relating to Gulf War illnesses afflicting Persian Gulf veterans."

Mr. Chairman, I strongly believe after reading even more on this topic that we need to make sure that we take care of our veterans, World War II and World War I, Korean, Vietnam veterans and also our Persian Gulf veterans.

Dr. Kenneth Kizer, the VA's Undersecretary for Health, said in his testimony before Congress, "More than 90 research projects are in progress or have been completed, and more than 30 individual projects are being carried out nationwide by the VA and university affiliated investigators."

If we need to do more, and we probably do, let us work together in a bipartisan way to make sure that our veterans are cared for, and I will strongly support that amendment. But let us not pit two very important programs, AmeriCorps and the care and concern and medical necessities for our Persian Gulf veterans, against one another in a very political way.

AmeriCorps in my district is doing some great things. We have an Envirocorps in Elkhart, IN. It is one of the best AmeriCorps projects in the country. It is doing a number of things, to clean up streams and the environment, to revitalize city neighborhoods throughout our community, to test homes for radon gas, a host of things that would not be done. They are working with the private sector, they are working with volunteers in the community. They are leveraging the resources throughout the community to get things done and help other people.

That is not just in Elkhart, IN. AmeriCorps has given 70,000 Americans a greater opportunity for higher education, taught over 380,000 students, mentored 93,000 youth, tutored 118,000 individuals. They are all across the country, spread out, helping others. I would think that a Republican wants people, as we do, not to just get something free but to do some work for it, that is the concept here, personal responsibility, work in the community and one gets an educational grant, a stipend to go to school. It leverages money, another good idea that we would hope to share in a bipartisan way, Republicans and Democrats.

We leverage the public money with the private sector, helping people build better communities in the environment, education, tutoring, making sure children are inoculated, all kinds of great things going on because of the leverage here at the public level that is spreading out locally to each and every one of our communities. I do not know how one can be against that. I do not know how we can pit two programs that I strongly support against one another.

I guess, in conclusion, Mr. Chairman, I would say this. What are Republicans saying about this program that help young people, that help young people at a time when we really need them getting to college, when the college costs in this country are soaring, how are Republicans responding to this, most Republicans?

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Gen. Colin Powell says, "AmeriCorps is doing a lot of good things around this country. They are leveraging other volunteers who come in to work with AmeriCorps."

Gov. William Weld, a Republican from Massachusetts, and I quote, "Every taxpayer dollar we spend on AmeriCorps comes back threefold when we add up the value of your innovative ideas, your physical labor and all the skills you bring to the workforce when you finish your education. It is one of the most intelligent uses of taxpayer dollars ever." Ever.

Now, I think that is where the mainstream of the country is. Support programs that insist on personal responsibility, that leverage dollars, that help our young people afford education and build better communities. This is a program, AmeriCorps, that I strongly support. I hope that we can work in a bipartisan way to support both AmeriCorps and our gulf veterans. I do not think that we should try to pit these programs against one another.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman yielding. I would just say that absolutely the gentleman is right. We do not want to pit programs like this against one another. Unfortunately throughout this bill, that is the challenge of the bill. We have program after program that are vital to people, whether it is the poorest of the poor in housing programs or otherwise. One person's mind's eye view of what is enough money for this program versus another creates the difficulty.

I am not at all challenging what the gentleman suggests. I think he also knows full well that, before we get through this process with the other body, the conference, the AmeriCorps funding is going to be there. So indeed it is just a reflection of the discussion this evening that expresses people's viewpoint. It is helpful but it can be carried further than it need be.

Mr. ROEMER. Reclaiming my time, and I respect the gentleman from California, we have all kinds of opportunities around here to make priorities. We had a priority to try to cut 0.7 percent of the intelligence budget the other day. This body did not do that. We had the opportunity to cut B–2 bombers that the Air Force does not want. This body did not do that.

Let us not pit two good programs against one another that we should be funding when we have got some of these other programs that the Defense Department does not want, a space station that does not work, when we are finding the Mars Pathfinder does marvelous things up in space for $267 million as opposed to $100 billion for the Space Station. Let us get our priorities right. Let us support our gulf veterans. Let us support AmeriCorps.

Mr. TIAHRT. Mr. Chairman, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Kansas.

Mr. TIAHRT. I would suggest that this amendment does exactly what the gentleman is suggesting.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. ROEMER] has again expired.

(On request of Mr. TIAHRT, and by unanimous consent, Mr. ROEMER was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Mr. Chairman, I continue to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I think this amendment meets the criteria that he is establishing here. It allows AmeriCorps to move on.

I would like to remind the gentleman from Indiana that AmeriCorps spends about 11 percent of their budget authority. They have been allocated $1.6 billion from this Congress since its conception. They have only spent about $300 million. With a reduced budget as suggested here, we are able to achieve both of the gentleman's goals, help the Gulf War veterans who are suffering from this illness and allow AmeriCorps to continue at a reduced size so that they can become more efficient.

Mr. ROEMER. Reclaiming my time from the gentleman from Kansas, what I would say is there are plenty of things we can cut in this budget. Whether it is a Space Station, whether it is a wind tunnel, there are a lot of things that we have to make tough choices on to balance the budget, and we are making them.

I am supportive of a balanced budget, and I voted for that in the historic bipartisan agreement that we brought to this floor. But let us not always go after the programs around here that help people go to school, that help people get a school lunch, that help people get fed that are falling through a safety net. Let us make sure that the Gulf veterans are taken care of, that AmeriCorps, which is working with personal responsibility, is funded, and that we go after some of these programs that are not working nearly as well as these other two good programs.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in these difficult times when we are trying to balance the budget and establish the priorities that this body must adhere to because the American people adhere to certain priorities, those priorities will fall time and time again to our veterans, those people who marched off to war and many of them came back with gulf war syndrome. I have a number of them in my district, and my heart goes out to them. I honor them and I respect them, and my priority is with them, because America should keep its word to its veterans. They kept their word with us.

It was Teddy Roosevelt that once said a man who is good enough to shed his blood for his country is good enough to be given a square deal. I think to increase research and development to $25 million for gulf war illness research is a top priority. I think it must be done. For too long this country ignored the ravages of gulf war syndrome and ignored that it was a bona fide problem that our soldiers came back home with. Our veterans have earned a square deal. They were promised a square deal. That is not what they are getting with this appropriations bill, unless we adopt the Tiahrt-Chenoweth amendment.

How can we in good conscience spend even a penny on pet projects, as worthy as they may be, while our promises to veterans continue to be broken? AmeriCorps' paid volunteers may work on projects in exchange for pay and scholarships, but what is their contribution in comparison to the sacrifice of our veterans? Veterans who gave up freedom and endured the hardship and bore the separation from loved ones and all too often suffered terrible bodily injury in defense of our freedoms in the gulf war.

I urge my colleagues to take this small step, keep our obligations and our promises to our veterans. Show our veterans that they are as important to us as we and a free America were to them when they gave so much to us. Please support the Tiahrt-Chenoweth amendment.

Mr. OBEY. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, since the gentlewoman indicated that we ought to put support for veterans ahead of everything else, can I assume that she will vote for my amendment to eliminate the pork project in Idaho so we can add money to the veterans health care budget?

Mrs. CHENOWETH. I am supporting my State and my commitment to my State.

Mr. OBEY. So in that case the veterans will come second?

Mrs. CHENOWETH. Mr. Chairman, this is out of order because we are debating another amendment.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think this debate is an appropriate kind of debate but not necessarily comparing AmeriCorps with the veterans. I think we all support both.

The irony is that the gulf war veterans may have sons or daughters that are in AmeriCorps, and in fact gulf war veterans may qualify as AmeriCorps volunteers, because it is a totally different program. It has to do with contribution to the community for remuneration and a credit toward, whether it is vocational training or academic training. I happen to represent an area in California, Fort Ord, the former Fort Ord, which still has a military property on it; and in that property, we have the center for the gulf war syndrome calls. Anyone who has been in the gulf war who thinks they may be qualified for benefits, these medical benefits, all of those calls from everywhere they are made in the world come to that building. That building gets them registered and into the process. It is a good process and it is working.

The problem I think we have with veterans and not just gulf war veterans but veterans in general is that we are not allowing for collaboration. If one goes to a veterans clinic, the veterans cannot take their family and children to that clinic. We ought to be able to let them do that. If one is over 65 in this country and he is a veteran, he cannot take himself or his spouse to a veterans clinic. They have to go out to a Medicare process.

The problem for medical care in America for veterans is not just limited in here, and we do not do more by isolating these moneys, by taking them out of a good project and saying we are going to put it in just to research in an isolated area. If we really want to help veterans, gulf war veterans and all, we would do a much better job of collaboration.

Let me tell my colleagues on that same military base are a whole bunch of AmeriCorps volunteers that are helping clean up that base, and they are working with the community based organizations and they are doing a very good job. Yes, they are getting paid. I was a Peace Corps volunteer and I got paid for being in the Peace Corps. There is no free lunch in this process. But they are not getting rich on this.

In fact, the author of this amendment has had six AmeriCorps volunteers in his district, of which four finished. The Kansas Department of Wildlife and Parks who oversaw the program wrote a letter, and I would be glad to give it to the gentleman and submit it for the RECORD if he wants, that says,

Without the assistance of AmeriCorps the Kansas Department of Wildlife and Parks would not be able to hire these young people lacking the funding to do so. The department can, however, provide raw materials, tools and supervision.

The letter goes on to say,

The AmeriCorps and public would lose the benefits provided to the natural resources and outdoor recreation projects, and the individuals who would have been selected as members would lose valuable opportunities.

□ 2215

It goes on to say: "I hope you will find that you will be able to fully support the continuation of the AmeriCorps as a viable program important to the American people."

This is a letter to Senator BOND, and it is written by Bob Mayers, the Assistant to the Secretary of Operations, appointee of the Republican Governor of the State of Kansas.

Lastly, I think what is very important here is that if we are going to make some tough choices, I think we made it last week, a week before that, when we had a very close vote, and I believe it was, as my colleagues know, half a dozen votes difference on the B-2 bomber, something that the Pentagon has not asked for, something that the Air Force does not want, and we voted to commit ourselves to building nine more. An estimated outlay or total cost in the end is about $18 billion.

Now if my colleagues want to make choices, and my veterans are just like my colleagues' veterans, they understand these choices. They do not want us to take away programs from their sons and daughters, from their colleagues who may be wanting to go into the AmeriCorps who want to pay off student loans, who want to pay off education. Robbing Peter to pay Paul is, I think, a very injurious proposition, and this is a bad amendment.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FARR of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate my colleague yielding. I think the point I am really trying to make here is to suggest to the House that we are all on the same side of this. The fact is my colleague knows and I know before we get through this process of the conference that AmeriCorps is going to have its funding restored, we know that. What has really happened though as a part of the full committee discussion and here, is suddenly there is a different attention being paid to the Persian Gulf syndrome, which the gentleman's district should be very pleased with as well.

So at the end of the process we will raise that to a much higher level of attention; the gentleman's district will like that. But AmeriCorps will be funded at the other end, as my colleagues know. Frankly it is important that the public know that we are all on the same side really in this discussion. And as my colleagues know, we have a tendency to fill all the time that is available regardless of whether we agree or disagree.

Mr. FARR of California. Mr. Chairman, I think the gentleman's observations are very well made. I just disagree with the author of this amendment that the way of getting there is to rob Peter to pay Paul. I think when we rob an educational account to pay for a medical account we have no gain.

Mrs. Chairman. I include the following for the RECORD.

STATE OF KANSAS,
DEPARTMENT OF WILDLIFE & PARKS,
Pratt, KS, October 4, 1996.

Hon. CHRISTOPHER BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: I appreciate the efforts of yourself, Senator Grassley, and Congressman Lewis to examine the relationship between USDA and the Corporation for National Service regarding the AmeriCorps program. At this time in America, it is critical that government operate ethically and above board, without the intent, act or perception of wrongdoing.

However, as I am certain you will find, the relationship between USDA, CNS and the AmeriCorps projects administered at the state level is reasonable and desirable. This partnership allows rural Americans to perform needed community services for an honest wage and broaden their potentials for the future in the process. When these AmeriCorps members have completed their educations, they will be ready to take their places as productive members of society, with not only the class work behind them, but also the experience earned in the successful completion of their AmeriCorps projects.

Without the assistance of the USDA and CNS, the Kansas Department of Wildlife and Parks would not be able to hire these young people, lacking the funding to do so. The department can, however, provide raw materials, tools and supervision. Important projects underway now, and others that might be completed in the future, would die without being completed. Rural communities would lose the employment options provided by AmeriCorps, the public would lose the benefits provided to the natural resources and outdoor recreation projects, and the individuals who would have been selected as members would lose valuable opportunities. The language proposed by USDA correlates to previous agreements, and fully supports the principles under which AmeriCorps was conceived, while ending the transfer of operating funds from CNS to USDA.

No additional funding is needed to support the AmeriCorps program, and the positive impact it makes is tremendous. I hope that you will find that you are able to fully support continuation of AmeriCorps as a viable program important to the American people.

Sincerely,

ROB MANES,
Assistant Secretary for Operations.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. First of all, I want to just point out as the second ranking Democrat on the Committee on Veterans' Affairs I stand in a back seat to no one in terms of standing up for our Nation's veterans' needs, and while I appreciate the efforts that the gentleman from California [Mr. LEWIS], the chairman of this committee, has made in terms of standing up for our Nation's veterans in this budget, and I think the gentleman from Ohio [Mr. STOKES] deserves credit as well, I would like to point out to those Republicans who are beating up on the AmeriCorps program today that according to their own budget agreement that they passed themselves earlier this year, they were $2,230,000,000 under what this budget does.

So while I appreciate the fact that the chairman of the Committee on Appropriations went back and found $2 billion, for people to stand up here and make speeches on the floor of the House saying they want to stand up for our Nation's veterans, go look at their own rhetoric, go look at what their budget that they passed did to the veterans of this country. They are the ones who led the fight to cut the veterans programs, and now they stand up here on the House floor and pretend like they are standing up for our Nation's veterans. So in reality what they can do is beat up on AmeriCorps, because what they really want to do is go after President Clinton because he has a program that encourages voluntarism in America.

And that is the truth of what this is all about. This is just plain rhetoric bashing, this is the same old, same old stuff that we hear too much of. In fact, if we are truthful and honest, I think we go back to the original statement of the chairman of the committee. He said some very nice things; I heard him when I was sitting in my office getting ready to offer a couple of amendments on the housing bill that is coming up, and he said some very nice things about the AmeriCorps program. The truth is that of course like every program, we have HUD programs that are well run, we have HUD programs that are not well run; we have programs in the Pentagon that are well run and some that are not so well run. We have some AmeriCorps that are well run and some that are not so well run.

But the truth and the fundamental aspect of this is that there is broad bipartisan support, I believe, for both AmeriCorps as well as for our veterans' programs, and for us to sit here and

gratuitously go out and find a way of offering an amendment that can just go and try to bash the AmeriCorps in order to pretend like we are standing up for our Nation's veterans is utter hogwash, and I hope the veterans of this country who are watching this debate listen to the fact that there is $2.230 billion, that is B's, not M's, billions of dollars that were proposed by the Republicans that were not included because of the work of the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I too want to rise in opposition to this amendment, and really, I think, there has been a great deal of bipartisan effort on this whole issue of balancing the budget, and I think because of that I am very curious about what is not only represented to be an effort to cut the deficit, but also what I would call bashing and pitting one very deserving group against the other.

Let us make it perfectly clear this amendment eliminates the AmeriCorps program, and for many who have debated it and discussed it, for some reason the involvement of the President seems to color the value of this program, and I would simply take issue with great respect for the gentleman.

Mr. LEWIS of California. Mr. Chairman, would the gentlewoman yield on that point that she made?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LEWIS of California. It may be that the gentlewoman was not given the information that the gentleman from Kansas [Mr. TIAHRT] took up his second amendment rather than the first one. Because of that this amendment takes approximately half of the AmeriCorps funding and puts some of it into veterans programs, and the balance remains, which allows us effectively to go to conference where we know it is going to be restored.

I do appreciate the gentlewoman's position, but I wanted the gentlewoman to know that.

In the meantime, if my colleague will, I wanted to mention to her that we hope to get through this amendment by the time I have committed to the gentleman from Wisconsin [Mr. OBEY] that we will close down by 10:30, and that is not just for the gentlewoman but for the other Members who are here.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I hope I will be able to capture the time. Mr. Chairman, I do appreciate it, and I did know the amendment that we were discussing, I consider the amendment an elimination of the AmeriCorps for the very reason that when we begin to juxtapose moneys against one other, we are bashing and we are eliminating.

I recognize that this is a modified amendment, but this amendment, the purpose of it is to eliminate AmeriCorps. This has no intent to fund our veterans. This is a purpose of, in fact, causing anguish, causing ugliness in this debate.

Let me simply argue on behalf of the AmeriCorps program and the very valuable things that it does. First, I want to take issue with those who say that there are individuals who are in the AmeriCorps program that do not do their job, that there should be volunteers, that they should not be paid. These are individuals who work very hard in our community and, in fact, are contributing in our community and receiving an education.

I would venture to say that the young men and women who are in the gulf war would support the AmeriCorps, and why would they support it? Because they are the equals of these individuals who have come up to hard times and are now seeking to give to their country, but, as well, taking advantage of an opportunity to be educated and maybe be back in step with helping us to have more peace so that we send less of our veterans or less of our soldiers into places of war.

For example, in Houston the LA Vets is sponsored by our AmeriCorps. What do they do? They help homeless vets. I would think that our veterans would support the AmeriCorps programs that do that. What else do they do in Houston? The Houston Read Commission, the literacy AmeriCorps that helps to bring about the opportunities for reading in our community; English as a Second Language, a program that is extremely important.

But most of all, I think the dignity of the AmeriCorps participants have been attacked, and I take great offense in that, for these are young men and women who simply want an opportunity.

Yes, this is the President's program and the President's opportunity. But it is not the President's vision. It is America's vision to give young people the opportunity to climb up the rough side of the mountain and, yes, stand on top of the mountain.

I believe that this effort that is being offered to take a few pennies here and a few pennies there for two very good programs is, as I started out in my remarks, an attack on AmeriCorps and an attempt to eliminate AmeriCorps.

I would simply ask the question, if it is going to be restored in conference, why do we not do the right thing and maintain the full funding of AmeriCorps, work in conference to increase the dollars for Persian Gulf research and Persian Gulf illnesses, because I think that is a very valid concern. Why do we not do it that way? The reason why we are not doing it that way is because the real intent of this amendment is to bash AmeriCorps, to eliminate AmeriCorps, and it has nothing to do with anyone's concern about the veterans.

I support any effort to increase funding for veterans, and I would encourage my colleagues to go to the conference committee, work sincerely along with the Senate to increase those dollars, because we are moving along in a well-intentioned manner, which is to balance the budget. I see no reason whatsoever to eliminate these dollars on a very valid program that helps young people do the right thing and achieve their goals and aspirations.

Mr. Chairman, I rise today to raise my strong opposition to Mr. TIAHRT's amendment to eliminate AmeriCorps by using the tragic situation created by gulf war illness. If the administration had not taken steps to address the need to recognize disabilities associated with the illness and extended the length of time veterans have to apply for benefits I could see a need to increase funding for that purpose.

This amendment to H.R. 2158 will eliminate AmeriCorps, a much needed program and thus deny the opportunity for many deserving young people to attend college. The program is simple, but it has had a significant impact on the lives of people living in my Houston, TX, district.

In the city of Houston, David Lopez, who was employed as an AmeriCorps member last year, worked to provide the inner city working parents of latch key kids with supervised activity and play. They are not left to their own devices, or worse, to the design of street predators who would lead these young lives in the wrong direction.

For a year of volunteer service with Communities In Schools, David earned a $4,725 scholarship toward college.

AmeriCorps is the one and only chance for many of its participants to obtain a college education. It has been under attack from the early days of the 104th Congress for being inefficient. The truth is that among the numerous independent studies in the past, including the one by conservative "Chicago School" economists sponsored by three private foundations, confirmed that investments in national service programs are sound, yielding from $1.54 to $3.90 for every dollar invested. In fact, a 1995 GAO report concluded that AmeriCorps almost tripled the $31 million amount Congress directed them to raise by raising $91 million.

AmeriCorps has played a vital role in communities all over America. The 508,593 students taught, and the 42,381 families left homeless by natural disasters, and the 143,513 individuals provided health care screening at clinics, VA hospitals, and other health-related facilities and focus particularly on children and youth are testaments to the critical role this program plays in the lives of people in need.

I would offer to my colleagues who are in a rush to cut AmeriCorps that if they looked around their districts they may find that AmeriCorps is doing some very amazing things for these few tax dollars.

For example, in the city of Houston, the Collaboration to Help Homeless Veterans uses

AmeriCorps members on areas of housing and employment readiness to perform case management activities and help homeless veterans in the Houston area move toward self-sufficiency.

The Houston READ Commission/Literacy AmeriCorps provide literacy training and needed support services while developing community leadership in traditionally disadvantaged locations of the greater Houston area. Educational activities include GED tutoring, English as a second language training, homework assistance, and family literacy instruction.

Teach for America—Houston is another program in the city of Houston which utilizes AmeriCorps members in a project designed to improve the educational achievement of underserved school-age youth by providing students with teachers having diverse backgrounds and strong knowledge of academic content. AmeriCorps members are assigned teaching and leadership roles in inner city and rural public schools.

I strongly oppose any effort to end this program. I would ask that my colleague join me in opposition to this amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I want to thank the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] on the VA, HUD and Independent Agencies bill, a job well done. There are lots of various issues that they have had to work out, and I think they are doing a tremendous job. My admiration goes out to both of them.

I rise, however, in opposition, in strong opposition, to this amendment, a very sincere amendment on the part of the gentleman from Kansas [Mr. TIAHRT] but one that I think is very wrong. And I feel so strongly about it I was almost reluctant to get up because I am almost afraid of what I might say.

I mean I hear people calling it the President's program, and yet the President worked very hard with Republicans to make it a bipartisan program. That is why, instead of it being a national program, one-third of the program is decided nationally, and two-thirds is decided by the States.

Republicans really did a good one on the President, though, because when we allow States to do their programs, they are going to have good programs and bad programs. So instead of having a national program that, as my colleagues know, is pretty good, and no one can find any criticism, we allow States to be innovative. And so they have a number of good programs, but they have some that are not so good. And when AmeriCorps finds out what are the bad programs, they are eliminated. So what we have is some really excellent programs, and we have a few bad ones.

I look in terms of where this money is going. I serve as the chairman of the Subcommittee on Human Resources of the Committee on Government Reform, and we oversee the Veterans Department along with HUD and the Education Department and HHS, and so on. We have had 10 hearings on gulf war syndrome, and I think I can say with some authority that the problem is not funding of illnesses. The problem is the VA and the DOD failed to recognize the problem in the first place. It was not a money issue.

We are going to spend in the 1998 budget $20 million earmarked for medical research in the VA HUD bill. We are going to spend $78 million in DOD budgets. We are going to spend $10 million in HHS. One hundred eight million is going to be spent on gulf war illnesses in the budget that exists right now.

□ 2230

We have the money there to do the work. The question is, is the VA and the DOD going to spend the money the right way? There we might have debate.

Mr. Chairman, I represent the cities of Stamford, Norwalk, and Bridgeport. I have kids who are hungering to be of service to this country. They are also hungering to get an education. A great Republican principle, I thought, was to not give them something, make them earn it. They earn it. They work at a minimum wage.

Yes, we call them volunteers, even though we call it AmeriCorps. I am a Peace Corps volunteer. I got paid. I was given a stipend at the end, just like these volunteers who are doing service. They are participants, no different than Peace Corps volunteers, but they are working at basically $4 an hour. When they are done, unlike me in the Peace Corps, when I had money set aside that I could spend on anything, all these individuals can do is spend it on education.

So for me, Mr. Chairman, this was a program that the President reached out to our side of the aisle, made two-thirds of it funded and decided by States, and therefore brought in the possibility that we could have some bad programs, which we are quick to criticize, and did not make it a national program.

Mr. Chairman, I am not going to be asking for a rollcall vote on this issue. I accept the fact that our chairman of this committee is going to try to work it out in conference, and I accept the fact that his logic said that, better to keep some of the program there to be funded and argued with the Senate.

But I just strongly, strongly oppose those on my side of the aisle and maybe a few on the other side of the aisle who have targeted AmeriCorps, because I think they are dead wrong. It has been a tremendous program for my cities in Bridgeport and Stamford and Norwalk. I have kids who are being of service. They are so grateful to be of service, and to know that they can get an education in the process.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will make a very brief comment. There are two or three Members who plan to speak this evening but who are going to be asking for unanimous consent requests regarding their position, so that we can finish this amendment this evening and go to a vote on the item, and then we will take the balance of Title I up tomorrow.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Tiahrt amendment. My colleague's amendment gives us terrible options. I support veterans and additional funding for gulf war syndrome. We should be engaged in expanding AmeriCorps, not in its elimination.

Almost 4 years ago, when Congress created the AmeriCorps program, we expected great things from national service. The Congress expected AmeriCorps to help communities meet their public service needs with real results. We expected AmeriCorps to unite individuals from different backgrounds in the common effort to improve our communities. We expected AmeriCorps to encourage its members to explore and exercise their responsibilities to their communities, their families, and themselves.

Today, almost 3 years after the first 20,000 AmeriCorps members hit the field in over 1,000 communities across the country, the Corporation for National Service and its AmeriCorps program has met every one of these expectations. And in many cases, it's exceeded them.

In my hometown of Houston, TX, 120 AmeriCorps members in the SERVE HOUSTON program serve 1,500 school children daily in partnership with the Houston Independent School District and the YMCA of Greater Houston by providing in-school tutors and after-school programs in 24 title I schools.

Our daily Club Learn and Serve after-school program provides safe and structured activities for 1,000 children who would otherwise leave school for an empty home or the streets. The program provides reading and homework assistance, cultural activities, and service learning projects where school children learn to serve their own communities.

SERVE HOUSTON receives cash matching support for its AmeriCorps funding from leading corporations including: Shell Oil Co. Foundation, Exxon, Enron Corp., Duke Energy, Arthur Anderson, and El Paso Energy. In addition, it receives strong support from private foundations and individuals. SERVE HOUSTON is truly a public-private partnership.

SERVE HOUSTON generates non-AmeriCorps volunteers to serve the community through its outreach to churches and synagogues, college campuses, and public schools. Nationally, each AmeriCorps member leverages about 12 volunteers and generates 246 volunteer hours.

But AmeriCorps' service in my community does not stop there. The Collaboration to Help Homeless Veterans is involved in several aggressive outreach programs. The AmeriCorps members not only go to shelters and get veterans signed up for services from the Department of Veterans Affairs, but they also go out

with mobile units and service those homeless individuals that are under bridges and in the woods. These AmeriCorps members assist our homeless veterans to become self-sufficient by providing educational and vocational support; they help our veterans access medical and social services, and they build working relationships with other service providers.

The decision on whether or not to continue national service will tell us a lot about ourselves. We should put partisan politics aside. Let's work together to continue to provide young people an opportunity to help themselves, as they help our communities and learn service as a way of life.

AmeriCorps has kept its promise to the American people. The Congress should, too.

Mr. SAWYER. Mr. Chairman, I rise today in strong opposition to the Tiahrt amendment. That notwithstanding, I want to thank the sponsor for the opportunity to clarify the administration's work on AmeriCorps.

Early in the last Congress, there were many Members expressing concerns about AmeriCorps. The critics said that AmeriCorps was plagued by cost overruns. So, AmeriCorps and the Corporation for National Service took the criticisms seriously. They took immediate steps to alleviate the problems. Former Senator Harris Wofford, now CEO of the Corporation for National Service, and Senator CHARLES GRASSLEY announced a 10 point agreement to reform the AmeriCorps program.

That effort made clear, enforceable commitments to contain costs. It also resulted in an increase in the AmeriCorps' private sector match from 25 to 33 percent of program costs.

Then, critics said that AmeriCorps was not fulfilling its commitment to service and voluntarism. As the 10 point agreement included increased collaboration with national non-profits, special scholarships to reward voluntarism and other efforts to increase occasional, or "weekend" voluntarism nationwide, in addition to long-term commitments to service. And in this way, AmeriCorps responded to its critics by increasing its volunteer and service efforts.

Then critics said that the Corporation for National Service was lacking in its financial management standard and quality controls. The Corporation responded by committing to work with its Inspector General and Corporation's auditors, Arthur Anderson LLP and Williams, Adley & Co. to correct its financial weaknesses. Ted Sheridan of the Financial Executive Institute also worked with the Corporation to deal with these problems.

A year later, the Corporation is on the track to be a model of responsible governmental structure. It has hired a full-time Chief Financial Officer and it is in the process of installing a new financial management system. By 1998, it expects to have regular fully auditable financial statements and strict business controls.

Two years ago, critics rallied behind the cry that AmeriCorps was a government program fraught with management and financial problems. But AmeriCorps and the Corporation for National Service responded, and today AmeriCorps is a program of which I believe we can all be proud, critics and supporters alike. Unless of course, fixing the program was never the real goal.

You see, despite its successes, we are still having the debate over funding. That leads me to believe that the motives behind the criticism was never constructive, intended to produce a model government program. Instead, the critics' real goal was simply to defund or at least cripple a program that has been a target of theirs for years, no matter how well it is working today.

If that is the case, and I can hardly see how it could be otherwise, I urge my colleagues to reject this unfortunate amendment and to support a government program that helps to leverage private funds to tackle the difficult problems that face our youth, our communities, and our nation, neighborhood by neighborhood, where real effort can make a real difference in real peoples' lives.

In closing, let me thank Mr. STOKES and Chairman LEWIS for their work on this bill. I take at face value his commitment to restore funding in conference and for this opportunity to clarify the constructive work by so many at AmeriCorps over the past several years.

AUDITABILITY

THE CORPORATION IS STRENGTHENING ITS MANAGEMENT CONTROL SYSTEMS

The Corporation is unique in that it is a new entity comprised of pre-existing federal agencies and commissions and their outdated systems. The Corporation is methodically strengthening its financial management systems to reach full auditability in compliance with the new requirements of the Corporation Control Act, with action completed or in the process of implementation on 97 out of 99 points raised by Arthur Andersen by May 1, 1997. Once that goal is reached, the Chief Financial Officer will move forward on auditing current financial statements.

THE CORPORATION IS STRENGTHENING ITS TRUST FUND SYSTEM

A subsequent report by Peat Marwick, LLP (KPMG) will guide our efforts to strengthen the Trust Fund systems. It pinpoints several weaknesses in the current system—and we've already taken significant steps to begin to address them.

THE TRUST FUND SYSTEM MIRRORS OUR DECENTRALIZED STRUCTURE

Local program directors are directly responsible for certifying Trust Fund eligibility within guidelines set by Congress. Our experience and the KPMG findings indicate that this reliance on local control requires stepped-up federal oversight to ensure accurate Trust fund records.

THE CORPORATION HAS TAKEN SIGNIFICANT STEPS TO ADDRESS TRUST FUND ISSUES

The Corporation generally concurs with and is committed to a methodical resolution of the issues raised by the KPMG report. To strengthen our Trust Fund systems, the Corporation has already taken several major steps, such as: updating the certification process and incorporated an automatic system rejection process to ensure all documents have been properly approved before Trust Fund accounts are established; freezing grant renewals until accurate certification forms are filed with the Trust Fund; developing systems to improve transactions registers and maintain supporting data; bringing accounting records to a current period; implementing a number of major changes to our segregation of duties within the Trust Fund operation; developing and implementing a revised payment system and an automated interface of those payments to our existing ledger system.

IT'S NOT UNUSUAL, BUT THAT'S NO EXCUSE

Many federal agencies are struggling to meet the new financial management auditability standards. The Departments of Defense, GSA, IRS, even the U.S. Congress. The Corporation is making every effort to meet the new challenges—and has made significant progress.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. TIAHRT].

The amendment was agreed to.

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. COMBEST, 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. 2158) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, for sundry independent agencies, commissions, corporations, and offices for the fiscal year ending September 30, 1998, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO NATIONAL COMMISSION ON THE COST OF HIGHER EDUCATION

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 40003 of Public Law 105–18, the Chair announces the Speaker's appointment of the following members on the part of the House to the National Commission on the Cost of Higher Education: Mr. Martin Anderson, California; Mr. George Waldner, Pennsylvania; and Mr. Jonathan Brown, California.

There was no objection.

COMMUNICATION FROM CHAIRMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore laid before the House the following communication from the Honorable James V. Hansen, chairman of the Committee on Standards of Official Conduct:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,
Washington, DC, July 15, 1997.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing pursuant to Rule L (50) of the Rules of the House, to supplement the original notification by Mr. Cole on June 3, 1997 that he had been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the Office of General Counsel, the Bipartisan Legal Advisory Group of the House of Representatives has determined that the subpoena to Mr. Cole is consistent in part and inconsistent in part with the rights and privileges of the House and has directed Mr. Cole to comply with the

subpoena to the extent that it is consistent with the rights and privileges of the House.

Sincerely,

JAMES V. HANSEN,
Chairman.

EXTENDING ORDER OF THE HOUSE OF MAY 7, 1997, THROUGH WEDNESDAY, JULY 30, 1997

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that the order of the House of May 7, 1997, as extended on June 24, 1997, be further extended through Wednesday, July 30, 1997.

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

There was no objection.

SPECIAL ORDERS

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

S. 768—MEILI FAMILY RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BENTSEN] is recognized for 5 minutes.

Mr. BENTSEN. Mr. Speaker, I rise in strong support of S. 768, legislation to provide permanent residency status for the Meili family. This legislation would provide relief for the family of a courageous hero who deserves our gratitude and admiration. Mr. Meili's actions in Switzerland not only endangered his personal safety, but also that of his family. We should offer protection to Mr. Meili and his family to ensure the truth is told regarding Holocaust-era Swiss bank practices.

In January, 1997, Michael Christopher Meili was on duty at a Swiss bank where he noticed that employees were shredding Holocaust-era documents. Meili reported the destruction of documents, which is a violation of Swiss law, and turned over some of these documents to members of the Jewish community in Zurich and to the Swiss police.

Subsequently, Mr. Meili was fired from his job and investigated for violating Swiss bank secrecy law. After receiving death threats, Mr. Meili and his family came to the United States in April on a temporary visitors visa. This visa will expire in the near future, and we must provide special relief for the Meili family to protect them. This legislation would provide permanent residency status for the Meili family, as they are not eligible for either a political asylum or work-based visa exemption. I am pleased that we are considering this critical legislation in an expedited manner. We must ensure that the Meili family and other whistleblowers are encouraged to tell the truth.

As a member of the House Banking Committee, I participated in two hearings on the disposition of Jewish assets in Swiss Banks. We heard testimony on the courage and determination of Mr. Meili to protect these documents. Without these documents, it may be difficult for Jewish families and their heirs to determine the outcome of assets they deposited in Swiss accounts. It is imperative that the world learn the truth, heirs be compensated and we put an end to this final secret of the tragedy of the Holocaust.

I urge my colleagues to support this legislation and to protect the Meili family so the truth can be known.

A CLARIFICATION ON THE TIAHRT AMENDMENT TO H.R. 2158

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, the debate that we just concluded was about the Corporation for National Service. It was about the Tiahrt amendment. As the chairman for the oversight subcommittee, I just want to share with my colleagues some of the information that the oversight subcommittee has uncovered over the last 2 to 3 years in dealing with the Corporation for National Service. I visited a Corporation for National Service site yesterday. I met with some AmeriCorps volunteers. I have no doubt that they are doing good work, they are doing good work in this project.

But I think it is time to also take a look at this agency. I have no doubt that in the future, if AmeriCorps survives in 10 or 15 years, we would say that without the Corporation for National Service, we would not have volunteerism in America, just like we say we would not have arts in America without the National Endowment for the Arts.

But we have to recognize that we do have volunteerism in America. It is thriving. Volunteers in America are active in all of our communities, making heroic efforts to improve the quality of life in their local communities.

Now let us take a look at the Corporation for National Service. This was an organization that I voted for in 1993, believing that it could do well, that it could make an impact, and reading the document and reading what the President said about this program, believing what the authors of that bill suggested, that the Corporation for National Service would become the model for Federal Government agencies, that it would model its performance after the private sector.

When I assumed as chairman of the oversight subcommittee, we found some very troubling things. Remember, this is an organization that the AmeriCorps portion spends about $400 million per year. What did we find? In October of 1995 Arthur Andersen, a major accounting firm, reported that the corporation's financial reports were unauditable; listen, unauditable, meaning that they had 99 management control and accounting weaknesses, 33 of which they determined to be material, the worst classification for a weakness. What does that mean? It means that the Corporation for National Service could not tell us where the money was going that we were sending it, and what they were spending it for.

A follow-up report issued in December of last year noted that the corporation had not corrected 71 of the 99 identified management control and accounting problems, this despite congressional hearings and assurances from Mr. Wofford and the corporation that these problems were being fixed.

Now we find in a report that was issued yesterday, so we have moved from October of 1995 to July of 1997, and where are we? Arthur Andersen in their update states that the corporation has again to fix 33 of the 99 material weaknesses. They also have an additional 9 other accounting or managerial weaknesses.

The bottom line, what does it mean? It means that the Corporation for National Service, the agency that was going to be modeled after the private sector, spending $400 million to $600 million of taxpayer dollars, cannot produce auditable results for 1994. They cannot produce them for 1995. They cannot produce them for 1996. Now it appears they will not be able to produce them for 1997, and still with major accounting weaknesses, as I predicted earlier, they probably will not be able to produce auditable books for 1998. That is unacceptable.

Mr. Speaker, a second problem is as we have AmeriCorps volunteers, we are trying to match up the education awards with individual volunteers; a brand new program, a brand new agency, and what happens? A report released by Peat Marwick 4 months ago noted that the corporation has failed to keep adequate management controls and records relating to the trust fund, the National Service Trust Funds. What does this mean? It means that the Corporation for National Service does not have an accounting system in place that will enable it to match up young people who have worked in the corporation, who have worked in AmeriCorps, with their stipend. We are now putting student scholarships at risk.

There are other troubling activities within the corporation. Mr. Huang has worked at the corporation, or the activities of his fund-raising have reached into the Corporation for National Service.

There are other questions about five executives for the Corporation for National Service that were kept on despite the fact that their jobs had been eliminated.

There is concern about close to $400,000 that the Corporation for National Service has spent in training and development funds. We are going to be having hearings next week to

take a look at the $13 million that the Corporation for National Service spends every year in training and technical assistance.

There are fundamental weaknesses at the corporation. This is not debating whether the kids and the young people are doing good work, but they are doing it for an agency that does not have good financial controls, and they are doing it at a very expensive cost. The average cost for an AmeriCorps volunteer is about $27,000 per member.

□ 2245

A GOOD PRIORITY FOR THE NATION

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

Mr. TIAHRT. Mr. Speaker, I want to talk a little bit about the amendment that just passed the House before we closed business for this day because it does establish a very good priority for this Nation and for this Congress.

We, for once, for the first time, I think, since the gulf war at least, we have established that gulf war illness is going to be a priority when it comes to solving or finding a cure for this illness that has been plaguing so many of our gulf war veterans.

We did so by making a good compromise to what we had before in the bill. What this amendment did basically is it took half the funding from the National Service Corporation and it transferred it to the veterans research account so that we can focus on the gulf war illnesses.

Let me tell my colleagues a little bit about it. In Kansas, we have got several people, quite a few people that are currently suffering from this. I want to thank first of all Dan Thimesch from the 93d District of Kansas. Representative Thimesch brought this very important issue to my attention and provided me with a lot of information on what is going on in Kansas.

He told me about Sgt. David Janda, a 35-year-old father of three from Hutchinson, KS, suffering from blinding headaches and a blistering rash. He has had this problem for 6 years. It includes chronic diarrhea and joint pain.

He talked to me about Kenny Schwartz of Great Bend who endures a stabbing pain in his left eye and stiffness in his joints. He has memory loss and scarring rashes.

Now we find out in that in Kansas that some insurance companies have decided that this is a war-related illness and they are going to be denying coverage based on a clause in their health insurance contract that says any health-related problems as a result of war will not be covered by health insurance, so it leaves these people without coverage. But now we have a way of finding out a cure for these illnesses because of the research money that we are putting in place.

We are, in exchange, we are cutting back on a program that is largely inefficient and ineffective, AmeriCorps. It is a troubled organization and it does need to improve. And I hope through the course of this debate that we have had tonight, that Members are aware that there need to be advances in the way AmeriCorps conducts business.

Right now they are suffering a 39-percent dropout rate across the United States. They have unauditable books. They only expend 11 percent of the money that they are allocated by the Federal Government. Since its conception, we have allocated $1.6 billion to AmeriCorps. Out of that $1.6 billion, only approximately $300 million has been spent or set aside for their trust fund for education that they have promised to the people that have participated in the program, the paid volunteers.

That leaves about $1 billion, over $1 billion that has yet to be expended. So if AmeriCorps was actually cut off today and no funds were allocated by this Congress, the 105th Congress, AmeriCorps could continue for 5 to 10 years just on the money that they have been already budgeted but not yet spent because of their inefficiency.

So it is an organization that needs to look at itself. I think they need to evaluate the trends they are using, the direction they are headed. Perhaps they need to rewrite their vision statement and come up with a more effective way of addressing the idea, the concept that they had in mind when it first came into service. It is this inefficiency, and in comparison to the great need of this illness that gulf war veterans are suffering from, that brought on this decision that we have made tonight of balancing the two.

The President is strongly in support of AmeriCorps. It has kind of been his pet program. And the amendment that was put in place tonight does satisfy the need that he has to have paid volunteers in government service, and it also provides a solution to the need that we have for more research on gulf war illness.

I think it was a good compromise that was reached tonight. It was not the original intent that I had when I put the amendment forward, but in this business it seems like sometimes we have to come up with the best solution to the problem, the best solution available that we have to the problem, and I think that we have accomplished that tonight.

I hope that this bill will pass when we get done with the amendment process at the end of the week, and that we can have not only a solution for our gulf war illnesses but also have a more effective AmeriCorps.

S. 768—MEILI FAMILY RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, I want to explain my support for S. 768, and say why this private bill serves an important public purpose.

In January, Christopher Meili made a simple moral choice. When he found financial records documenting accounts opened by European Jews while the Nazis were in power, he could have ignored them. He was a security guard at the Union Bank of Switzerland, and he could have followed orders. He could have allowed the records to go to the shredder, to oblivion.

Instead, Meili made a choice. He gave the records to Jewish leaders, to help them document the problem of assets stolen from the heirs of Holocaust victims. It's true that theft is less egregious than murder, greed less evil than race hatred. But justice demands a reckoning, a settling of accounts. Christopher Meili's choice placed him on the side of those against forgetting, in favor of justice.

Christopher Meili's employer, the Union Bank of Switzerland, acknowledged that an employee had destroyed records in a regrettable incident. But the chairman accused Meili of having some other motive than morality or compliance with a Swiss law mandating preservation of these records.

Christopher has also received death threats. He has had to leave his homeland, with his family. I support Christopher Meili's moral choice, and I support this bill.

ECONOMIC SITUATION FACING THE NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for half of the time remaining until midnight as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise this evening to talk about a situation facing our Nation that brought many of us out of the private sector a couple years back and brought us here to Washington, DC, in the first place.

Several years ago we made the decision to sell our business and take the funds and use the funds to run for Congress, because we were very concerned about the growing debt facing this great Nation of ours, a debt of almost $5.3 trillion facing this country today. And quite frankly, we were very, very concerned about the broken promises that had been made to this Nation time and time and time again. We wanted to see things be different in our capital.

This evening I would like to begin by differentiating between debt and deficit so that we comprehend that we really have two separate problems here. The first one is the deficit. The second one is the underlying debt.

What has been going on now since 1969, for a full generation, since I was a sophomore in high school, is that our

Federal Government has been collecting tax dollars from the American people and literally, one can think of it as putting those tax dollars into the big government checkbook. And then they have been writing out checks for all kinds of different programs. Many of us would call some of them wasteful, but for many different programs they wrote out these checks. They overdrew their checkbook every year. That overdrawing of the checkbook is called the deficit. That is the amount of money we spend more than what we take in every year.

When we hear the conversation about balancing the Federal budget, what we are really talking about is getting to a point where the number of tax dollars coming in to Washington equals the number of dollars being written out in those checks to all of these different programs.

It is almost inconceivable for most families in America that for a full generation now this Government has gotten away with literally overdrawing their checkbook year after year after year after year, literally for an entire generation. What we are really saying here is that since 1969, every single year the Federal Government overdrew their checkbook; that is, they wrote out more checks than what they put money into it.

So what has the Government been doing? That leads us to the second problem. This overdrawing of the checkbook, again, what is called the deficit. What they have done is they have literally gone and borrowed the money that their checkbook was overdrawn. So each year they write out more checks than what they take in. That is called the deficit.

Then they borrow the money to put in the checkbook that they did not collect in taxes. Over a period of time, as would seem logical, they keep borrowing more and more and more money and just like in any family in America, if you overdrew your checkbook every week and you went to the bank and borrowed some money, then the next week came along and you overdrew your checkbook again and you went to the bank and borrowed some money, then the next week came and this kept going on and on and on, our Nation has been doing this now since 1969. What happens eventually is you accumulate a pretty large debt. In fact, that is what has happened in this great Nation of ours today.

The debt facing this country today, we can see from this chart just how fast it has been growing. One can see from this chart just exactly how fast the Federal debt facing this great Nation of ours has been growing. From 1960 to 1980 it is almost a flat line. The debt did not grow very much at all. But from 1980 forward the debt just started climbing right off the chart.

What brought many of us to Washington, DC is, as we watched this debt rise, we are about at this point on this debt chart right now. The debt is a very, very serious problem. The debt is that amount of money that every year when they overdrew their checkbook, they kept going to the bank and borrowing more and more and more money, generally in the form of T-bills. Eventually that debt piles up, and that is what brought many of us here to Washington, DC.

The amount of debt facing our Nation today is $5.3 trillion. The amount of debt facing our Nation, it looks like this. It has a 5 and a 3 and a whole bunch of zeros after it. But to many people that number is so big, myself included, that it is hard to comprehend. So let me do what I used to do in my math classrooms when I used to teach math. I used to take the amount of debt and divide by the number of people in the United States of America.

What one would find, if they did that, is that the amount of money that the Federal Government has borrowed on behalf of the American people is the same as $20,000 for every man, woman and child in the United States of America. Let me put that another way. The Federal Government has spent $20,000 more than it collected in taxes basically over the last 15 years for every single man, woman and child in the United States of America. For a family of five like mine, I have got three kids at home and my wife happens to be out here for a short time this week, but for a family of five like mine, they have literally spent $100,000 more than they took in.

When they spent this extra money, they just kept going to the bank and borrowing the money. This is not a lot different than it would be in any household in America today. If in your household you overdrew your checkbook week after week and you went to the bank and borrowed and borrowed and borrowed until eventually the amount of money that you borrowed for a family of five added up to $100,000, it is not hard to figure out that the bank is going to ask you to do something about that $100,000. And, in fact, what is happening in America today is our families are being asked to spend $580 a month to do nothing but pay the interest on that debt that has been accumulated on behalf of a family of five.

Let me say that again. Every single family of five or group of five people in the United States of America today is sending $580 a month to Washington, DC to do absolutely nothing except pay the interest on that Federal debt.

A lot of people go, "Well, I don't have to worry about that. I don't pay that much in taxes. I don't have $580 withheld out of my paycheck every month." But the reality of this whole situation is, it is not just the income tax that pays this $580 a month. Every time a person in this Nation walks into a store and buys something as simple as a loaf of bread, the store owner makes a small profit selling that loaf of bread.

So when they collect that money for the loaf of bread from our family, part of that money is profit to the storeowner. When the storeowner makes a profit, of course, the Government taxes that profit, and part of that money that was paid for the loaf of bread winds up out here in Washington, DC.

The fact of the matter is this: When the family of five in America today looks at all the money that they are paying in taxes through all the different parts of society where they pay taxes, the gasoline pump, income taxes, taxes on products that they buy in a store, when they look at all the taxes, that family of five is, in fact, spending $580 a month to do nothing but pay the interest on the Federal debt.

Tonight we are going to be talking about a bill called the National Debt Repayment Act. What it does is it starts addressing this huge problem of paying off the Federal debt so that our families will no longer have to send $580 a month to Washington, DC.

Let me talk briefly about where we have been in this Nation, what brought us to this huge change that has occurred in the last three years, and then talk a little bit about the future.

Let me start with the past. I emphasize, this is the past. The past is what brought many of us to Washington, DC, in the first place. I would emphasize this is before 1995. There was another party in control of the House of Representatives and there was another party in control of the Senate.

Things were very different back then. In the late 1980's, they started making promises. They, the Members here in Washington, DC, the Members that were running this institution, they started making promises to the American people.

Some may remember these promises were called the Gramm-Rudman-Hollings Act of 1985. In the Gramm-Rudman-Hollings Act of 1985, this blue line shows what they said was going to happen to the deficit, what the people here in Washington promised the American people they were going to do to bring this deficit down until, in fact, we had a balanced budget in 1991. Again, a balanced budget, that means they were not going to overdraw their checkbook anymore after 1991.

They made that promise to the American people. They said logically we cannot go on overdrawing our checkbook every year, so they laid this plan into place called Gramm-Rudman-Hollings. The red line shows what they actually did. This is what they promised. This red line shows what they actually did.

The deficits exploded, so instead of keeping their promises to the American people and balancing this budget

by 1991, they said, well, we cannot keep that promise. So what we will do is, we will just try and hoodwink the American people. We will give them another promise.

So, in 1987, they set out a new series of promises and gave us another promise to get on a balanced budget, this time by 1993. Only 2 years into the plan or a year and a half into the plan they realized that they did not want to do that either, because in order to get to a balanced budget they would have had to control the growth of spending out here in Washington DC, and that they did not want to do.

Again, I emphasize, this is the past. This is before the American people made a huge change in this Nation in the elections of 1994. These broken promises are part of what led up to the changes in 1994. But this is not the end of it.

It is not just these broken promises of a balanced budget, where instead of balancing the budget the deficit skyrocketed and they overdrew their checkbook year after year after year after year. That is not the end of it.

In 1993, they looked at this picture and they said, well, we promised the American people in 1991 and we promised them again in 1993, and it is obvious we are not going to get the job done. So what they did out here in this city angered Americans again. They said, the only thing we can do is raise taxes on the American people. We do not have it within ourselves to control the growth of Government spending. Instead what we will do is raise taxes on the American people.

So, in 1993, we saw the biggest tax increase in American history. How much are we talking about here? Well, the gasoline tax went up. Every time you fill your car up with gasoline, they tried to convince us that it was a tax increase only on the rich, but you were rich if you stopped at the gas pump and filled your car up. It was an increase in the Social Security tax.

So, in 1993, and again I emphasize this is before the American people changed what was going on, in 1993 we had a series of broken promises. And they concluded in this city that the way to solve this problem is to reach into the pockets of the American people, take more money out and bring it out here to Washington, because they thought that the Members here in Washington knew how to spend the people's money better than the people did themselves.

□ 2300

So they raised taxes. So here we are. This is pre-1994 and pre the American people changing this institution.

We had broken promises of a balanced budget, we had the biggest tax increase in American history and the American people changed it. The people in Washington did not change it, the American people changed it. What they did was they turned over the Congress. They put a new group of people in control here in Washington, DC, and things are very different from 1995.

With that discussion, I want to go into the present. I want to call the present from 1995 to where we are right now, today, and just look at exactly how different the present is from this picture of the past. Again the picture of the past, the failed promises of Gramm-Rudman-Hollings that were to balance the budget, and the tax increases of 1993.

Let us just look at how much things have changed. We are now in the third year in Washington. Right now we are in the third year of a 7-year plan to balance the Federal budget. In 1995 we promised the American people again that we would reach a balanced budget by the year 2002. Many people heard about this. What has not been reported to the American people very well is what kind of progress is being made on this promise, because it is very different than Gramm-Rudman-Hollings.

It amazes me that here in Washington the people that seem to have trouble understanding why it is the American people out there are so cynical and so angry at this institution. Well, the reason they are angry is because of those failed promises of the past and the conclusion that the right way to solve problems is to reach into the pockets of the American people and take out more money.

Then 1995 came and we had a different theory. The theory went like this. Instead of reaching into the pockets of American people and bringing more money to Washington, why do we not curtail the growth of Government spending in Washington? Why do we not let the people keep more of their own money?

Here is what happened. We did curtail the growth of spending in Washington, and when we curtailed the growth of spending, that meant that Washington borrowed less money. When Washington borrowed less money out of the private sector, that meant there was more money available. With more money available in the private sector, the interest rates stayed down.

And there is where it gets to be very non-Washington. When the interest rates stayed down, our families could afford to buy a home and a car, and they did. They bought the American dream. They started living the American dream again. When they bought more houses and cars, of course that meant people had to go to work building the houses and cars. And when people went to work building the houses and cars, of course, that meant they left the welfare rolls and started paying taxes in.

How is our plan working? I think that is what we need to look at here. How different is 1997 and the first 3 years of this new group of people in control of the House of Representatives and the Senate? How different really is it? Well, we are in the third year of a 7-year plan to balance the budget. It is not like the Gramm-Rudman-Hollings and the failed promises.

The chart I have here shows the 1996 promise. Remember, we put this together in 1995, starting with fiscal year 1996. We promised the people that our deficit would not be taller than this red column, would not be greater than $154 billion. Well, 1996 came and went, and actually the deficit dropped to 107. The blue column shows the actual deficit. The red column shows the promise.

I hope that everyone watching can see the difference between this and what was promised in the past. We are not only on track in 1996 but we are also ahead of schedule.

Well the second year came, and we are now pretty much through the second year and into the third year. The second year, we promised the American people the deficit would not be bigger than this red column. We are not only on track again, but we are well ahead of schedule; as a matter of fact, $100 billion ahead of schedule.

We are now in the third year, and that is what is currently being discussed out here in Washington. When folks hear about the balanced budget plan, it is now a 5-year plan, or even getting to a point where people talk about a 4-year plan. We are now in the third year of this 7-year plan to balance the Federal budget, and I would point out again that the red column is what was promised the American people. The blue column is where we are actually at.

I hope that the contrast here between the promises of the past that were broken before 1994 and before the people that came in 1995, I hope it is clear that this new ownership of the American people of this institution, and it is ownership of the American people that is what this body is supposed to be all about, that the new group of people that the American people sent out here to run this place are not only on track keeping their promises to balance the Federal budget in a 7-year plan, they are significantly ahead of schedule.

Folks, the time has come to recognize that this new group of people that is running the House of Representatives and the Senate is a tribute to the American people, not the people that are here, because the American people sent this new group out here, but they sent them here dead serious about balancing the budget. They sent people like myself with no previous political experience, never held an office before in my life, but we knew and understood, if we made a promise to the American people we better keep it, because that is what this is all about.

We are in the third year of this plan now, the third year of the plan to balance the Federal budget. We are not

only on track, but we are ahead of schedule. But there is another very stark contrast we should draw the attention of the American people to, and that other stark contrast is the fact that in 1993 they were raising taxes.

We are now at a point in our plan where we have curtailed the growth of Government spending to a point where we both are going to balance the budget, probably much sooner than the year 2002, but we can lower taxes on the American people. And that is what we are in the process of doing.

Now, this is Washington, so we have begun a heated debate here about whether or not we should lower taxes on people who do not pay income taxes, and that is an interesting debate. But when I get back to Wisconsin and I ask folks if they really think people that are not paying income taxes ought to receive an income tax cut, most of them start laughing, because out there that does not make a lot of sense.

Like our debate on AmeriCorps this evening, where we are paying people to volunteer, some folks start to ask the question, If we are paying people to volunteer, is it still really volunterism or is it a real job? But we will leave that to another date and time to begin that discussion.

The point is we are in the third year, ahead of schedule, and we are in the process of undoing what was done in 1993 with the biggest tax increase in history. So the new group is on track to balance the budget, and we will get there not only before the year 2002, but we are also lowering taxes.

I want to spend a few minutes talking about how those taxes are going down, but first I would like to yield to my good friend from Michigan [Mr. HOEKSTRA], and perhaps he would like to debate or discuss tax cuts, because I think they are good news for all of America.

Mr. HOEKSTRA. Mr. Speaker, I do not know if I have ever debated my colleague from Wisconsin. Too often I find myself in agreement with my good friend from across the lake.

I just wanted to reflect on the numbers that the gentleman has been laying in front of us tonight. Number one, the significant progress that we have made over the last 3 years, where there is talk about getting to a surplus budget much sooner than the year 2002, which I think will be wonderful.

We are also going through this process to reduce taxes, and we will have in place a plan to save Medicare. And so we are doing many of the right things.

I think the other thing that we need to be talking about, and I know the gentleman wants to talk about tax cuts, but also about how we are spending the money. The gentleman brought up AmeriCorps. There is still tremendous opportunity to improve Washington. We have gotten spending under control but we have not gotten effectiveness and efficiency under control.

Mr. NEUMANN. That is very true, and I brought another chart with me. This is somewhat surprising to many of the American people. They have heard so much about these draconian cuts that are being made here in Washington, DC, that when I show them this chart, it kind of is staggering, in fact, of what is actually still happening here in Washington.

Before the Republicans took over in 1995, spending was going up at a rate of 5.2 percent on an average basis for the last 7 years. Remember, inflation is now at around 3 percent or 2½ percent. So it was going up at almost twice the rate of inflation. Since the Republicans took over, there has been about a 40-percent reduction in the growth of spending.

But is spending still going up? Yes, Government spending is still going up, and the blue shows the first 7 years of the Republican control. It is still going up at 3.2 percent. So have we completely curtailed or cut Government spending? We have not cut Government spending. We have curtailed the growth of Government spending. Government spending is not going up as rapidly as it was before.

But when we have this discussion about can we still find many areas of Government that are not efficient, where we are wasting or not spending money as wisely as we could? I think the answer is very, very clear. We still have Government spending going up faster than the rate of inflation. Some of us would prefer not to see that, but I do think it is important while we make that point, that we also recognize that great progress has been made.

We have slowed the growth of Government spending by about 40 percent in our first 2 years of control and that, in fact, is what has led to this other picture, where we are not only meeting the targets that we promised the American people, but the actuals, the blue columns, are actually lower than what was promised. That is to say the deficit is significantly lower than what was promised the American people.

The reason for that is that we have been successful in curtailing this growth in Government spending. There is still plenty of opportunities. Maybe the gentleman from Michigan would like to point out a couple of those.

Mr. HOEKSTRA. I would love to. Here we go again, I am sure someone is thinking this. Last week we did the debate on the National Endowment for the Arts. We on our side of the aisle had a very good proposal to keep the money in the arts but to attack the inefficiency.

I chair the oversight subcommittee. This is an agency that spends $99.5 million a year. Only in Washington is that considered not much money. Back in my district that would be a very nice medium-sized company employing 600, 700 people, paying them a good wage. But here in Washington it is not a very big program.

When people from Wisconsin or Michigan send that first dollar to Washington for the National Endowment for the Arts, the first 20 cents goes to bureaucracy and overhead, even though the first 35 percent of the money they hand out is by formula. We could hire an AmeriCorps volunteer for $27,000 a year, and in the morning they could write out the 50 checks that take care of the 35 percent of the money and then we could find something else for that person to do for the rest of the year.

The first 20 percent goes to overhead, 35 percent gets formula block granted, which we wanted to continue, and then 25 percent of the money goes to one State. Are all the arts concentrated in one area and 143 congressional districts get nothing?

All we said is we want to get rid of the bureaucracy. We want to block grant the National Endowment for the Arts money, get rid of the Washington establishment, save that $20 million and take the rest of the $80 million, block grant it to the States for their State grants, because local people know better how to support the arts in their community, and then fund it for arts education. That was one opportunity.

AmeriCorps is another great one. This is an organization that spends $600 million of our money and cannot keep its books. It does good work. I mean the young people in that program do good work. They should. The average cost is $27,000 per year.

Mr. NEUMANN. Are they working full time as they are volunteering at $27,000 a year?

Mr. HOEKSTRA. At the cost of $27,000 a year, they are required to serve 1,700 hours.

Mr. NEUMANN. So about three-quarters.

Mr. HOEKSTRA. About three-quarters time. A full-time person is working about 2,000. So somewhere between three-quarters and a little more than that.

Mr. NEUMANN. So the gentleman is saying for $27,000 a year of cost per volunteer, do I have that right, $27,000 per volunteer? In Wisconsin we usually think of voluntarism as something someone does because they think it is good for their community, but that cost, they are still not even working a full-time 2,080 hours a year.

Mr. HOEKSTRA. The gentleman is correct. And the disappointing thing here is, and I met with some AmeriCorps volunteers in my district yesterday, and I think they do good things and they will hear me talking tonight and saying they are costing $27,000, did he not understand we are not getting that money? I know what they are getting paid and what they are getting. The bureaucracy and the

overhead and the Washington establishment and all that, that is the big sucking sound, sucking this money away from these kids, away from this program.

What we have to take a look at is that this is an inefficient way to do what we want to get done. It may be a valiant effort, but when the total system is costing us $27,000, the least we can do, and the least the people on the other side of the aisle can do is join with us and say, number one, the books are not auditable, we should put in a requirement that their books ought to be auditable. We ought to know where the money is going.

We ought to sit down and have a debate, not a debate, because this will be a discussion, how do we get the cost to be more realistic and more effective so that either more young people can participate or we can give some of the money back to the American people in tax reduction or we can start paying down the debt.

Mr. NEUMANN. Is this not sort of a picture of what really is going on out here in Washington right now? We are looking at these programs and we are finding that in Government spending so much of it is eaten up by this Washington bureaucracy and the dollars are not actually getting out to the people they are designed to help; that the cost is astronomical for what winds up being a very small help out there.

In fact, would these folks not be better off, would the people of America not be better off if, instead of bringing the money out of their pockets down here to Washington and letting the Washington people spend it, if we just let them keep their own money in their own pocket? Would that not be a much better way to handle the situation?

□ 2315

Mr. HOEKSTRA. If the gentleman would yield, we have had this discussion back and forth for the last 3 years or for the 2½ years that you have been here in Washington. But I know that 2½ years ago, we had the discussion on welfare reform. And now that we have passed welfare reform where we actually empowered States, I was a little nervous about bringing up National Endowment for the Arts and Americorps because those were such lightning rods.

But let us talk about some issues that we implemented. Welfare. Remember when we came down here last year and we said in the welfare bill, let us just give Wisconsin the waiver that it wants. Because the person in HHS or wherever who probably does not know what a cheese head is, maybe knows that the Green Bay Packers won the Superbowl.

Mr. NEUMANN. Wait a minute. Wait a minute. Would the gentleman yield? Everybody knows that the Green Bay Packers won the Superbowl. Everybody knows that they are headed back there. Everybody knows that the great Governor Tommy Thompson has been largely leading the way on welfare reform, where we in Wisconsin say, if you are able to work, you have a responsibility to take responsibility for your own life and go into the workforce. That has been led by Governor Tommy Thompson.

Mr. HOEKSTRA. And it has been led by Tommy Thompson. We talked about this issue last year; and we said, just let the governor and just let the State legislature in Wisconsin do what they feel needs to be done and what is going to work in Wisconsin.

Because what do the people here on Independence Avenue know about what needs to be done in Milwaukee or Green Bay or Madison? The legislators in Wisconsin, who are closer to the people than what you and I are, they are going to do what is right for their State. So we finally passed welfare reform flexibility. Surprise of all surprise, what is happening? All the reports coming back are saying this appears to be working.

Mr. NEUMANN. If the gentleman would yield, you really hit on something that is so important there. What is there that would lead the people to believe that somehow, some way, just because you live here inside the Beltway in Washington, DC, you know what is best for the people in the State of Wisconsin.

The welfare reform is a classic example. In Wisconsin they had a debate for about 18 months how this welfare reform should be done. And they wound up with the majority of the Democrats and virtually all of Republicans voting for a welfare reform bill in Wisconsin. And guess what they found out if they passed it? After the people of Wisconsin debated it for 18 months, the vast majority in both houses supporting it, both sides of the aisle supporting it, they then had to somehow come out here to Washington, DC, and ask for permission to implement the program.

That is the heart and soul of what is wrong here. People in Wisconsin know what is best for people in Wisconsin. The solution in Wisconsin may not work at all in New York or it may not work in California, but the folks in Wisconsin know what is best for them and they should be given the privilege, the responsibility, the right to do as they see best for themselves.

Mr. HOEKSTRA. If the gentleman would yield, when we go back and reflect, and I also want to move on to education, but when we reflect back on the welfare debate, when we checked, and I think there were States that had requested waivers for Health and Human Services, they had requested waivers from the bureaucrats in Washington to do what they wanted to do in their State because they thought it was going to help their citizens, some of those waivers I believe had been sitting there for 24 or 36 months. So you have States, Governors, you have legislators in these States who are trying to help their citizens get off of welfare to work, restore dignity to themselves and their families, and we have got bureaucrats here in Washington saying, we really do not know if that is the right thing to do in Wisconsin. We better study this. As a matter of fact, we better study it for 24 months.

Mr. NEUMANN. If the gentleman would yield, would not my colleague say the same thing is true in education? Do we not want the parents of the children to be actively involved in the education of their kids, and do we not want the communities where those parents and children are to make decisions on how we can best educate the kids and what it is those kids should be learning in their hometowns, in their own homes, and in their own communities? Is that not what we should be doing with education?

And what is there again that would lead us to believe that somehow if you manage to get a job inside the Beltway, you become so much wiser than the parents and the people in that community out there? What is there that would lead us to believe that the folks here in Washington, and there are good people out here, but why would we think that they know how to better educate our kids than the people back home in our communities and our own homes?

Mr. HOEKSTRA. If the gentleman would yield, I have been working on a project which we call At a Crossroads. Last year we asked the simple question, when Washington defines "education," what does it mean? It came back, the Washington definition of "education" when we asked the executive branch, 760 programs. And you say, boy.

Mr. NEUMANN. How many programs?

Mr. HOEKSTRA. Seven hundred sixty.

Mr. NEUMANN. Now I have got to ask the gentleman a question on this. Do these programs run themselves?

Mr. HOEKSTRA. No. We have a bureaucracy here in Washington, it may not be that big, it is less than 5,000 people. But only again in Washington is a bureaucracy with 5,000 people a small bureaucracy.

We met with the governor of Wisconsin, Tommy Thompson. We talked about education. Forty percent of your employees in the State Department of Education are paid for by Federal dollars. So the Department of Education has actually been pretty smart. They only have 5,000 in Washington. But what they have done is they have filtered it out so that I think in Wisconsin it is 40 percent of the employees of the department are paid by Federal funds. I think in Michigan it gets as

high as 60 percent. So they farm team their employees out to do Federal work.

But the key point here is, you go, wow, am I glad, we have got 760 programs. That was a good thing that in 1979 they created the Department of Education so that they could coordinate all 760 of these programs. Right? And you take a look at it and say, wait a minute, all these programs do not go through the Department of Education. They go through 39 different agencies. And say not only that, this is a big number. They spent $100 billion per year. That is the Washington definition of "education," 760 programs. You got a problem? Throw a program at it, throw a bureaucrat at it, throw some dollars at it and we will fix it. That is not how it works.

The other thing that we have done, and I think we are going to be in Wisconsin for hearings later this year, but we have been in California, in New York, in Cincinnati, we have been in Arkansas, we have gone around the country taking a look at what is working in education, comparing that to the Washington picture of bureaucracy, paperwork, every dollar you send to Washington, maybe 65 cents gets back to the classroom. What works. Parental control, local flexibility.

The best example that I have is Evonne Chan, who the President has highlighted, Evonne Chan. She runs Lavonne Charter School in Los Angeles. She was a principal in a public school. There are a lot of public schools. I lost my beard because of a great public school in my own district, who went on to become the national champions of the science olympiad. Great work. But in L.A., within the L.A. Unified School District, she said, when I was a public school principal, I had to worry about the three B's. You say, Evonne, what are the three B's? She said, I had to worry about busing, budgets, and the buts. And you you say, what are the buts? She said every time I had an innovative idea, I wanted to do something for the kids that was a little bit out of the ordinary, I went to the L.A. Unified School District and said, these are my kids, they have got special needs, I would like to do this; and they would say, yeah, but if we let you do this, everybody will have to do it.

Mr. NEUMANN. If the gentleman would yield, they are going to tell us we are out of time very shortly, and I just want to bring it back because the "yeah, buts" is what has been going on in this city in the past. When you look back at Gramm-Rudman-Hollings and the failures to keep their promises and when you look back at the tax increases of 1993, yeah, but we cannot control Washington spending, it is easier to take the money away from the people.

Until we got a new group and we have been concentrating here in the present and all these good things that are going on, as we talk about change in education, as we talk about welfare reform, and we talk about being in the third year of a 7-year plan to balance the budget, we are on track, ahead of schedule, reducing taxes for the American people.

Mr. HOEKSTRA. I want to thank the gentleman for the time in doing the special order, and I want to reinforce. It is about the numbers. We are still spending over $1.6 trillion dollars a year.

Now we have got to make sure that the dollars that we are spending, we are getting optimal results for that spending. I thank the gentleman for yielding.

Mr. NEUMANN. In wrapping up this evening, I would just like to very briefly focus on the future, because we talked about the past and the failed promises and higher taxes and we talk about the present and how the new group that is here since 1995 is on track and ahead of schedule and taxes coming down.

The future includes us also dealing with the debt that has been run up over the last 15 areas. And later this week, we will be introducing a bill called the National Debt Repayment Act. The National Debt Repayment Act would literally pay off the entire Federal debt by the year 2026. It simply says that after the budget is balanced, we cap the growth of Government spending at a rate 1 percent lower than the rate of revenue growth and that will create a surplus. Of this surplus, one-third gets used for additional tax cuts, two-thirds goes to repay the Federal debt.

What a nice thought it would be to pass this Nation on to our children debt free by the year 2026. Of course, as we repay the Federal debt, we are also putting the money back into the Social Security trust fund. For those who have not followed it, the trust fund collects more money than it pays back out in benefits each year, but the money has been spent on all sorts of other Government programs. And what is in the trust fund today is all part of that $5.3 trillion debt, it is IOU's.

So if the National Debt Repayment Act, now the future, after the budget is balanced, the next step is starting to pay down the Federal debt so that we can pass this Nation on to our children debt free. What a wonderful, wonderful thought for the future of this country so they do not have to send $500 a month out to Washington to do nothing but pay interest on the Federal debt.

And at the same time we do that, we put the money back into the Social Security Trust Fund so Social Security is no longer on the verge of bankruptcy and our seniors can rest assured that their Social Security money is safe and secure.

To conclude this evening, I would just again emphasize how much this place has changed in the last 3 years, where we are at today. The budget is virtually balanced. It may be balanced within the next 6 months, maybe the next year, but certainly on the very near term a balanced budget. Medicare is restored. And taxes are coming down for the American people. And I guess that is the best way to wrap this up. It is about the families our there and it is about the impact of lower taxes. It is about a secure future for our children as the debt is repaid and we start doing things that are right for our country, and it is about a secure future for our senior citizens to know that Medicare has been restored and to know that as we pass the National Debt Repayment Act, it also restores Social Security so our seniors can be assured once again that Social Security is safe. And most important of all, future generations of Americans will not be saddled with the burden of our generation, we will have done what is right for the future of this great Nation that we live in.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. ARMEY) for today and on July 16, on account of medical reasons.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today before 8:45 p.m., on account of airline equipment problems.

Ms. WOOLSEY, (at the request of Mr. GEPHARDT) for today before 8:45 p.m., on account of airline equipment problems.

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. HOEKSTRA) to revise and extend their remarks and include extraneous material:)

Mr. SAXTON, for 5 minutes each day, today and on July 16 and 17.

Mr. SMITH of Michigan, for 5 minutes each day, today and July 16.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. TIAHRT, for 5 minutes, today.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. CHRISTIAN-GREEN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BENTSEN, 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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous matter:)

Mr. ETHERIDGE.
Mr. LANTOS.
Mr. BLUMENAUER.
Ms. STABENOW.
Mr. MCDERMOTT.
Mr. BENTSEN.
Mr. ENGEL.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend their remarks and include extraneous matter:)

Mr. GILMAN.
Mr. SMITH of New Jersey.
Mr. BOB SCHAFFER of Colorado.
Mr. BONO.
Mr. SHAYS.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. SMITH of Michigan.
Mr. CLYBURN.
Mrs. MCCARTHY of New York.
Mr. CONYERS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 231. An act to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes; to the Committee on Resources.

S. 423. An act to extend the legislative authority for the Board of Regents of Gunston Hall to establish a memorial to honor George Mason; to the Committee on Resources.

S. 669. An act to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Resources.

S. 731. An act to extend the legislative authority for construction of the National Peace Garden memorial, and for other purposes; to the Committee on Resources.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, NY.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 16, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4210. A letter from the the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1997, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 105—105); to the Committee on Appropriations and ordered to be printed.

4211. 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. 91F-0324] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4212. 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.

4213. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rule—General Services Administration Acquisition Regulation; Remittance of Industrial Funding Fee in U.S. Dollars Under Federal Supply Schedules Program [APD 2800-12A, CHGE 75] (RIN: 3090-AG30) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

4214. 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; Summer Flounder Fishery; Adjustments to the 1997 State Quotas; Commercial Quota Harvested for North Carolina [Docket No. 961210346-7035-02; I.D. 070397G] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4215. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Admnistration's final rule—Pacific Halibut Fisheries; Oregon Sport Fishery [Docket No. 961217359-7050-02; I.D. 070397C] received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4216. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemption of Notice Filing Requirements for Agricultural Cooperative Associations which Conduct Compensated Transportation Operations for Nonmembers (Federal Highway Administration) [FHWA Docket No. MC-96-38 and No. FHWA-97-2280] (RIN: 2125-AE03) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Compensated Intercorporate Hauling (Federal Highway Administration) [FHWA Docket No. MC-96-37 and No. FHWA-97-2286] (RIN: 2125-AE02) received July 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Federal Tax Deposits by Electronic Funds Transfer [TD 8723] (RIN: 1545-AS79) received July 11, 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:

Mr. BLILEY: Committee on Commerce. H.R. 629. A bill to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact (Rept. 105-181). Referred to the Committee of the Whole House on The state of the Union.

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Subdivision of Budget Totals for Fiscal Year 1998 (Rept. 105-182). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 699. A bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections (Rept. 105-183 Pt. 1). Ordered to be printed.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 185. Resolution providing for consideration of the bill (H.R. 2159) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105-184). Referred to the House Calendar.

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. PAUL:

H.R. 2161. A bill to direct the Secretary of the Interior to convey the Palmetto Bend Project to the State of Texas; to the Committee on Resources.

By Mrs. CHENOWETH (for herself, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. PETERSON of Pennsylvania, Mr. HUNTER, Mr. BLUNT, Mr. GIBBONS, Mr. POMBO, Mr. HOSTETTLER, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. MCKEON, Mr. NUSSLE, Mr. CANNON, Mr. PITTS, Mr. HERGER, and Mr. DICKEY):

H.R. 2162. A bill to prohibit the reintroduction of grizzly bears into the Bitterroot Ecosystem in east central Idaho; to the Committee on Resources.

By Mr. COBLE (for himself, Mr. BALLENGER, Mr. CRANE, Mr. HAYWORTH, and Mr. NORWOOD):

H.R. 2163. A bill to amend section 1951 of title 18, United States Code, commonly called the Hobbs Act, to clarify that the use of violence to achieve collective bargaining objectives can be a violation of such section; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts (for himself and Mr. BURTON of Indiana):

H.R. 2164. A bill to amend the Internal Revenue Code of 1986 to permit penalty-free withdrawals from individual retirement accounts for certain adoption expenses; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 2165. A bill to extend the deadline under the Federal Power Act applicable to the construction of FERC Project No. 3862 in the State of Iowa, and for other purposes; to the Committee on Commerce.

By Mr. NUSSLE:

H.R. 2166. A bill to amend the Internal Revenue Code of 1986 to allow certain cash rent farm landlords to deduct soil and water conservation expenditures; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 2167. A bill to amend the Older Americans Act of 1965 to improve on the provisions relating to pension rights demonstration projects; to the Committee on Education and the Workforce.

By Ms. STABENOW (for herself, Mr. BLUNT, Mr. BARCIA of Michigan, Mr. BARRETT of Nebraska, Mr. DINGELL, Mr. DOOLEY of California, Mrs. EMERSON, Mr. HINCHEY, Mr. HULSHOF, Ms. KAPTUR, Mr. LAFALCE, Mr. LEWIS of Kentucky, Mr. MINGE, Mr. NEY, Mr. OBERSTAR, Mr. OXLEY, Mr. PETERSON of Minnesota, Mr. POMEROY, Mr. REGULA, Ms. SLAUGHTER, Mr. SKELTON, Mr. TIAHRT, and Mr. TRAFICANT):

H.R. 2168. A bill to support research efforts to understand and control diseases of wheat and barley caused by Fusarium graminearum and related fungi in order to ensure sustainable production of wheat and barley in north-central United States and the safety of food products containing wheat and barley; to the Committee on Agriculture.

By Mr. HOEKSTRA (for himself, Mr. BARCIA of Michigan, Mr. CAMP, Mr. EHLERS, Mr. KNOLLENBERG, Mr. LEVIN, Mr. SMITH of Michigan, Ms. STABENOW, Mr. STUPAK, and Mr. UPTON):

H. Con. Res. 115. Concurrent resolution recognizing Grand Haven, MI, as "Coast Guard City, USA"; to the Committee on Transportation and Infrastructure.

By Mr. ABERCROMBIE (for himself, Mr. PAYNE, Mr. ROHRABACHER, Mr. WALSH, Mr. STARK, Mr. DELLUMS, Ms. PELOSI, Ms. LOFGREN, Mr. BOUCHER, Mr. FARR of California, Mr. MCGOVERN, Mr. HINCHEY, Mrs. MORELLA, and Mr. WATT of North Carolina):

H. Con. Res. 116. Concurrent resolution expressing the sense of the Congress with respect to the treatment by the People's Republic of China of prisoners in Tibet, and for other purposes; to the Committee on International Relations.

By Mr. FATTAH (for himself, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Mr. TIERNEY, Mrs. MEEK of Florida, Ms. CHRISTIAN-GREEN, and Mr. RANGEL):

H. Res. 186. Resolution amending the Rules of the House of Representatives to allow proxy voting in committees when a Member is engaged in official business in the District of Columbia; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 27: Mr. WICKER.

H.R. 51: Mr. CLEMENT.

H.R. 74: Ms. FURSE.

H.R. 108: Mr. SNYDER.

H.R. 165: Ms. LOFGREN and Mr. FOX of Pennsylvania.

H.R. 231: Mr. SHERMAN.

H.R. 305: Mrs. THURMAN, Ms. CARSON, Mr. ENGLISH of Pennsylvania, and Mr. SANDLIN.

H.R. 306: Mr. SNYDER, Mr. SCHIFF, and Ms. HOOLEY of Oregon.

H.R. 399: Mr. SOUDER.

H.R. 407: Mr. BERMAN, Mr. BONIOR, Mr. DELLUMS, Ms. HARMAN, Mr. HILLIARD, Mr. LAMPSON, Mrs. LOWEY, Mr. MCDERMOTT, Mr. PASCRELL, Mr. RIGGS, and Ms. ROYBAL-ALLARD.

H.R. 501: Mr. OWENS.

H.R. 521: Mr. VENTO.

H.R. 611: Mr. ABERCROMBIE.

H.R. 695: Mr. WHITFIELD, Mr. SMITH of Oregon, and Mr. QUINN.

H.R. 696: Mr. FILNER, Mr. EVANS, Mrs. MALONEY of New York, Ms. JACKSON-LEE, and Mr. SHAYS.

H.R. 773: Mr. MENENDEZ, Mr. RODRIGUEZ, and Mr. FOX of Pennsylvania.

H.R. 777: Mr. WYNN, Mr. JACKSON, Mr. DREIER, Mr. MURTHA, Mr. WAMP, Mr. DIXON, Mr. SCARBOROUGH, Mr. PASCRELL, Ms. JACKSON-LEE, Mr. FARR of California, and Mr. BLUMENAUER.

H.R. 793: Mr. WATT of North Carolina.

H.R. 815: Mr. SCHUMER, Mr. ABERCROMBIE, Mr. COBLE, Mr. PICKERING, and Mrs. HOOLEY of Oregon.

H.R. 875: Mrs. KENNELLY of Connecticut and Ms. WATERS.

H.R. 953: Mr. BLAGOJEVICH and Mr. FOX of Pennsylvania.

H.R. 978: Mr. MALONEY of Connecticut.

H.R. 1023: Mr. WICKER, Mrs. LINDA SMITH of Washington, Mr. BURR of North Carolina.

H.R. 1036: Mr. BARTLETT of Maryland, Mr. CAMP, Mrs. CUBIN, Mr. LIVINGSTON, Mr. LUCAS of Oklahoma, Mr. NUSSLE, Mr. PACKARD, Mr. SPENCE, and Mr. YOUNG of Alaska.

H.R. 1077: Mr. FOX of Pennsylvania.

H.R. 1106: Mr. ENGEL and Mr. MILLER of California.

H.R. 1107: Mr. ENGEL and Mr. MILLER of California.

H.R. 1108: Mr. BARTON of Texas.

H.R. 1126: Mr. CHRISTENSEN.

H.R. 1166: Mr. BARTLETT of Maryland, Mr. STRICKLAND, Mr. VENTO, Mr. SHUSTER, Mr. DIAZ-BALART, Mr. FOGLIETTA, Mr. MASCARA, Mr. HINCHEY, Mr. HOLDEN, Mr. CONDIT, Mr. MORAN of Virginia, and Mr. HORN.

H.R. 1215: Mr. TIERNEY.

H.R. 1228: Mr. WEXLER.

H.R. 1232: Mr. DAVIS of Florida and Mr. CHAMBLISS.

H.R. 1244: Mr. KENNEDY of Massachusetts.

H.R. 1260: Mr. SMITH of Oregon, Mr. BONO, Mr. KNOLLENBERG, Mr. HINOJOSA, Mr. COSTELLO, Mr. DOOLEY of California, Mr. CLEMENT, Mr. BALLENGER, and Mr. TAYLOR of North Carolina.

H.R. 1322: Mr. SHERMAN and Mr. COLLINS.

H.R. 1333: Mr. WAMP.

H.R. 1346: Mrs. CUBIN, Mrs. CHENOWETH, Mr. TAYLOR of Mississippi, and Mr. DEAL of Georgia.

H.R. 1362: Mrs. EMERSON, Mr. MCGOVERN, Mr. HINOJOSA, Mr. MINGE, Mr. VENTO, Mr. RAHALL, and Ms. SLAUGHTER.

H.R. 1378: Mr. GEKAS, Mr. KNOLLENBERG, Mr. KASICH, Mr. WHITFIELD, Mr. SOUDER, and Mr. COMBEST.

H.R. 1398: Mr. BACHUS, Mr. HANSEN, and Mr. COBLE.

H.R. 1437: Mr. WYNN, Mr. GUTIERREZ, Ms. FURSE, and Mr. MCDERMOTT.

H.R. 1438: Mr. FOX of Pennsylvania.

H.R. 1492: Mr. NEY.

H.R. 1542: Mr. PICKETT.

H.R. 1614: Mr. MALONEY of Connecticut and Mr. FOX of Pennsylvania.

H.R. 1619: Mr. BARRETT of Nebraska and Mr. CLEMENT.

H.R. 1632: Mr. MILLER of California, Mr. SERRANO, Mr. OWENS, and Mr. RUSH.

H.R. 1689: Mr. MCCOLLUM.

H.R. 1763: Mr. CAPPS.

H.R. 1788: Ms. ESHOO.

H.R. 1839: Mr. CALLAHAN and Mr. KLUG.

H.R. 1850: Mr. MINGE and Mr. OWENS.

H.R. 1854: Mr. BROWN of California, Mr. SCHUMER, and Mr. DELLUMS.

H.R. 1863: Mr. ENGLISH of Pennsylvania and Mr. MCKEON.

H.R. 1864: Mr. FOX of Pennsylvania.

H.R. 1972: Mr. GREENWOOD and Mr. GORDON.

H.R. 1984: Mr. STENHOLM, Mr. MCINTYRE, Mr. ROEMER, Ms. KILPATRICK, Mr. OXLEY, Mr. JONES, Mr. HOBSON, Mr. TALENT, Mr. WHITFIELD, Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. EHLERS, and Mr. BOEHNER.

H.R. 2006: Mr. NADLER and Ms. DELAURO.

H.R. 2023: Mr. LEWIS of Georgia and Ms. LOFGREN.

H.R. 2040: Mr. DOYLE and Mr. BLILEY.

H.R. 2063: Mr. CONDIT and Mr. FRANK of Massachusetts.

H.R. 2116: Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. PALLONE, Mr. DAVIS of Virginia, and Mr. CONYERS.

H.R. 2121: Mr. WOLF, Mr. OLVER, Mr. GEJDENSON, Mr. MCGOVERN, Mr. MARKEY, AND MRS. MORELLA.

H.R. 2122: Mr. ENGLISH of Pennsylvania, Mr. FOX of Pennsylvania, and Mrs. MYRICK.

H.R. 2124: Mr. BRYANT, Mr. ISTOOK, Mr. ROGAN, Mr. TIAHRT, Mr. HILLEARY, Mr. CRANE, and Mr. WATTS of Oklahoma.

H.R. 2128: Ms. BROWN of Florida, Mr. FROST, and Mrs. EMERSON.

H.R. 2143: Mr. OLVER and Mr. FALEOMAVAEGA.

H.J. Res. 84: Mr. STUMP.

H. Con. Res. 80: Mr. BLUNT, Mr. MURTHA, Ms. KILPATRICK, Mr. BALLENGER, Mr. MINGE, Mr. OBEY, Mr. BORSKI, Mr. GUTIERREZ, Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, and Mr. EVANS.

H. Con. Res. 106: Mr. OLVER.

H. Con. Res. 107: Mr. CALVERT, Mr. KING of New York, Mr. SANDLIN, and Mr. ACKERMAN.

H. Con. Res. 109: Mr. ETHERIDGE, Mrs. MYRICK, Mr. BOB SCHAFFER, and Mr. DOYLE.

H. Con. Res. 111: Mr. STEARNS, Mr. TRAFICANT, Mr. DOYLE, Mr. DEUTSCH, Mrs. FOWLER, Ms. JACKSON-LEE, Mr. SESSIONS, Mr. CAPPS, Ms. RIVERS, Mr. FILNER, Mr. FROST, Mrs. MORELLA, Mr. BARRETT of Nebraska, Mr. SISISKY, and Mr. ORTIZ.

H. Res. 37: Mr. OWENS, Mr. RUSH, and Mr. CAMPBELL.

H. Res. 83: Mr. NADLER and Ms. SLAUGHTER.

H. Res. 182: Mr. DOYLE.

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. 972: Mr. WYNN.

H.R. 1210: Mr. FATTAH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2158

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 6: Page 76, after line 17, insert the following new section:

SEC. 422. None of the funds provided in this Act may be used to implement the Veterans Equitable Resource Allocation (VERA) system established pursuant to section 429 of Public Law 104–204 (110 Stat. 2929).

H.R. 2158

OFFERED BY: MR. BOSWELL

AMENDMENT NO. 7: In the third paragraph of the amendment, strike "(reduced to $0)" and insert "(reduced by $50,000,000)".

Strike the fourth paragraph of the amendment.

H.R. 2158

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 8: Page 38, line 2, after the first dollar amount insert the following: "(reduced by $31,000,000)".

Page 51, line 14, after the second dollar amount insert the following: "(increased by $11,210,700)".

H.R. 2158

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 9: Page 16, line 25, after the first dollar amount insert the following: "(increased by $119,500,000)".

Page 57, line 7, after the first dollar amount insert the following: "(reduced by $119,500,000)".

H.R. 2158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 10: Page 16, line 25, after the first dollar amount, insert "(increased by $267,500,000)".

Page 57, line 7, after the first dollar amount insert "(reduced by $119,500,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $100,000,000)".

Page 62, line 1, after the first dollar amount insert "(reduced by $48,000,000)".

H.R. 2158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 18, after line 5, insert the following new item:

PRESERVING EXISTING HOUSING INVESTMENT

For operating, maintaining, revitalizing, rehabilitating, preserving, and protecting existing housing developments for low-income families, and the elderly, and the disabled, $350,000,000, which shall be available for use in conjunction with properties that are eligible for assistance under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low Income Housing Preservation Act of 1990 (ELIHPA).

Page 18, line 10, after the first dollar amount insert "(increased by $350,000,000)".

H.R. 2158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 12: Page 30, line 12, after the first dollar amount insert "(increased by $267,500,000)".

Page 57, line 7, after the first dollar amount insert "(reduced by $119,500,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $100,000,000)".

Page 62, line 1, after the first dollar amount insert "(reduced by $48,000,000)".

H.R. 2158

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 13: Page 48, line 7, before the period insert: "*Provided further*, That the Clean Air Scientific Advisory Committee shall conduct additional studies and investigation regarding the health effects of ozone and fine particulate matter air pollution".

H.R. 2158

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 14: Page 66, line 3, after the colon insert: "*Provided further*, That the National Science Foundation shall conduct additional studies and investigation regarding the health effects of ozone and fine particulate matter air pollution:"

H.R. 2158

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 15: Page 76, line 17, insert:

SEC. 422. None of the funds made available in this Act may be used to implement any national ambient air quality standards established under the Clean Air Act after January 1, 1997, for ozone or particulate matter.

H.R. 2158

OFFERED BY: MR. LAHOOD

AMENDMENT NO. 16: Page 76, after line 17, insert:

SEC. 422. None of the funds made available in this Act may be used to implement any national ambient air quality standards established under the Clean Air Act after January 1, 1997, for ozone or particulate matter until the Clean Air Scientific Advisory Committee has conducted additional studies and investigation regarding the health effects of such air pollutants and made a recommendation to the Administrator regarding such standards.

H.R. 2158

OFFERED BY: MR. NADLER

AMENDMENT NO. 17: Page 76, after line 17, insert the following new section:

SEC. 422. The amounts otherwise specified in this Act are revised by reducing the amounts under "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—PUBLIC AND INDIAN HOUSING—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING" and "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT" each by $305,000,000.

H.R. 2158

OFFERED BY: MR. NETHERCUTT

AMENDMENT NO. 18: Page 76, after line 17, insert the following new section:

SEC. 422. None of the funds provided in this Act may be used by the Secretary of Veterans Affairs to implement the Veterans Equitable Resource Allocation (VERA) system established pursuant to section 429 of Public Law 104–204 (110 Stat. 2929) in a manner inconsistent with that system as in effect on July 16, 1997.

H.R. 2158

OFFERED BY: MR. PALLONE

AMENDMENT NO. 19: Page 50, line 1, after the dollar amount insert "(increased by $650,000,000)".

H.R. 2158

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 20: Page 61, line 13, insert "(reduced by $100,000,000)" after "$5,426,500,000".

Page 62, line 1, insert "(increased by $100,000,000)" after "$5,690,000,000".

H.R. 2158

OFFERED BY: MR. SENSENBRENNER

AMENDMENT NO. 21: Page 76, after line 17, insert the following new section:

SEC. 422. Of the funds appropriated by this Act for "National Aeronautics and Space Administration—Human Space Flight", not more than $1,876,200,000 may be used for development and operations of the International Space Station.

H.R. 2158

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 22: Page 76, after line 17, insert the following new section:

SEC. 422. None of the funds made available in this Act may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education, or subelement thereof, that is currently ineligible for contracts and grants pursuant to section 514 of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270).

H.R. 2158

OFFERED BY: MR. STEARNS

AMENDMENT NO. 23: Page 7, line 6, insert after the dollar amount "(increased by $50,000,000)".

Page 44, line 11, insert after the dollar amount "(reduced by $50,000,000)".

H.R. 2158

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 24: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the first dollar amount (the aggregate), insert the following: "(increased by $50,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $30,000,000)".

In the item relating to "INDEPENDENT AGENCIES—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the first dollar amount (the aggregate), insert the following: "(reduced to $0)".

In the item relating to "INDEPENDENT AGENCIES—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—OFFICE OF INSPECTOR GENERAL", after the dollar amount, insert the following: "(reduced to $0)".

H.R. 2158

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 25: In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the first dollar amount (the aggregate), insert the following: "(increased by $25,000,000)".

In the item relating to "DEPARTMENT OF VETERANS AFFAIRS—VETERANS HEALTH ADMINISTRATION—MEDICAL AND PROSTHETIC RESEARCH", after the second dollar amount (the Gulf War illness research earmark), insert the following: "(increased by $5,000,000)".

In the item relating to "INDEPENDENT AGENCIES—CORPORATION FOR NATIONAL AND COMMUNITY SERVICE—NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES", after the first dollar amount (the aggregate), insert the following: "(reduced by $200,000,000)".

H.R. 2158

OFFERED BY: MR. VENTO

AMENDMENT NO. 26: Page 57, line 21, after the first dollar amount insert "(increased by $30,100,000)".

Page 61, line 13, after the first dollar amount insert "(reduced by $43,000,000)".

H.R. 2159

OFFERED BY: MR. BILIRAKIS

AMENDMENT NO. 2: In section 571, relating to Assistance to Turkey, add the following before the period at the end of subsection (a): ": *Provided*, That assistance under this section may not be made available to the Government of Turkey unless the funds made available under subsection (b) have been used for the purpose specified in that subsection".

H.R. 2159

OFFERED BY: MR. BILIRAKIS

AMENDMENT NO. 3: At the end of the bill, insert after the last section preceding the short title, the following new section:

LIMITATION ON ASSISTANCE TO TURKEY

SEC. 572. No funds made available under the heading "Economic Support Fund" for Turkey may be made available to the Government of Turkey until all the funds under section 571(b) have been made available.

H.R. 2159

OFFERED BY: MR. CAMPBELL

AMENDMENT NO. 4: Page 13, line 4, after "$2,400,000,000" insert "(reduced by $25,000,000)".

Page 22, line 24, after "$11,500,000" insert "(increased by $25,000,000)".

H.R. 2159

OFFERED BY: MR. COX OF CALIFORNIA

AMENDMENT NO. 5: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ASSISTANCE TO NORTH KOREA

SEC. 5 . None of the funds appropriated or otherwise made available by this Act may be made available to provide assistance to the Communist Government of the Democratic People's Republic of Korea.

H.R. 2159

OFFERED BY: MR. COX OF CALIFORNIA

AMENDMENT NO. 6: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ASSISTANCE TO NORTH KOREA

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be made available, directly or indirectly, to provide assistance to the Communist Government of the Democratic People's Republic of Korea or the Korean Peninsular Energy Development Organization.

H.R. 2159

OFFERED BY: MR. EWING

AMENDMENT NO. 7: At the end of the bill, insert after the last section (preceding the short title) the following new section:

INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. 572. None of the funds appropriated or otherwise made available in this Act under the heading "International Military Education and Training" may be provided to the Government of Peru.

H.R. 2159

OFFERED BY: MR. EWING

AMENDMENT NO. 8: At the end of the bill, insert after the last section (preceding the short title) the following new section:

INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR PERU

SEC. 572. None of the funds appropriated or otherwise made available in this Act under the heading "International Military Education and Training" may be provided to the Government of Peru unless the President reports to the Congress that the Government of Peru is taking all necessary steps to ensure that the United States citizens held in prisons in Peru are accorded timely, open, and fair legal proceedings in civilian courts.

H.R. 2159

OFFERED BY: MR. GILMAN

AMENDMENT NO. 9: Strike all after the title heading and insert the following:

SEC. . POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE.

(a) IN GENERAL.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to pay for the performance of abortions in any foreign country, except where the life of the mother would be endangered if the fetus were carried to term or in cases or rape or incest.

(2) The limitation contained in paragraph (1) shall not apply to the treatment of injuries or illness caused by unsafe abortions.

(b) LIMITATION ON LOBBYING ACTIVITIES.—(1) Notwithstanding any other provision of this Act or any other provision of law, none of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to lobby for or against abortion.

(2) The limitation contained in paragraph (1) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

SEC. . UNITED NATIONS POPULATION FUND.

(a) LIMITATION.—Subject to subsections (b), (c), and (d)(2), of the amounts made available for each of the fiscal years 1998 and 1999 to carry out part I of the Foreign Assistance Act of 1961, not more than $25,000,000 shall be available for each such fiscal year for the United Nations Population Fund.

(b) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under this section shall be made available for a country program in the People's Republic of China.

(c) CONDITIONS ON AVAILABILITY OF FUNDS.—(1) Not more than one-half of the amount made available to the United Nations Population Fund under this section may be provided to the Fund before March 1 of the fiscal year for which funds are made available.

(2) Amounts made available for each of the fiscal years 1998 and 1999 under part I of the Foreign Assistance Act of 1961 for the United Nations Population Fund may not be made available to the Fund unless—

(A) the Fund maintains amounts made available to the Fund under this section in an account separate from accounts of the Fund for other funds; and

(B) the Fund does not commingle amounts made available to the Fund under this section with other funds.

(d) REPORTS.—(1) Not later than February 15, 1998, and February 15, 1999, the Secretary of State shall submit a report to the appropriate congressional committees indicating the amount of funds that the United Nations Population Fund in budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the United Nations Population Fund plans to spend China country program funds in the People's Republic of China in the year covered by the report, then the amount of such funds that the Fund plans to spend in the People's Republic of China shall be deducted from the funds made available to the Fund after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

H.R. 2159

OFFERED BY: MR. HERGER

AMENDMENT NO. 10: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON DEVELOPMENT ASSISTANCE FOR CERTAIN COUNTRIES

SEC. 572. (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated under the heading "TITLE II—BILATERAL ECONOMIC ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, DEVELOPMENT, ASSISTANCE" may be provided to Angola, Bangladesh, Benin, Bolivia, Brazil Burundi, Ecuador, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Guinea, Guinea-Bisseau, Guyana, Honduras, India, Indonesia, Jamaica, Jordan, Kenya, Liberia, Madagascar, Malawi, Mali, Mexico, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Nigeria, Panama, Paraguay, Peru, the Philippines, Senegal, Somalia, South Africa, Sri Lanka, Tanzania, Uganda, Zambia, or Zimbabwe.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act under the heading "TITLE II—BILATERAL ECONOMIC ASSSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, DEVELOPMENT ASSISTANCE" is hereby reduced by $933,000,000.

H.R. 2159

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 11: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS RELATING TO INTERNATIONAL ADOPTION LAWS AND PRACTICES OF PARAGUAY

SEC. 572. It is the sense of the Congress that the President and the Secretary of State should use all opportunities and means to express directly to all appropriate officials of the Government of Paraguay that—

(1) the United States respects and supports the commitment of the Government of Paraguay to reform its laws and practices regarding international adoptions;

(2) the pending international adoption cases filed by United States families at or prior to the establishment by the Government of Paraguay of a moratorium on international adoptions, including the 11 adoption cases commonly referred to as the "window of opportunity" adoption cases, should be allowed to continue and complete the adoption process in a fair, unbiased, and timely fashion;

(3) such United States adoption cases should be determined on the basis of the two key tenets for international adoption in Paraguay, namely the fitness of the petitioning family to be parents and what is in the best interests and welfare of the child; and

(4) any international adoption reform legislation approved by the Government of Paraguay should allow such United States adoption cases to complete the adoption process.

H.R. 2159

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 12: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF ASSISTANCE TO CAMBODIA

SEC. . (a) None of the funds appropriated in this Act may be made available to the Government of Cambodia.

(b) None of the funds appropriated in this Act for the International Development Association, the International Monetary Fund, or the Asian Development Bank may be used for any loan to the Government of Cambodia.

H.R. 2159

OFFERED BY: MR. ROYCE

AMENDMENT NO. 13: In Title I, under the heading "Overseas Private Investment Corporation Noncredit Account" after "$32,000,000" insert "(reduced by $11,200,000)".

H.R. 2159

OFFERED BY: MR. SAXTON

AMENDMENT NO. 14: At the end of the bill, insert after the last section (preceding the short title) the following new section:

LIMITATION ON ASSISTANCE FOR THE P.L.O. AND THE PALESTINIAN AUTHORITY

SEC. 572. (a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Palestine Liberation Organization (hereafter the

"P.L.O.") should do far more to demonstrate an irrevocable denunciation of terrorism and to ensure a peaceful settlement of the Middle East dispute, and in particular it should—

(1) submit to the Palestinian Council for formal approval the necessary changes to those specific articles of the Palestinian National Charter which deny Israel's right to exist or support the use of violence;

(2) to the maximum extent possible, preempt acts of terror, discipline violators, publicly condemn all terrorist acts, actively work to dismantle other terrorist organizations, and contribute to stemming the violence that has resulted in the deaths of over 230 Israeli and United States citizens since the signing of the Declaration of Principles on Interim Self-government Arrangements (hereafter the "Declaration of Principles") on September 13, 1993, at the White House;

(3) prohibit participation in the P.L.O. or the Palestinian Authority or its successors of any groups or individuals which promote or commit acts of terrorism;

(4) cease all anti-Israel rhetoric, which potentially undermines the peace process;

(5) confiscate all unlicensed weapons and restrict the issuance of licenses to those with legitimate need;

(6) transfer and cooperate in transfer proceedings relating to any person accused by Israel or the United States of having committed acts of terrorism against Israeli or United States nationals; and

(7) respect civil liberties, human rights and democratic norms as applied equally to all persons regardless of ethnic, religious, or national origin.

(b) LIMITATION ON ASSISTANCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, funds appropriated or otherwise made available by this Act may be obligated for assistance to the P.L.O. or the Palestinian Authority only for the period beginning 3 months after the date of the enactment of this Act and for 6 months thereafter, and only if—

(A) the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect; and

(B) in addition to the requirements contained in such act or other legislation—

(i) the President prepares and transmits to the Congress a report described in paragraph (2); and

(ii) the Congress approves such report by adoption of a joint resolution of approval.

(2) REPORT.—A report described in this paragraph is a report containing the following:

(A) A description of all efforts being made to apprehend, prosecute, or have extradited to the United States Mohammad Deif (allegedly responsible for the death of Nachshon Wachsman, a United States citizen), Amjad Hinawi (allegedly responsible for the death of David Boim, a United States citizen), Abu Abbas (responsible for the death of Leon Klinghoffer, a United States citizen), Amid al-Hindi (allegedly responsible for death of David Berger, a United States citizen), and Nafez Mahmoud Sabih (who helped plan the February 1996 attack on a Jerusalem bus in which Jewish Theological Seminary students Sara Duker and Matthew Eisenfeld, both United States citizens, were murdered).

(B) An official, updated, and revised copy of the Palestinian National Charter (Covenant) showing which specific articles have been rescinded by the decision taken on April 24, 1996 by the P.L.O. Executive Committee.

(C) A description of all actions being taken by the Palestinian Authority to eradicate and prevent the use of the map of Israel to represent "Palestine".

(D) A certification that the Palestinian Authority has established a court system that respects due process requirements, including the right to a lawyer, the right to confront witnesses, the right to be informed of the charges under which one is accused, and the right to a jury trial.

(E) A certification that the Palestinian Authority has established humane prison conditions.

(F) A certification that the Palestinian Authority has taken all measures to rescind the death penalty imposed for the sale of land to Jews, has eliminated the practice of incarcerating real estate agents for the sale of land to Jews or Israelis, and has actively sought the perpetrators of such actions.

H.R. 2159

OFFERED BY: MR. SMITH OF NEW JERSEY

AMENDMENT NO. 15: At the end of the bill, insert after the last section (preceding the short title) the following new section:

FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION OVERSEAS; FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 572. (a) Section 104 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(B) Subparagraph (A) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—(A) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited.

"(B) Subparagraph (A) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) APPLICATION TO FOREIGN ORGANIZATIONS.—The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or subgrantee, and the certifications required by paragraphs (1) and (2) apply to activities in which the organization engages either directly or through a subcontractor or subgrantee.".

(b) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end the following new subsection:

"(1) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that—

"(1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or

"(2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China.

As used in this section, the term 'coercion' includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure.".

H.R. 2159

OFFERED BY MR. STEARNS

AMENDMENT NO. 16: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SENSE OF THE CONGRESS REGARDING COSTS OF THE PARTNERSHIP FOR PEACE PROGRAM AND NATO EXPANSION

SEC. 572. It is the sense of the Congress that all member nations of the North Atlantic Treaty Organization (NATO) should contribute their proportionate share to pay for the costs of the Partnership for Peace program and for any future costs attributable to the expansion of NATO.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 17: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 18: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION OF FUNDS FOR SCHOOL OF THE AMERICAS

SEC. 572. Notwithstanding any other provision of this Act, none of the funds appropriated in this Act under the heading "TITLE III—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia.

H.R. 2159

OFFERED BY: MR. TORRES

AMENDMENT NO. 19: In the item relating to "TITLE—MILITARY ASSISTANCE, FUNDS APPROPRIATED TO THE PRESIDENT, INTERNATIONAL MILITARY EDUCATION AND TRAINING", in the first paragraph, after

"$50,000,000", insert "(reduced by $815,638)", and strike the second proviso.

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 20: At the end of the bill, insert after the last section (preceding the short title) the following new section:

PROHIBITION ON FUNDING FOR PRIVATE SECTOR DEVELOPMENT ENTERPRISE FUNDS

SEC. 572. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for assistance to the following enterprise funds (or any successor enterprise funds):

(1) The Albanian-American Enterprise Fund.

(2) The Baltic-American Enterprise Fund.

(3) The Bulgarian American Enterprise Fund.

(4) The Central Asian-American Enterprise Fund.

(5) The Czech and Slovak American Enterprise Fund.

(6) The Hungarian-American Enterprise Fund.

(7) The Polish-American Enterprise Fund.

(8) The Romanian American Enterprise Fund.

(9) The Southern Africa Regional Enterprise Fund.

(10) The U.S.-Russia Investment Fund.

(11) The Western NIS Enterprise Fund.

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 21: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 10 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease Programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 5 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease Programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) "International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2159

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following new section:

ACROSS-THE-BOARD REDUCTION IN AMOUNTS

SEC. 572. (a) IN GENERAL.—Except as provided in subsection (b), each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

(b) EXCEPTIONS.—Subsection (a) shall not apply to the amounts appropriated or otherwise made available by this Act for the following:

(1) "Child Survival and Disease programs Fund".

(2) "Development Fund for Africa".

(3) "International Disaster Assistance".

(4) "African Development Foundation".

(5) "International Narcotics Control".

(6) "Nonproliferation, Anti-Terrorism, Demining and Related Programs".

H.R. 2160

OFFERED BY: MR. COX OF CALIFORNIA

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be made available, directly or indirectly, to provide aid to the Communist-ruled Democratic People's Republic of Korea.

H.R. 2160

OFFERED BY: MR. DOOLEY

AMENDMENT NO. 2: Strike section 726, regarding limitation on the use of funds for immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

H.R. 2160

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 3: At the end of the bill, insert after the last section the following new section:

SEC. . None of the funds made available in this Act may be used to provide or pay the salaries of personnel who provide crop insurance or noninsured crop disaster assistance for tobacco for the 1998 or later crop years.

H.R. 2160

OFFERED BY: MR. MEEHAN

AMENDMENT NO. 4: In the item relating to "RISK MANAGEMENT AGENCY"in title I, after the last dollar amount, insert "(reduced by $14,000,000)".

In the item relating to "SALARIES AND EXPENSES"— "FOOD AND DRUG ADMINISTRATION" in title VI, after the aggregate dollar amount in the first undesignated paragraph, insert "(increased by $10,000,000)".

H.R. 2160

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 5: Insert before the short title the following new section:

SEC. . None of the funds appropriated or otherwise made available by this Act may be used to maintain, or to pay the salaries and expenses of personnel who maintain, a price for the 1998 crop of quota peanuts in excess of $550 per ton.

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 6: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $2,500,000 for "RESEARCH AND EDUCATION ACTIVITIES" (to be available for sustainable agriculture research and education under such heading) and $12,200,000 for "EXTENSION ACTIVITIES" (to be available for payments for sustainable agriculture programs under such heading)), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $86,300,000.

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 7: In the item relating to "AGRICULTURAL RESEARCH SERVICE" in title I, after the aggregate dollar amount in the first undesignated paragraph, insert "(reduced by $8,500,000)".

In the item relating to "FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS" in title IV, after the last dollar amount, insert "(increased by $8,000,000)".

H.R. 2160

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: In the item relating to "RISK MANAGEMENT AGENCY" in title I, after the last dollar amount insert "(reduced by $11,000,000)".

In the item relating to "FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS" in title IV, after the last dollar amount, insert "(increased by $8,000,000)".

H.R. 2160

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 9: Strike section 726 (page 68, lines 8 through 11), regarding limitation on the use of funds for immediate office of the Deputy and Assistant Deputy Administrator for Farm Programs within the Farm Service Agency.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 10: Insert before the short title the following new section:

SEC. . For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $88,500,000, $1,500,000.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 11: Insert before the short title the following new section:

SEC. . (a) For an additional amount for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION"), and none of the funds made available in this Act to such Department may be used to provide assistance to, or to pay the salaries of personnel who carry out, a market promotion/market access program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance in an aggregate amount of funds and/or commodities in excess of $88,5000,000, $1,500,000.

(b) Of the amount under the heading "DEPARTMENTAL ADMINISTRATION" in title I, $13,300,000 is for civil rights enforcement at the Department of Agriculture.

EXTENSIONS OF REMARKS

TRIBUTE TO ROBERT S. EVANS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an individual who has dedicated his life and career to public service.

Robert S. Evans will retire this month after devoting 50 years of dedicated service to South Carolina State University in Orangeburg, SC. Mr. Evans began working at the university in 1947 as a temporary worker. In 1961, he was hired by the college as a stockroom clerk and supervisor of waiters. He was later promoted to assistant director of food services and subsequently appointed director of food services at the university.

In addition to his service to the university, Mr. Evans is an active member of his community. He is a member of the Masons, the NAACP, the Epsilon Chapter of Omega Psi Phi Fraternity, the Elk Lodge, and Alpha Psi Omega Drama Fraternity. This remarkable individual also participates in the Orangeburg Neighborhood Youth Commission, the South Carolina State Booster Club, and the Mental Health Board. Mr. Evans is an active member of Mount Pisgah Baptist Church in Orangeburg, SC, where he serves as deacon, secretary of the church board, and liaison to the trustee board.

Robert Evans has touched the lives of many people of Orangeburg and across South Carolina through hard work and tireless dedication to others. Mr. Speaker, I ask that you and all of my colleagues in the House of Representatives join me in congratulating Mr. Evans on the occasion of his retirement after 50 illustrious years of service to South Carolina State University.

MICHIGAN IS GETTING SHORTCHANGED

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SMITH of Michigan. Mr. Speaker, as we approach decisions on appropriations bills and Federal spending that goes to individual States, I am very concerned about a recent study indicating that my home State of Michigan is getting shortchanged.

Michigan ranks in the top 10 in the amount of taxes we pay into the Federal Government and at the bottom in terms of the benefits we receive in return.

According to this study by the Northeast-Midwest Institute, Michigan ranks 47th in total funds it gets from the Federal Government and deal last in the amount it gets per person to repair its roads. Michigan citizens have the most to gain if we allow them to keep their tax dollars at home rather than sending taxes to Washington.

Mr. Speaker, for the RECORD I would like to submit an article written by Lisa Zagaroli in this morning's Detroit News on this very issue.

(By Lisa Zagaroli)

Pothole-plagued Michigan ranked dead last in the amount of money per person that the U.S. Transportation Department doled out among states last year, a new report shows.

"We've been complaining for a long time about getting ripped off by the federal government and this just confirms that," said John Truscott, a spokesman for Gov. John Engler.

"We knew we were near the bottom, I didn't know we were at the bottom."

The transportation department spent $77 per Michigan resident in the 1996 fiscal year, for a total of $743 million, according to the study by the Northeast Midwest Institute, a non-profit policy organization. Engler wants the federal government to give Michigan an additional $200 million.

Michigan's per-capita share of U.S. transportation dollars compares to $879 per capita in sprawling Alaska, $296 in Wyoming and $252 in Montana.

But the higher dollar amounts weren't reserved for large, sparsely populated states.

Connecticut, a small state with a third of Michigan's 9.6 million population, got $179 per person. New Jersey, which has 8 million residents, got $148 per person from the federal agency that funds roads, bridges and other transportation projects.

Rep. James Barcia, D-Bay City, said he, too, was surprised that Michigan ranked dead last despite the "pitiful shape" of its roads.

"This underscores the need to work together in a bipartisan fashion to make sure Michigan gets a fair return," he said.

Barcia sits on the House committee that is rewriting the funding formula for transportation dollars. Michigan currently is a "donor state"—paying more in federal gas taxes than it gets back.

Michigan ranked third from the bottom in overall spending by the federal government, about the same as it has in the last several years.

The state received $4,131 per capita in federal spending, only 81 percent of the national rate, or $941 less per person, the report said.

"This is one of the reasons we are so big into block grants, so we can figure out where our tax dollars are spent instead of some federal bureaucrats," Truscott said.

IN HONOR OF CONGRESSMAN JOHN LEWIS OF GEORGIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. LANTOS. Mr. Speaker, I rise today to honor and recognize my friend and colleague, the Honorable JOHN LEWIS of Georgia. During his tenure in the House of Representatives, he has distinguished himself as a man of highest integrity and commitment to improving human relations in our country.

His accomplishments in the area of civil rights are as remarkable as they are numerous. Congressman LEWIS' concern with spreading awareness of the civil rights movement and its importance in contemporary society is reflected in his desire to educate not only those who reside in his district, but outside of his district as well. This desire clearly manifested itself in 1989, when at the request of a parent concerned with the fact that her daughter's predominantly white eighth grade class did not possess an understanding of the enormity of the civil rights movement, he traveled to Shawnee Mission, KS, to speak about his firsthand experience.

Over 200 eighth grade students sat mesmerized as Congressman LEWIS delivered an emotionally charged speech which included his involvement with sit-ins at segregated lunch counters, the Student Non-Violent Coordinating Committee which he chaired, and his participation and subsequent beating during the freedom rides. His modesty would have prevented the students from knowing that he was one of the "big six" in the civil rights movement, had it not been for the research they had conducted on their own prior to his arrival. Congressman LEWIS conveyed the importance of commitment to a cause, and relayed his extraordinary experiences while maintaining a demeanor marked with humility. Two years later, he returned to the school in Shawnee Mission as he once again embraced the opportunity to tell his story in an attempt to educate and enlighten a small group of our Nation's younger generation. The selflessness he exhibited in traveling a thousand miles from his district, motivated solely by a desire to educate and share, is unique in a world where many individuals succumb to monetary or press related incentives.

This anecdote is but one of many instances where Congressman LEWIS has exhibited his unchallenged commitment to civil rights in the United States. Born in 1940 to a sharecropper in Alabama, he was the first in his family to finish high school. At 18, he met Martin Luther King and by 19, had already become a force in the civil rights movement through activities such as organizing the first lunch counter sit-in. He actively participated in the 1961 freedom rides, the 1963 March on Washington, and the coordination of the Mississippi Freedom Project. He led the Selma to Montgomery March for voting rights in 1965, and was attacked by policemen in his quest for equal rights for all. His strong participation in these events eventually led to the passage of the Voting Rights Act of 1965.

On Friday, June 27, Congressman LEWIS hosted a luncheon for senior citizens residing in the high-rises of his district. His goal was to

provide them with an opportunity to interact with their representative in a fun, relaxed environment. This annual event has grown from a gathering of 250 senior citizens to a community event of over 900. Funded entirely through private donations, Congressman LEWIS has been able to sustain this event for 7 years.

Congressman JOHN LEWIS is a shining example of how one individual can persevere in the fact of extreme adversity. His commitment to all individuals, young and old, is a testament to his impeccable character.

Mr. Speaker, I urge my colleagues to join me in commending Congressman JOHN LEWIS. His accomplishments speak for themselves, yet his humility surpasses all he has done for his district, his country, and the rights of all Americans. It is with a great sense of pride that I refer to Congressman JOHN LEWIS as a colleague and friend.

TAJIKISTAN'S PEACE ACCORD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SMITH of New Jersey. Mr. Speaker, after 5 long years, Tajikistan's civil war—the costliest conflict in the former Soviet Union, in terms of casualties—may be over. Negotiations underway since 1994 under U.N. auspices have finally produced a peace accord and the opposing sides have crafted a power-sharing arrangement. Provisions are in place for over 20,000 refugees to return and elections are planned within 12 to 18 months.

Tajik President Imomali Rakhmonov and Saidabdullo Nuri, leader of the United Tajik Opposition [UTO], signed the General Agreement on Peace and National Accord on June 27. Among the accord's key features is the 26-member National Reconciliation Commission, composed of 13 government and 13 opposition representatives, and chaired by Nuri. Until elections are held, the opposition will control at least 30 percent of government portfolios. The opposition's fighters will be integrated into the government's force ministries, and 460 fighters will protect opposition leaders in Dushanbe. On July 10, the Reconciliation Commission came to terms on a general amnesty that will allow members of the UTO to return to Tajikistan.

The general agreement was signed in the Kremlin, testifying to Russia's key mediating role. Moscow had backed Tajikistan's Government against the opposition—a melange of democratic, Islamic, and regional forces—since the war broke out in 1992, but has obviously rethought its priorities and acknowledged that the opposition cannot be defeated militarily, at acceptable cost. Moreover, the advance of the Taliban forces in Afghanistan, which Tajik opposition fighters had used as a staging ground for assaults against Russian and Tajik Government forces, has also convinced Moscow and, apparently, anti-Taliban, Shiite Iran, that Tajikistan must be stabilized in the face of the new threat from Sunni Islamic fundamentalism.

As many analysis have pointed out, however, it is too soon for rejoicing. Though Moscow seems determined to end the conflict, there are several potential spoilers. Foremost among them is Abdumallik Abdullojanov, Tajikistan's former prime minister and chairman of the Party of National Revival. Abdullojanov represents the interests of Leninabad, the country's most populous and wealthy oblast, which had produced Tajikistan's rulers since the 1930's. By contrast, President Rakhmonov and his followers are from Kulyab oblast, whereas Nuri and most of the opposition are affiliated with the mountainous region of Karotegin. Yet Abdullojonov was not invited to participate in the peace talks or the Reconciliation Commission, and his followers have been given no positions in the coalition government. With no stake in the agreement and no incentive to promote its success, Abdullojonov has every reason to undermine its implementation, and can count on the backing of the population in northern Tajikistan.

Abdullojonov also has the presumed support of Islam Karimov, President of Uzbekistan, which borders Leninabad oblast and is Abdullojonov's base of operations. Karimov did not authorize Uzbekistan's signature as guarantor of the Tajik peace agreement, indicating that Russia and Uzbekistan—though they share deep concerns over Taliban victories in Afghanistan—continue to compete for influence in Tajikistan, and that Tashkent will not play along unless its interests and those of its allies in northern Tajikistan are taken into account.

If the government in Dushanbe does not see these dangers, the opposition does. On June 28, UTO first deputy leader Akbar Turajonzade told Interfax that Dushanbe's unwillingness to include representatives of other parties and movements, specifically mentioning Abdullojonov, was a mistake and could jeopardize prospects for peace.

Apart from Abdullojonov, any number of well-armed military commanders, with strong local bases, could resume hostilities or simply block the establishment of a unified country with a recognized government exercising authority over its entire territory. And even if they could be brought over, the process of sharing government portfolios and dividing the economic pie among all the various movements and factions will require masterful diplomacy.

Still, the peace accord and all its attendant problems are far preferable to the alternative Tajikistan's population has not known peace since the country became independent. The understanding between the government and the opposition may finally have laid the groundwork for the broader reconciliation that will be needed for enduring stability.

Mr. Speaker, quite apart from the obvious humanitarian imperatives, it is in the United States interests that Tajikistan's peace accord succeed. War-torn Tajikistan lags behind most other New Independent States in building democratic institutions. We should encourage the reconciliation process and urge that the planned elections take place as scheduled and that they be as free and fair as possible. It would be especially useful for IFES, the Washington-based International Foundation for Election Systems, which has done such important work in helping local authorities organize elections all over the world, to be involved with Tajikistan's Central Election Commission. Hopefully, conditions will permit other United States NGO's to begin working with political parties, and gradually help put back on track the democratization in Tajikistan that was so tragically interrupted in 1992.

TRIBUTE TO DR. GEORGE S. ANSELL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. SCHAFFER of Colorado. Mr. Speaker, I rise today to pay tribute to the exceptional contributions Dr. George Ansell has made for America's higher education system. As the president of the Colorado School of Mines, he has announced his retirement. Dr. Ansell is truly dedicated to the higher education system and the students he serves. Under the leadership of Dr. Ansell, the Colorado School of Mines has emerged as one of the West's premier institutions excelling in engineering, applied science, and earth sciences.

Dr. Ansell has broadened the college's scope to include high academic achievement and quality research, and insisted on seeing each strengthen the other. The Colorado School of Mines was recently recognized by the National Science Foundation for institution-wide reform in undergraduate education in science, mathematics, engineering, and technology. The selected colleges are now considered national models of excellence by the NSF.

Dr. Ansell, born in Akron, OH, in 1934, grew up in New York, attending the elite Bronx High School of Science. He attended Rensselaer Polytechnical Institute on a Naval ROTC scholarship, receiving a bachelor's degree in metallurgical engineering in 1954, and later a master's degree in metallurgical engineering, and a Ph.D in metallurgical engineering in 1960. He served as an engineering officer in the United States Navy from 1955 to 1958, and physical metallurgist on the Metal Physics Consultant Staff, U.S. Naval Research Laboratory—1957–58. From 1960 to 1984, he was a faculty member at his alma mater, RPI. He became chairman of the Materials Division, RPI—1969–74, dean, School of Engineering, RPI—1974–84, acting dean, School of Management, RPI—1980–81, and finally, president of Colorado School of Mines in 1984.

Dr. Ansell leaves the Colorado School of Mines with a legacy of excellence. His efforts have truly enhanced the institution. His leadership there will be sorely missed. His never-ending quest for academic perfection has truly left its mark.

I thank Dr. Ansell for his contributions, on behalf of the State of Colorado, and I enter into the RECORD a quote by Dr. Ansell that expresses his sentiments about the Colorado School of Mines:

> It has been a great privilege for me to have served as president of Colorado School of Mines. My tenure has been filled with exciting challenges and opportunities to promote the vitality of this outstanding institution.
>
> My proudest achievement has been improving the quality of an already outstanding institution by: increasing the number of under-

represented minorities from three percent to 14 percent of the undergraduate student body, increasing the number of female students to 25 percent of the entire student body, insuring through fundraising that any student who has the desire and the ability can attend CSM, regardless of his or her financial means, expanding the base of the school's first-rate faculty, and revitalizing the campus physical plant with state of the art facilities. Colorado is fortunate to have in its midst a university which has the commitment and dedication of such an excellent Board of Trustees, faculty, staff, and outside benefactors, together with its extraordinary student body and alumni.

Mr. Speaker, the faculty, students, and all who have worked with Dr. Ansell are better people because of his integrity, leadership, and dedication to the Colorado School of Mines family.

QUINCY LIBRARY GROUP FOREST RECOVERY AND ECONOMIC STABILITY ACT OF 1997

SPEECH OF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 9, 1997

The House in Committee of the Whole House on the State of the Union had under consideration 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:

Mr. YOUNG of Alaska. Mr. Chairman, with a vote of 429 to 1, the House has overwhelmingly approved Representative WALLY HERGER'S bill, H.R. 858, the Quincy Library Group Forest Recovery and Economic Stability Act of 1997. While Representative HERGER introduced the bill and the bill had bipartisan support, it really belongs to the Quincy Library Group, which is a coalition of local environmental group leaders, local timber firms, local business people, local government officials, and local labor union leaders. So that everyone knows what the Quincy Library Group agreement is, I ask unanimous consent to insert a copy of the agreement immediately following my remarks.

The bill was overwhelmingly approved because of Mr. HERGER's bipartisan approach and because it is solution-oriented. It resolves forest conflict instead of promoting it. The bill embodies a new way of thinking about the Nation's forestry problems, the solutions for which come from the people who live in communities within our public forests. Thus, it draws on the community wisdom that our Government is supposed to be about. Our Nation is a government of the people because the people give us their wisdom.

Never in my years of serving as Alaska's only Congressman in this House have I seen such overwhelming support for a forestry bill and I truly believe that this level of enthusiasm results from the fact that everyone wins with the collaborative approach that the bipartisan sponsors and supporters have taken on this measure.

We did not come to the floor today with 429 votes. We would have probably received around 270 votes by my count on the Young substitute to H.R. 858, but that did not deter the sponsors of the bill and me from making further accommodations in the spirit that the Quincy Library Group agreement. We wanted to make people comfortable. We made accommodations to Representative MILLER, the ranking member of the Committee on Resources and a person who I have grown to respect as a friend. We made many accommodations that Representative MILLER brought to us from the administration, which over the years has often supported the Quincy Library Group. Before that Mrs. CHENOWETH made some 50 changes to the bill in the subcommittee and in the full committee, many in response to administration and interest group concerns, before the bill was reported. I asked Senator FEINSTEIN, the lead on this issue in the other body for her recommendations and I incorporated those recommendations into my manager's amendment.

Because some modifications were made here on the floor, I want to explain them. I want to explain how the final Young substitute that we just agreed to differs from the Young substitute that appeared in the RECORD as amendment No. 1. I also want to explain some of the major amendments that were adopted in the committee and subcommittee.

The substance of the bill is Section 2. Section 2(a) is simply the definition of the Quincy Library Group agreement, which forms the basis of the bill. My amendment No. 1 and the final product agreed to by the House included clarifications that the library group agreement is for ecologic and economic health of lands and communities. This is a community stability proposal, which by its nature concerns ecologic health of the land and economic health of the communities. These are mutually exclusive and the Quincy plan integrates them. Ecologic health and economic health is what sustainable development is all about.

In subsection (b), the Young substitute basically requires implementation of the Quincy Library Group plan and, in particular, a cornerstone of the plan that is referenced in subsection (d) involving strategic fuelbreaks and group selection harvests. In subsection (b) where we direct the Quincy program, we added a proviso that required one environmental impact statement. We also added a requirement that the environmental impact statement be completed within 200 days of enactment.

The Young amendment No. 1 contained a subsection (i) that was mostly removed because we added the single EIS in subsection (b) at Mr. MILLER'S urging. However, I want to be clear that my substitute would have provided for a total of five EIS's over the course of the pilot project, one for the entire 5-year program including the first year's site-specific segment of the program and one site-specific EIS for each subsequent year's program. Mr. MILLER requested that I remove that provision and do only one EIS. We agreed to a 200-day timeframe for the EIS. The Quincy group has waited long enough for their consensus to reach the ground. This means that within 200 days after enactment, the program will be implemented.

We made no changes from my substitute, amendment No. 1, in subsection (b)(2) where the pilot project area is explained. The total acreage of the national forests that the pilot project covers is about 2.5 million acres. However, one key to the Quincy proposal is that fuelbreaks and other subsection (d) activities are only eligible for part of that 2.5 million acre area. Specifically those activities will be carried out on lands that are "Available for Group Selection" as identified on the QLG map. This is a cornerstone of the agreement because the land base was essentially that which would leave the roadless areas out of areas that would receive fuelbreak, thinning, group selection, and other silviculture treatments under the QLG plan. "Available for Group Selection" area is about 1.6 million acres. Areas outside of the "Available for Group Selection" were essentially those recommended over the years for protection by local environmental groups that are participants in the Quincy Library Group and by national environmental groups.

My original substitute, amendment No. 1, would have gone the extra mile to ensure that the areas outside of those that are "Available for Group Selection"—the roadless areas for which environmental groups have long sought protection—would not be eligible for subsection (d) fuelbreaks, would not be eligible for any road building, and would not be eligible for any timber harvesting activities. The provision that would have done this was subsection (i)(5)(A)(i). This would have ensured that while the pilot project was being implemented or eligible to be implemented on the ground, the "Off Base" and "Deferred" land areas (essentially the roadless areas) would be ineligible for timber harvests, road building, and subsection (d) activities. That was my proposal in amendment No. 1, but Mr. MILLER required that it be removed, which in my view may lessen the protection of the roadless areas.

Subsection (c)(1), which removes spotted owl habitat from eligibility for harvest stayed in the compromise version. So did the riparian protection that was added in full committee. I might add that the riparian protection is straight from the Clinton Northwest Forest Plan, which was composed by scientists including the ex-chief of the Forest Service, Dr. Jack Ward Thomas. Personally, I think that this riparian protection may be too stringent, but it is part of the Quincy Library Group agreement and part of existing law that the Quincy group wants to follow. That is why it is in my substitute. It is part of the deal.

Mr. MILLER asked that I remove the provision that would have allowed more funding to be recommended and provided for riparian restoration projects, which I believe are an important part of the Quincy Library Group Agreement. The provision, subsection (c)(3), was removed.

The Quincy group's plan envisioned compliance with laws that ensured proper harvesting techniques and ensured forest standards would be met for management activities like fuelbreak construction. Nevertheless, we

added a proviso that ensured that the resource management activities would be implemented to the extent consistent with the Federal laws that apply to such activities. This would included the interim guidelines for the spotted owl. Should final guidelines for the owl become effective, they would apply instead. This change makes the requirement of subsection (d) no less of a requirement than it was before. It simply means that in meeting the requirement of subsection (d)(1) and (2), for example, that the laws that guide good forest management and other applicable laws that would guide forest management activities apply to the carrying out the activities. The change does not make subsection (d) hollow.

Now for subsection (d). It requires fuelbreaks on not less than 40,000 acres and not more than 60,000 acres within the pilot project area, meaning the "Available for Group Selection" area. This is a key to the Quincy plan because it will improve the ecology of the forest and the stability of the communities economically. Economic stability will improve because a more stable supply of timber will be available through the fuelbreak, thinning, and group selection requirements of subsection (d). People will work. The bill is not cast in terms of a particular volume of timber that is required to be harvested. Rather the bill requires acreage harvest for things like fuelbreaks and group selections, which might be part of a fuelbreak. The range of 40,000 to 60,000 acres was selected based on scientific information. The committee report explains that point. Even if 60,000 acres are treated with fuelbreaks and thinning each year it would take nearly 30 years to treat the entire land base that is "Available for Group Selection" under the Quincy plan.

Because there were allegations that the bill would allow too much harvesting, the committee added a maximum acreage of harvests 70,000 per year. While I do not think that too much of the group selection would be done outside of the fuelbreak system, 70,000 acres was selected because it would allow 60,000 acres of fuelbreaks plus some group selection.

Mr. MILLER, Mr. HERGER, and I agreed on new language concerning riparian management that was added to subsection (d). Mr. MILLER pointed out that riparian management is an important part of the Quincy Library Group agreement. While I believe my amendment No. 1 addressed riparian management by including the SAT guidelines for subsection (d) activities, we added some of the language suggested by Mr. MILLER and modified by me.

My modification to that language ties the riparian management into the SAT guidelines required for timber activities in riparian areas. Thus, under the SAT guidelines, there may be watershed assessments and watershed work that then opens the possibility of management of riparian areas. Flexibility that is needed if there is funding available for such activities. That is why we tied that new subsection (d) proviso on riparian management to the new subsection (f)(7) which ensures that amounts that are available for subsection (d)(1) and (d)(2) activities will remain available for those activities and not be transferred into subsection (d)(4) activities. In short, we wanted to ensure that riparian management, which may be very expensive, does not cut short the ability to achieve the critical fuelbreak and group selection work that will ultimately provide more revenue that could be directed by the appropriations committee to important riparian management or restoration efforts under (d)(4).

Subsection (e) simply requires cost effectiveness, something that is often missing in government. Cost effectiveness, means efficiency, not shoddy work or shortcuts on environmental protection.

We removed subsection (f) in the Young Amendment No. 1 at the request of the administration and Mr. MILLER. This will not affect implementation of the Quincy pilot project because other multiple use activities will be positively affected by implementation of the Quincy pilot project. For example, wildlife habitat will improve because it will not burn as readily or as badly.

In our funding subsection we specified that normal reprogramming guidelines must be followed to shift funds if they ordinarily could not be used for the purpose described. We wanted to provide maximum flexibility for the Forest Service to use existing accounts to cover QLG activities. So that the funds now spent for timber sales will be shifted into timber activities associated with fuelbreaks, group selection, individual tree selection to meet the requirements of subsection (d). My substitute also included a proviso that ensures that the amount of overhead and general administration will not be too high. We wanted the money to reach the ground and implement QLG projects. We also did not want other multiple use activities, for example grazing, to suffer a loss of funds in order to implement the requirements in the bill. At the request of the junior Senator from California, Mr. HERGER and I agreed to add a provision that directly authorized funds to be appropriated to carry out the pilot project.

Regarding subsection (g) of my new substitute agreed to by the House, the term of the pilot project will be at least 5 years. This is necessary because it is a critical component of the Quincy Library Group's agreement of stability for a 5-year period. While we want the normal forest planning process to deal with evaluating the incorporation of the subsection (d) and possibly other components of the Quincy agreement into the plan, there is a great need for community and economic stability for the near term of 5 years. This is so that investment decisions can be made, the timber supply that results from fuel removal will be stabilized, and the pilot project can be carried out over enough of a time period to evaluate the results from a scientific standpoint. This balance is consistent with the goals of the National Forest Management Act and principles of sustainable development which seeks to ensure economic and ecologic balance.

Concerning subsection (i), we left the proviso that requires the environmental impact statement is to be prepared in consultation with the QLG, thus ensuring that there are open lines of communication between the Forest Service and the QLG in designing the subsection (d) activities and so there are no FACA problems. We also left the proviso that ensures contracting flexibility.

Regarding the new subsection (i) in our compromise, it is the same as subsection (j) of the Young amendment No. 1. It requires the planning process to evaluate the Quincy subsection (d) requirements, the land allocations, and the other features of the Quincy plan. It then allows the plan to be amended or revised.

Reporting requirements of new subsection (j) and (k) are critical. They will allow us to evaluate performance from a fiscal standpoint and from an ecologic standpoint with reference to the goals of the Quincy agreement and the pilot project. My substitute and the House-passed bill switched the subsection (k) report to begin at the midpoint of the pilot project. That is because we wanted to make sure that the information provided in the report would begin to be available as the land management plan revision or amendment was being developed under new subsection (i). My amendment No. 1 and the House-passed bill also specifically included watershed monitoring as an aspect of the science-based assessment.

Finally, the new subsection (l) was a proviso included by Mr. HERGER and myself at the request of Members of the House and the junior Senator from California and to address a concern identified by the chairwoman of the Council on Environmental Quality. This proviso ensures that pilot project is not exempt from any Federal environmental law, which is consistent with the QLG agreement and H.R. 858 as introduced. We specifically chose the word "exempt" to ensure that the provisions in the bill have a meaning and, as a subsequently passed law, overlay the current law. Thus, the fuelbreak and group selection requirements of subsection (d) are indeed requirements, not meaningless abstractions that do not produce the desired results of enhanced ecologic conditions and community stability due to a consistent and larger, but quite sustainable, supply of timber from the "Available for Group Selection" acreage. Adding the explicit statement simply solidified the fact that the pilot project will not be exempt from Federal environmental laws. Thus, standard and guidelines for harvesting trees will apply, as will procedural laws like the National Environmental Policy Act, which will govern the subsection (b)(1) environmental impact statement for the project.

I add some closing thoughts. First, this bill was designed for the Quincy plan. It is the right mix for the Quincy situation. It is needed to get the agency focused on implementing the plan on the ground. Other community-based forest plans may need their own mix of provisions in law to get their particular plan off of the ground or they may need no provisions in law. It is my hope that the Forest Service can accommodate future plans like the Quincy plan, but I will not be shy about supporting similar calls for legislation where it is necessary.

Second, I think that because we have a consensus here on the Quincy plan itself and now on the bill, that it gives us something to watch—a test case—to see how well our environmental laws really work and whether and how they may need to be changed. If the Quincy plan ends up working out in terms of implementation, we may need to evaluate ways to make similar plans easier to implement. If the implementation of the new Quincy Library law and the plan still end up in gridlock, then perhaps it sets the stage to look

even deeper for more fundamental changes in the underlying forestry law and restructure it to foster constructive compromise instead of continual conflict.

Last, I thank the 429 Members of the House who overwhelmingly supported this bill. I want to especially thank Representative WALLY HERGER for introducing the bill and working on it with his usual enthusiasm. I also thank VIC FAZIO, who was the cosponsor of the bill from the beginning and helped to put together the compromise today. He worked closely with Representative HERGER, Representative CHENOWETH, and Mr. MILLER on our compromise that went down to the wire. I think that we ended up with a very good bill. It is a model for the future and a model for solving problems. Most of all I want to thank the members of the Quincy Library Group for staying together and doing what they knew was right for the environment and their community.

TRIBUTE TO THE SPANN FAMILY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to the Spann family on the occasion of their family reunion to be held July 25–27, 1997, in Columbia, SC.

The Spann family began on May 16, 1844, with the birth of Jack Spann. Mr. Spann was born a slave in Middleton Township, Sumter County, and resided in Sumter County his entire life, both as a slave and a free man. Despite the condition into which he was born, Mr. Spann learned to read and to write, a feat denied to most slaves. Because of his literacy, he was able to memorize and readily quote scriptures from all books of the Bible. Due to his literacy and his faith in God, Jack rose to become an assistant clergyman at St. Luke African Methodist Episcopal Church. When not in the pulpit, Mr. Spann could be found on the family's farm as he provided for his family of 20 children. Although the children were born of two different mothers, the togetherness demonstrated by the Spann family was unmatched. To this day, the descendants continue to show that same bond.

The Spann family has been a part of the African-American experience in South Carolina for many years, As the Spann family comes together this year in Columbia, all agree that they have been blessed as they are able to share this reunion with the last living child of Jack Spann, Mrs. Eliza Spann Missouri Pickett, the present matriarch of the Spann family. In addition, Mrs. Pickett's son, Clarence Missouri, was my college roommate and has been a close friend of mine for over 40 years. Mr. Speaker, I ask that you and my colleagues in the House of Representatives join me in honoring this fine family as they celebrate their family reunion.

JERI WARE: A BRIDGE BUILDER AND ROLE MODEL

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. McDERMOTT. Mr. Speaker, I rise today to pay tribute to Jerline "Jeri" Ware, a bridge builder and a role model to all. She passed away July 6, 1997. Jeri Ware was born February 13, 1924, on a farm in Beggs OK, the third of eight children. After graduating from Beggs High School at the age of 15, Jeri, with the approval of her family, friends, and church, set out to expand her horizons. Over the next several years, she lived in Colorado, New Mexico, as well as Hanford and Seattle, WA. In the mid-1940's, she moved to San Francisco, where she enrolled at San Francisco City College. There she studied political science, and also met and married John, her husband of 48 years.

In 1951, the Wares moved back to Seattle where Jeri would become known throughout the city and the Pacific Northwest as a respected community leader. During the next 46 years, Jeri championed issues such as employment and education. She urged city officials to address concerns about the lack of opportunities for many black Americans in Seattle; she helped establish cooperative nursery schools and tutorial programs at the University of Washington. Jeri was a charter member and chair of the Central Area School Council, and a member of the Seattle Human Rights Commission. My predecessor, Mike Lowry, recognized Jeri's talents; for almost a decade, she served the people of the Seventh Congressional District as a member of his District Office staff.

Jeri's opinion commanded the respect and attention of elected officials in Seattle because she was a bridge builder and a role model. She helped many public officials to understand issues impacting the community by presenting the problems along with attainable solutions. Jeri Ware led by personal example: she showed the importance of family strength by standing by her son's side when he protested the Viet Nam war. She embodied tolerance by embracing and respecting others' opinions although they may have differed from hers. She taught determination by her life-long efforts to help our youth prepare for their future.

Mr. Speaker, the Seventh Congressional District of Washington mourns the loss of Jeri Ware. Thanks to her, many strong bridges of friendship and understanding stand in Seattle today.

THE WHEAT AND BARLEY PROTECTION ACT OF 1997

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Ms. STABENOW. Mr. Speaker, I rise today to announce the introduction of the Wheat and Barley Protection Act of 1997 which will facilitate a national partnership and provide urgently needed funds to accelerate the race for a cure for a disease that is ravaging our Nation's wheat and barley crops.

Wheat and barley scab has cost our national economy more than $3 billion over the last 4 years. Michigan alone lost more than $56 million to wheat and barley scab in 1996.

More than 80 percent of Michigan's farmers plant either wheat or barley. All varieties are vulnerable to the scab, which can severely reduce the production and quality of these crops.

The disease can produce vomitoxin, a toxin contaminant which has reduced prices to farmers and caused problems for the U.S. milling and malting industries.

My legislation unifies the efforts of 12 States' land grant universities into a cohesive research partnership. The Wheat and Barley Protection Act of 1997 will authorize $5 million a year for 5 years to fund this national consortium that includes university breeders, plant pathologists, agricultural engineers, and food scientists. It will serve as a model for other such effective, integrated research projects in the future, bringing the public and private sectors together in an important effort to solve a national problem.

The Wheat and Barley Protection Act is a small investment compared to the billions of dollars that this disease, unchecked, will cost our economy. I am pleased that so many of my colleagues—Democrats and Republicans—have cosponsored this legislation and will be working with me to swiftly pass this bill.

REGARDING THE FRANKLIN DELANO ROOSEVELT MEMORIAL

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 8, 1997

Mr. BONIOR. Mr. Speaker, I rise today in full support of Senate Joint Resolution 29, the resolution directing the Department of the Interior to design and construct a statue depicting Franklin Delano Roosevelt in his wheelchair. I believe this inclusion in the Franklin Roosevelt Memorial Statue will further illustrate to the American public that a person with a disability is not limited in his or her ability to reach historic heights.

In addition to the Secretary working with the commission to incorporate a sculpture displaying President Roosevelt in a wheelchair, as instructed by the Senate Joint Resolution 29, I would also encourage the Secretary to look into a serious matter brought to my attention by the National Organization on Disability and the American Council of the Blind and as described in a May 20 article in the Washington Post. It appears that the Braille lettering on the monument is not readable by most blind or visually impaired visitors. In fact, on some areas of the monument the Braille dots are not accessible or not present at all. This is ironic in light of the fact that the description on the wall of President Roosevelt's programs to aid the blind, cannot be read by the blind. However unintentional, this makes a mockery of President Roosevelt's work and is frustrating to visually impaired visitors.

The main problem with the Braille is the size of the dots. The cells are too big to fit under a fingertip. Because of the enlargement, the spacing of the dots within a cell and between cells is incorrect. The sculptor admits that he took liberty by exaggerating the size of the Braille to achieve a certain concept. Unfortunately, his artistic interpretation has come at the expense of those who have low vision or who are blind. In essence, the majesty he sought to create for those who cannot see has proven to be a disheartening misadventure.

I would recommend that this artistic but unreadable Braille displayed on the memorial's Wall of Programs be supplemented by Braille which is readable. This Braille should conform to the specifications for raised character and Braille signage contained in recognized access codes such as the Americans with Disabilities Act Accessibility Guidelines [ADAAG] and the American National Standards Institute's [ANSI's] A117–1 standard for accessible design for the disabled. The reproduced Braille should be placed on a metal plaque or plaques which are affixed at a reasonable and readable height and location on the Wall of Programs. Or, the plaques could be mounted near the Wall of Programs on stands located at a reasonable height and location immediately adjacent to the artistic, but unreadable Braille. I would also encourage the Secretary to replicate in Braille the inspirational excerpts from President Roosevelt's speeches, which are displayed in print throughout the memorial, so they may be enjoyed by blind or visually impaired visitors.

I believe these additions to the monument honoring our 32d President would be a fitting tribute to a great man who tirelessly served this country, and I would encourage full consideration of this important request.

RECOGNITION OF ISTEA SUPPORTERS

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. ENGEL. Mr. Speaker, it is with great enthusiasm that I recognize the efforts of a group of dedicated activists from Westchester, Rockland, and Putnam Counties who undertook a 5-day bicycle trip from New York to Washington in support of the Intermodal Surface Transportation and Efficiency Act [ISTEA].

On June 4th this determined group of people, led by Greenburgh Town Supervisor, Paul Feiner, and joined by my constituent Leonard Morgenstern, arrived in Washington to bring the message of ISTEA to their national representatives. The message is clear: We must ensure that transportation alternatives and environmental quality initiatives remain fully funded in ISTEA reauthorization.

The efforts of this group highlight the foundation of ISTEA which is the use of intermodal transportation. ISTEA funding has never been solely intended for highway construction. My own State of New York has been a leader in building a diverse infrastructure which enables our residents to use alternative transportation sources.

In recognition of the efforts of those I have mentioned, as well as Gus DeSilva, David Kraker, Michael Ferrato, Joseph Ippolito, Carl Kulo, Lynn Gorski, Richard Sibley, Jeff Ziffer, David Gordon, I urge my colleagues to resolve that the reauthorization of ISTEA will maintain its dedication to environmental quality and transportation alternatives.

CELEBRATING THE LEGACY OF DR. BETTY SHABAZZ

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to a true American hero; a lady of unconquerable spirit, a loving mother, educator, and activist for her people and our Nation. I rise to pay tribute to the legacy of Dr. Betty Shabazz. I would like to read to you the letter that was sent by me to Dr. Shabazz's family upon her passing:

DEAR ATTALLAH, QUBILAH, MALAAK, GAMILAH, MALIKAH, AND ILYASSAH SHABAZZ: Please accept my condolences upon the transition of your mother. I know this is a great loss to you. There can be no words to describe what you are feeling. I hope that it is of some comfort to you that I, and millions of other Americans, are also deeply saddened by her passing. I do not believe that I am exaggerating when I associate myself with millions of Americans in this regard. Your mother's self-evident love of her people, her heroic composure in assuming the mantle of leadership, her purposefulness, her quiet strength, and her professional achievement have shown as beacons of triumph over adversity. Your mother's life has been a testament to the power of integrity and dignity.

When the harsh winds of hatred swept across our country and prematurely ended the life of Malcolm X, they could not overcome the strength of his wife. Dr. Betty Shabazz continued the struggle after his death, keeping his quest for justice for all alive. As a doctor of education administration, she brought the movement into academia, where she immeasurably touched the lives of hundreds of students. Dr. Shabazz served Medgar Evers College as director of Institutional Advancement with ability, passion, and caring, qualities that were reflected in everything she did in life.

A single mother, Dr. Shabazz's challenges as a parent were not unique. However, they were heightened by the fact that she was the single mother of Malcolm X's children. She reared her six daughters alone, constantly preparing them for a life in the forefront of the African-American community, one that is a requirement of their lineage. One of her daughters is a successful public relations executive, another a vocal activist in her late father's movement of human rights. In this way, Betty Shabazz has served as a model of motherhood and a reflection of the family values that every American family aims to emulate.

Malcolm X left us with a commitment to work so that people around the world, regardless of their race, are afforded their basic human rights. A warrior in her own right, Dr. Shabazz has made countless contributions to the cause of oppressed people around the globe, and especially within the African-American community. Her message will be forever with us, an inspiration to all who choose a life of service to their fellow man.

In this time of need for the entire Shabazz family, let us reflect upon the lessons that have been taught us by Dr. Betty Shabazz. Her life has been a testament to the virtues of family, community, and activism, and it is fitting for this House of Representatives, in the name of the American people, to pay her tribute.

HONORING JEFFERY J. DYE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of an extraordinary young man, Jeffery J. Dye, who unexpectedly passed away April 21, 1997, at the age of 27. This remarkable young man will truly be missed.

Jeff had only begun to fulfill his limitless potential when he was struck down by an epileptic seizure. His loss is a tragedy to his family, his friends, and to anyone who believes in the honor of public service.

Jeff's passing is a personal loss to me, Mr. Speaker, because he served as a research assistant on my first campaign for Congress. In addition, his parents, Dennis and Janell Dye, live in my district in West University Place.

Though only 27 years old, Jeff Dye had already made his mark in the rough and tumble world of politics. His boundless energy and enthusiasm for political battle served him well on the campaign trail and in the halls of power. He was a trusted aide in the offices of Texas Lieutenant Governor Bob Bullock, and Senator DANIEL AKAKA of Hawaii, but it was the thrill of political campaigning that truly stirred Jeff's passion.

In an age of cynicism and resentment toward government, Jeff held the firm belief that the government has a responsibility, indeed an obligation, to help those less fortunate in our society. He hoped to use the Internet as a tool to expand participation and open the doors of government to more people. He believed that making it easier to find information on candidates would give the electorate the tools they need to make better decisions.

Like many bitten by the campaign bug, Jeff bounced around from position to position across the country. Wherever he landed, Jeff's intelligence, enthusiasm, and integrity left everyone who met him with the impression that he was a young man with a very bright future. He served exceptionally at each of his many stops, wearing many hats along the way. He was a crack researcher, a spectacular fundraiser, and a cunning political strategist, and at the time of his death he had just begun a new challenge as executive director of the Tennessee Democratic Party.

But Jeff Dye will not be remembered only for his political resumé. He will be remembered for his passion, his commitment, and his dedication to making the world a better place.

His parents are establishing a foundation in his name, dedicated to helping other motivated young men and women make their mark through public service. The foundation's goal is to fund travel and living costs for students who serve their junior year as congressional interns in Washington, DC.

Mr. Speaker, Jeff's years among us were far too few, but thanks to the efforts of his parents his idealism and dedication will live on. I look forward to the day when students from the Jeffery J. Dye Leadership Foundation serve as interns in my office and I urge my colleagues to also participate in this internship program. In this way we can all honor Jeff Dye and the ideals in which he so strongly believed.

ON THE OCCASION OF THE 50TH ANNIVERSARY OF WHLI AM GARDEN CITY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mrs. McCARTHY of New York. Mr. Speaker, I rise today to pay tribute to WHLI AM, a radio station in Garden City, LI, which will celebrate its 50th anniversary of broadcasting on July 22. WHLI can be found at 1100 on the AM dial with a format of adult sophisticated music, including oldies by the original artists. Long Islanders enjoy music spanning the spectrum from Benny Goodman to Celine Dion; Frank Sinatra to Barbra Streisand, every day.

Program Director and legendary radio personality Dean Anthony heads up this radio station, which for 50 years has also been a strong voice for the Long Island community. Informative news programming adds to the appeal of WHLI, which broadcasts at 10,000 watts, making it easily heard by all in the Nassau County area.

Mr. Speaker, I encourage all of my colleagues who may find themselves on Long Island to tune their radio dials into WHLI 1100 AM and listen to this terrific radio station, a true Long Island tradition. A hearty congratulation to the wonderful staff of WHLI on the occasion of their 50th anniversary. Here's to 50 more.

TRIBUTE TO JANE SMITH STEWART

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 1997

Mr. ETHERIDGE. Mr. Speaker, I rise today to pay tribute to one of the most thoughtful, caring, and courageous women I ever knew, Jane Smith Stewart, who lived in my hometown of Lillington, NC.

Tragically, Jane Stewart passed away June 7, the very same day that here in Washington and in North Carolina's capital city of Raleigh, thousands participated in the "Race for the Cure" to raise money for cancer patients.

Jane was a registered nurse by training, educated at East Carolina University, and she was active in the Spring Hill United Methodist Church where she extensively worked with the youth program. Jane always cared about young people.

Jane Stewart was an amazing person, and for those who had the joy of knowing her, would have been hard pressed to point to a single characteristic or quality that defined her character.

Maybe it was her rare courage. Despite her painful illness, she remained active in the community and most of all with her three children. Though doctors told her she was too sick, she would go and watch her children participate in baseball and basketball and other activities. Her actions were and still are an inspiration to other cancer patients who knew her.

Or maybe it was her inner strength or faith that enabled her to carry on her activities in life despite being sick. She was always worried and concerned about the needs of others even as she faced her own battle with cancer.

She never stopped caring for her church, her community, or her family.

Mr. Speaker, I count myself as lucky because I knew Jane Stewart. She is survived by her husband Frank, and their three sons, Greg, Doug, and Brad Stewart, and her parents Bill and Donna Smith of Rocky Mount.

Their loss is also our loss. Her memory will continue to inspire us. Indeed, our community will surely miss Jane Smith Stewart.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. FARR of California. Mr. Chairman, I rise in strong support of the National Endowment for the Humanities and in opposition to the Chabot amendment that would eliminate the NEH.

It is imperative that the government play an integral role in the preservation of the events and historical documents that shaped our Nation for this and future generations. The NEH fulfills that role.

NEH projects preserve books, newspapers, and official documents in an effort to retain America's heritage. NEH grants stimulate local economies by increasing attendance at humanities exhibitions and attractions.

I urge all of my colleagues to read the following letter to Members of Congress from Sheldon Hackney, the chairman of the NEH. This letter is an excellent explanation of the benefits our Nation receives from the work of the important National Endowment for the Humanities.

Without a strong link to the past, we cannot build a strong bridge into the future.

NATIONAL ENDOWMENT FOR THE HUMANITIES,
Washington, DC, March 14, 1997.

DEAR MEMBER OF CONGRESS: America is a nation founded on an idea. That idea—democracy—lives on generation after generation through a celebration of the formation of this union, an examination of the principles of the past, and a teaching of the events and people who have gone before us to make us the country we are today. A great nation as ours must know its history if it is to be strong in facing the challenges of the future.

The National Endowment for the Humanities helps Americans to know more about who we were, who we are, and who we will be. We do this in part by devoting a large portion of our resources to help historians preserve and interpret our past and to share knowledge and evidence of our history with the American people.

For almost ten years, the NEH has helped museums and historical organizations undertake projects to ensure the preservation and security of millions of archaeological, ethnographic, and historical objects. The NEH also supports projects to train the staffs who maintain these historical collections. The training paid off in the wake of Hurricanes Hugo, Andrew, Iniki and the Midwest floods of 1993, because it helped minimize damage to collections in the areas affected by these disasters.

Through supporting the compilation of U.S. Presidential Papers, preserving photographs and saving brittle books, the National Endowment for the Humanities works to insure our nation's heritage is preserved and accessible to its citizens. If you have any questions about the work we do, please contact me or my staff in the Office of Congressional Liaison at (202) 606-8328.

Sincerely,

SHELDON HACKNEY,
Chairman.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 11, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, H.R. 2107, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1998, and for other purposes:

Mr. QUINN. Mr. Chairman, I rise today to express my concern over the recent cuts that we have allowed to be made to the National Endowments for the Arts. This program has a certain undeniable value that few other federally funded programs do. Art and artistically gifted people are often the cornerstones of communities, from campside storytelling to local movie theaters to large metropolitan galleries housing treasured symbols of our national and world culture. The cuts that have been made to the NEA will have a longlasting effect on us all, even if we don't take advantage of their direct benefits. I have been and will continue to be a strong supporter of the arts and other cultural resources.

The pictures that hand along the tunnel wall leading from House Office Buildings to the Capitol is something that most of us pass on a regular basis. Some of these efforts might have been submitted by young people from your own constituencies. It is my belief that most of us would have trouble denying these bright and eager minds the opportunity to express themselves and stymie their developments as mature and confident individuals which comes about through their self expression. It might also be difficult to travel back to your districts and see vacant theaters and the galleries where once entire communities found common ground and were exposed to the artistic genius that their region has helped produce.

The cost of this program equates to less than two hundredths of 1 percent of the Federal budget, costing American taxpayers just 69 cents per year. There is room in our balanced budget for these programs.

I personally voted against the block grant amendment submitted by my colleague VERNON ELHERS because I thought that it did not fully deal with the issue as soundly as I would have liked. The bottom line Mr. Chairman is that we must foster artistic expression with our youth.