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Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, July 21, 1997*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mrs. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 21, 1997.

I hereby designate the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

Let us pray using words from Psalm 90:

Lord, thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever thou hadst formed the earth and the world, from everlasting to everlasting thou art God.

For a thousand years in thy sight are but as yesterday when it is past, or as a watch in the night.

So teach us to number our days that we may get a heart of wisdom. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana [Mr. LIVINGSTON] come forward and lead the House in the Pledge of Allegiance.

Mr. LIVINGSTON 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.

REPORT ON H.R. 2203, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1998

Mr. LIVINGSTON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105–190) on the bill (H.R. 2203) making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

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.

53D ANNIVERSARY OF THE LIBERATION OF GUAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Madam Speaker, today is July 21, 1997, and it represents the 53d anniversary of the liberation of Guam, the landing of American marines and soldiers which occurred on this day some 53 years ago. On that day a number of the Third Marine Division landed and the First Marine Provisional Brigade landed on the beaches of Asan and Agat, and the 77th Infantry, also playing a supportive role, landed on the beach of Agat, and therefore followed the battle for Guam in which over approximately 15,000 Japanese were killed, some 1,500 Americans were killed, and the island was finally declared secure on August 10, 1944.

As we take time in this special order and on this particular day, which is very special for the people of Guam and by far the largest holiday in our annual calendar, I want to draw attention to a couple of issues. One, of course, is to pay the highest tribute and the highest honor to the men in American uniforms, the heroic marines and the heroic sailors and soldiers who worked hard and who suffered tremendous deprivations and who risked their lives and many of whom paid the supreme sacrifice to liberate the people of Guam from Japanese occupation.

I also want to draw attention to the experience of the Chamorro people, the Guamanians of Guam, who endured roughly 32 months of Japanese occupation, and during this time period themselves suffered many deprivations as they tried to keep their families together, and, in the final total, we will never know how many actually died in the process as a result of hostile action or who were executed by the Japanese or, in many instances, suffered and died simply as a result of starvation, malnutrition, and disease. But we must also take time to honor these people.

In Guam right now it is already July 22, so the celebration is long over, and I am sure that the celebration gave the appropriate honor. It always has a long parade attached to it, and, of course, the marines are always given the highest level of applause as they march by.

The reason why we should draw attention to this is not simply that it was a momentous occasion during World War II, but there are a couple of unique things about this. Guam is the only U.S. territory to be occupied by a foreign enemy during World War II. It was the only U.S. territory with U.S. nationals on it to be occupied since the War of 1812. So what Guam has as a unique contribution to the American experience during the Pacific theater was that they were the only Americans to be occupied and the people of Guam had the only American territory that endured all these deprivations.

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Madam Speaker, yet despite all of the unique circumstances of this, there still remains the issue of meritorious claims that have been submitted by the people of Guam and have been ignored by Congress. Just to give a little background, most U.S. citizens and U.S. nationals were taken care of by two pieces of legislation, one in 1948 and one in 1962. Neither of those mentioned the people of Guam. Every other U.S. citizen, every other U.S. national, received their war restitution as a result of those pieces of legislation.

Madam Speaker, that is why I have introduced H.R. 2200, which will make the people of Guam whole, which will bring honor to this experience, and which will fully restitute the people of Guam from their horrible experience. I understand that Senator INOUYE in the other body will be introducing a companion measure in the Senate sometime this week, and I hope that the Members of this body will support this legislation. It not only brings honor to the people of Guam, it brings honor to that most fundamental experience, an expression of patriotism which the people of Guam gave to this country as a result of their experience during World War II.

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF MONGOLIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 105–108)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. You will find that the report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1997.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. BONIOR.

(The following Member (at the request of Mr. LIVINGSTON) and to include extraneous matter:)

Mr. SOLOMON.

ADJOURNMENT

Mr. UNDERWOOD. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 22, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4229. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Onions Grown in South Texas; Amendment of Sunday Packing and Loading Prohibitions [Docket No. FV97–959–1 FIR] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4230. A letter from the Mayor, District of Columbia, transmitting the District of Columbia Government's report on Anti-Deficiency Act violations for the period covering October 1, 1995 through September 30, 1996, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

4231. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan, Florida: Approval of Revisions to the Florida SIP [FL–72–1–9720a: FRL–5858–2] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4232. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN68–3; FRL–5852–7] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4233. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia: Approval of Group III SIP and Coke Oven Rules for Particulate Matter [VA040–5017 & VA009–5017; FRL–5846–5] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4234. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Richmond, Virginia—NO_X Exemption Petition [SIPTRAX No. VA062–5019; FRL–5861–2] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4235. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Annual Financial Surety Update Requirements for Uranium Recovery Licensees [NRC Generic Letter 97–03] received July 17, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4236. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Sweden (Transmittal No. DTC–11–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4237. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Brazil (Transmittal No. DTC–10–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4238. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Australia (Transmittal No. DTC–67–97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

4239. A letter from the General Counsel, Arms Control and Disarmament Agency, transmitting copies of the English and Russian texts of the agreement and twelve joint statements negotiated by the Joint Compliance and Inspection Commission and concluded during JCIC–XV; to the Committee on International Relations.

4240. A letter from the Secretary of Agriculture, transmitting the Management Report for the period October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4241. A letter from the Secretary of Transportation, transmitting the semiannual report of the Inspector General for the period ending March 31, 1997 and Management Report, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

4242. A letter from the District of Columbia Auditor, transmitting a copy of a report entitled "District of Columbia General Hospital's Sole Source Contract Award to Medical Services Group, Inc. Violated D.C. Laws and Regulations," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform and Oversight.

4243. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

4244. A letter from the Acting Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Determination of Critical Habitat for

the Southwestern Willow Flycatcher (Fish and Wildlife Service) (RIN: 1018–AB97) received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4245. A letter from the Acting Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Designate the Whooping Cranes of the Rocky Mountains as Experimental Nonessential and to Remove Whooping Crane Critical Habitat Designations from Four Locations (Fish and Wildlife Service) (RIN: 1018–AD45) received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4246. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to Extend Endangered Status for the Jaguar in the United States (RIN: 1018–AC61) received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4247. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Interim Rule Governing Take of the Threatened Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU) of Coho Salmon [Docket No. 970424096–7155–02; I.D. 042597A] (RIN: 0648–AG56) received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4248. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 071197A] received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4249. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Offshore Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 071597B] received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4250. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pelagic Shelf Rockfish in the Eastern Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 071597A] received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4251. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Adjustment of Status to That of Person Admitted for Permanent Residence; Temporary Removal of Certain Restrictions of Eligibility [INS No. 1676–94] (RIN: 1115–AD83) received July 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4252. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Improvements to Hazardous Materials Identification Systems; Corrections and Responses to Petitions for Reconsideration (Research and Special Programs Administration) [Docket No. HM–206] (RIN: 2137–AB75) received July 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 97–30] received July 17, 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. McDADE: Committee on Appropriations. H.R. 2203. A bill making appropriations for energy and water development for the fiscal year ending September 30, 1998, and for other purposes (Rept. 105–190). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1127. A bill to amend the Antiquities Act to require an Act of Congress and the concurrence of the Governor and State legislature for the establishment by the President of national monuments in excess of 5,000 acres; with amendments (Rept. 105–191). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1663. A bill to clarify the intent of the Congress in Public Law 93–632 to require the Secretary of Agriculture to continue to provide for the maintenance of 18 concrete dams and weirs that were located in the Emigrant Wilderness at the time the wilderness area was designated as wilderness in that public law; with an amendment (Rept. 105–192). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1944. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon (Rept. 105–193). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 1661. A bill to implement the provisions of the Trademark Law Treaty; with an amendment (Rept. 105–194). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[The following occurred on July 18, 1997]

H.R. 1778. Referral to the Committees on Commerce, Transportation and Infrastructure, and Government Reform and Oversight extended for a period ending not later than September 30, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. CLEMENT):

H.R. 2204. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. METCALF (for himself, Ms. DUNN of Washington, Mr. DICKS, Mr. HASTINGS of Washington, Mr. NETHERCUTT, Mrs. LINDA SMITH of Washington, Mr. ADAM SMITH of Washington, Mr. WHITE, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Mr. DREIER, Ms. HARMAN, Mr. YOUNG of Alaska, Mr. MATSUI, Mr. HORN, and Mr. LEWIS of California):

H. Res. 191. Resolution expressing the sense of the House of Representatives regarding the interference of the European Commission in the merger of the Boeing Company and McDonnell Douglas; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 335: Mr. TIAHRT and Mr. CUNNINGHAM.

H.R. 1880: Mr. MALONEY of Connecticut.

H.R. 2009: Ms. LOFGREN, Mr. GONZALEZ, Mr. WELDON of Pennsylvania, Ms. SLAUGHTER, and Mr. NADLER.

H.R. 2116: Mr. FRANKS of New Jersey, Mr. BONIOR, Mr. ANDREWS, Mr. ALLEN, Mr. ABERCROMBIE, Mr. OLVER, Mr. PAYNE, Mr. ROEMER, Mr. PAPPAS, Mr. SPENCE, and Mr. HALL of Ohio.

H.R. 2143: Mr. GUTIERREZ.

H. Con. Res. 71: Mr. McGOVERN.

H. Res. 139: Mr. BARTON of Texas.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 19: Insert before the short title the following new section:

SEC. . (a) The amount otherwise provided by this Act for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION") is hereby increased; and 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 $1,500,000 and .01 percent, respectively.

(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.

H.R. 2160

OFFERED BY: MR. WYNN

AMENDMENT NO. 20: Insert before the short title the following new section:

SEC. . The amount otherwise provided by this Act for the Department of Agriculture (consisting of an additional $1,500,000 for "DEPARTMENTAL ADMINISTRATION") is hereby increased; and 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 $1,500,000 and .01 percent, respectively.

SENATE—*Monday, July 21, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Lord, when we get all wrapped up in ourselves, we are a very small package. Unwrap us so that we can focus our attention on You, on our calling to be leaders, and on the people around us. Meet our inner needs so we can meet the needs of others. Replenish our own energies so we can give ourselves unreservedly to the challenges of this new week. Give us gusto to confront problems and work to apply Your solutions. Replace our fears with vibrant faith. Most important of all, give us such a clear assurance of Your guidance that we will have the courage of our convictions.

Bless the women and men of this Senate with a personal experience of Your grace, an infilling of Your spirit of wisdom, and a vision of Your will in all that must be decided this week. In the Name of our Saviour and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, today the Senate will be in a period of morning business until the hour of 3 p.m. Following morning business, the Senate will begin consideration of the VA-HUD appropriations bill. We made great progress on appropriations bills last week and I hope that will continue. As a matter of fact, we completed action on four bills and completed everything on the fifth appropriations bill except for a vote on an amendment or amendments and final passage. So I ask all Members' cooperation in working with the chairmen of the remaining appropriations bills to enable us to finish each of these measures in a timely manner. We are hoping that we can complete the bill that we brought over last week, the Treasury, Postal Service, with votes this afternoon. As I said, we will begin the VA-HUD and will consider agriculture, military construction, and even State, Justice, Commerce this week.

So I remind all Senators that at 5:15 today we will temporarily set aside the VA-HUD appropriations bill and resume consideration for final passage and, I believe, one amendment we have pending on the Treasury, Postal Service appropriations bill. Senators can expect, at 5:15, a series of rollcall votes on or in relation to those amendments on Treasury, Postal Service, and then final passage. Following those votes, I encourage Members who have amendments to the VA-HUD appropriations bill to remain and offer their amendments this evening so we can make progress also on that measure.

There are 2 weeks remaining for business prior to the August recess period. There are a number of appropriations bills now available, and the committee will be reporting additional bills tomorrow. It is my hope that the Senate will be able to finish action on many, if not all, of these. Obviously, the chairman of the Appropriations Committee, the Senator from Alaska, Senator STEVENS, and his ranking member, Senator BYRD, are doing an excellent job in getting these bills through the subcommittees of appropriations and through the full committee. So we can perhaps also have conference reports available soon, in September, on appropriations bills, and we will have, hopefully in short order, conference reports agreed to which accompany the Tax Fairness Act and the balanced budget amendment, and they will be available later on this week, or certainly early next week. Prior to the recess, we will conclude action on those conference reports.

Some have suggested that we may not be able to do that, but I think we have made good progress. There has been a lot of work even over the weekend, Senators and Congressmen meeting on both sides of the aisle on Friday, Saturday, and Sunday and also with administration officials. I think good progress has been made. Obviously, there are some very important decisions yet to be worked out. But I think we will be ready to be doing that today and tomorrow and maybe even Wednesday if it has to go over to that day.

I previously announced that S. 39, the tuna-dolphin bill, and the FDA reform bill could be considered this week, and probably at least one will be brought up. On the tuna-dolphin bill, we will begin the process on Wednesday to move toward a cloture vote on Friday, if some other agreement is not worked out. I believe the interested parties can work out a compromise that is acceptable to all sides. I know the administration is very interested in getting this legislation considered. I have been called by the President to urge that we schedule this legislation and we come to an agreement. This is an international agreement with regard to tuna and dolphin that has been laboriously worked out by 12 or 13 countries. We should not leave for the August recess without acting on it. We intend to do that. Although I say to one and all, we cannot tie up the Senate for an extended period of time on either one of these issues, FDA reform or the tuna-dolphin bill.

Needless to say, the remaining sessions during the legislative period will be busy, and Members should expect rollcall votes occurring throughout each day and into the evening if necessary. Senators should be cautious with their scheduling during the next 2-week period as we will attempt to complete these items just mentioned. They should expect votes, obviously, on this Monday and on this Friday. There is even a possibility that we will have to go over in session to Saturday to resolve the State, Justice, Commerce appropriations bill and/or the tuna-dolphin bill. Then we will have votes the following Monday and we will have votes, if necessary, on Friday of next week, so that we can complete action on these two very critical conference reports. But I feel very good about the prospects of doing that. There are those who are concerned right now, can we complete that work. I think the way to do it is just redouble our efforts and develop the attitude that we are going to complete action. I know the President and his administration wants us to get this done before we leave for the August district and State work periods.

Mr. President, with that, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRIBUTE TO DAN GABLE, UNIVERSITY OF IOWA WRESTLING COACH

Mr. GRASSLEY. Mr. President, too many times in our world today we settle for mediocrity, we settle for just enough to get by. But today, I rise to pay tribute to an Iowan who has never settled for anything less than excellence. I am referring to Dan Gable, head wrestling coach at the University of Iowa. Dan recently announced that he will be taking a year off and turning his coaching duties to others. I think this is the right time to look at the impressive record of Dan Gable.

Many of you may recognize Dan's name because of his legendary accomplishments in the sport of wrestling. Dan reached the very pinnacle of this sport in the late 1960's and has stayed there ever since. As a competitor, Dan compiled a nearly flawless record of 182–1 in his prep and college career. Dan was a three time all-American and three time Big Eight Champion.

After college, Dan went on to win titles at the Pan American Games and world championships. Dan also demonstrated his superiority in wrestling when he won a gold medal at the 1972 Olympics.

His accomplishments as a coach are no less stellar. Teams coached by Dan have an amazing 355–21–5 record. He has coached 152 all-Americans, 45 national champions, 106 Big Ten champions, and 10 Olympians, including four gold medalists. To say Dan is a living legend in his chosen field is not an overstatement.

But even more admirable is how Dan has handled being at the top of his field for nearly 30 years. We regularly hear about athletes involved in scandal after scandal—so much that we hardly raise an eyebrow when the newest controversy makes headlines. But Dan has always conducted himself with dignity and a refreshing lack of arrogance. Dan has imparted in the wrestlers he has coached an appreciation of hard work, perseverance, graciousness, and calm under pressure. If you believe there are no more role models, then you must not know about Dan Gable. I hope my statement might help correct that misbelief. Dan Gable exemplifies the notion that to be a true winner is not just about scoring the most points; it means carrying the title of winner with integrity and character. Dan Gable has certainly done that.

I thank him for the credit he has brought to his family, his community, his sport, and the State of Iowa, and wish him the very best in all his future plans. I know he will continue to approach whatever he does with the same commitment and hard work he always has in the past.

SETTING THE RECORD STRAIGHT

Mr. GRASSLEY. Mr. President, I come to the floor today to set the record straight.

Defense Week reports that I made inaccurate statements during the recent debate on the Boxer-Grassley-Harkin amendment on executive compensation.

The article was written by Mr. Tony Capaccio and appears in the July 14 issue of his publication.

Mr. President, I ask unanimous consent to have that portion of the Defense Week article printed in the RECORD.

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

SENATE REJECTS MAVERICK MEASURE

In endorsing the committee proposal, the Senate in a 83–16 vote rejected an amendment by Sens. Barbara Boxer (D–Calif.), Charles Grassley (R–Iowa) and his Democrat counterpart Tom Harkin.

Their amendment would have made permanent a $200,000 cap applicable to all government contractors and not just the top five in a headquarters or division.

In their floor debate, Boxer and Grassley singled out as an example of the 1995 law's problems the compensation packages of five top McDonnell Douglas Corp. corporate officers, examined by a July 8 report GAO report.

The MDC executives, labeled Nos. 1 through 5, earned a total of $14.8 million in 1995, according to information contained in a March 31 DCAA report and repeated by GAO. Boxer and Grassley said the GAO indicated that based on the huge compensation packages, the 1995 cap was riddled with loopholes.

Grassley declined to name the executives, saying their identities were "proprietary." Defense Week learned that the unnamed executives, followed by their 1995 compensation packages, are: CEO Harry Stoneciper, $4 million; Chairman of the Board John F. McDonnell, $3.9 million; then-McDonnell Douglas Aerospace Co. Executive Vice President & President John Capellupo, $2.3 million; MDA Deputy President Herbert Lanese, $2.3 million; and, then-Douglas Aircraft Co. president Robert H. Hood, $2.2 million.

Grassley was inaccurate when he said during the floor debate that the Pentagon picked up $9.2 million of the compensation.

That was the amount corporate MDC allocated to the overhead pools of divisions that had DOD contracts, according to government officials. That overhead would then be divided between commercial, general government and defense contracts.

It was not possible to trace how much actually the Pentagon reimbursed.

Mr. GRASSLEY. I think there is a misunderstanding, and I would like to clear it up.

Mr. President, I pride myself on always doing my homework and sticking to the facts.

So when someone accuses me of straying from the facts, I like to address the criticism head on.

I would like to resolve the issue one way or the other.

To do that, I went back to the place where I got the information in the first place.

That's the General Accounting Office [GAO] in St. Louis, MO—near McDonnell Douglas headquarters.

The man with the knowledge there is Mr. Robert D. Spence.

I went back to Mr. Spence to check and recheck the facts to be certain my statements were consistent with the facts.

The disputed information pertains to the amount of money the Department of Defense [DOD] pays out to senior executives at the McDonnell Douglas Corp.

I presented those facts during the debate over executive compensation on July 10.

The facts that Defense Week questions appear on page S7172 of the CONGRESSIONAL RECORD.

This is what I said.

The DOD paid the top five executives at McDonnell Douglas a total of $9,273,382.00.

I said the top executive got $2,713,308.

To back up that statement, I will place a table in the RECORD.

This table was prepared by the GAO but the information came straight from the horse's mouth—the Defense Contract Audit Agency or DCAA.

The table shows how much each of the five top executives at McDonnell Douglas was paid by the Pentagon.

Now, Mr. Capaccio says that information is inaccurate.

He says the top five executives were not paid $9,273,382.00 by DOD.

He says that is the amount allocated to the overhead pools of the company's many components or subdivisions.

He said that money would then have to be divided between commercial, general government, and defense contracts.

Mr. President, I hate to say it, but Defense Week is flat wrong.

As I said, Mr. President, I went back to the GAO and Mr. Spence to check and recheck my information.

It checks out OK.

My information comes directly from the DCAA.

First, to get the DOD pay figures for the top five executives, DCAA had to query the field offices at each McDonnel Douglas subdivision.

This was done to establish the split between DOD, non-DOD government, and commerical contracts.

This was done to isolate the amounts charged to DOD contracts.

That's what the GAO table does.

It isolates the $9,273,382.00 as the amount allocated to components with DOD contracts.

DOD contracts—that's the key.

My numbers have absolutely nothing to do with general government or commercial contracts.

So that's a bogus argument.

Second, the dollar totals on the GAO table are not 100-percent accurate.

I will be the first to admit that.

They were not audited in every case.

But they are considered reasonably accurate. They're in the ballpark.

If the GAO and DCAA numbers aren't accurate enough, then Defense Week should produce a better set.

And it admits it can't do that.

Third, Mr. President, I need to clarify one point.

The Pentagon, for example, did not send McDonnell Douglas' top executive a paycheck for $2,713,308.00.

That's not how it really works.

There are no individual DOD paychecks that go to executives; $2,713,308.00 is the amount McDonnell Douglas is allowed to bill the taxpayers on DOD contracts for that individual's salary.

That is the amount set aside in DOD contracts for that individual's compensation package.

Once the amount is approved by DCAA, it is then apportioned across hundreds of contract payments.

It's doled out piecemeal in thousands of U.S Treasury checks.

But it's there in those checks.

McDonnell Douglas got the money.

The money came from DOD.

The money was for executive compensation.

Just because it was a small part of a big payment doesn't make the money any less real.

It doesn't make it play money.

In the end, Mr. President, no matter how you slice it, DOD paid McDonnell Douglas' top five executives $9.3 million.

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

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

MDC ALLOCATION OF COMPENSATION TO COMPONENTS—TOP 5 EXECUTIVES

Executive	Total compensation for application of compensation cap	Total compensation $250,000	Amounts allocated to components with DOD contracts
1	$4,012,833	$3,762,833	$2,713,308
2	3,920,559	3,670,559	2,646,773
3	2,383,974	2,133,974	2,046,481
4	2,303,713	2,053,713	1,833,604
5	2,238,966	1,988,966	33,216
Total	14,860,045	13,610,045	9,273,382

ACCESSING KIDS

Mr. GRASSLEY. Mr. President, last year, many of my colleagues in the Senate had a great deal to say about the drug use problem in this country. This year, half way through the first term of the 105th Congress, not much has been said. I will not dwell on the reasons. But we need to recall that the reasons for being concerned about drug use in this country have not changed. In fact, all the indicators continue to point to a growing problem.

Just recently, the administration released drug use data in the Pulse Check, a twice-yearly publication on drug use trends and markets.

The information contained in the report is alarming. It confirms the continuing trend we noted last year of growing drug use particularly among young people. I want to share with my colleagues some of the information the Pulse Check shows.

Heroin use in most markets is up or stable, and availability is high.

There appears to be a trend of increased use among younger users, primarily in inner cities.

Cocaine use is stable, but availability remains high.

Marijuana use is growing rapidly and the onset of use is occurring at earlier ages.

Polydrug use, the use of more than one drug in combination, is on the rise. Methamphetamine use is growing and the quality is improving.

Anyone familiar with this country's last drug epidemic, a problem that we are still coping with, should be alarmed at what this information tells us. When you put these facts together with information from other surveys on use, hospital admissions, and trends, the picture is grim. Let me summarize briefly what we are seeing.

More kids at younger ages are starting to use drugs. In our last drug epidemic, use began typically with 16-year-olds. Today's trend is for drug use onset to begin with 12- and 13-year olds. Along with this, more and more kids are seeing less danger in using drugs. This fact, of course, leads to more experimentation.

Parents are not talking to their kids about drugs. Many believe that their kids do not listen to them. Many believe that TV and peers have more influence. Further, many of today's parents used drugs when they were young. They now feel ambivalent about talking to their kids about drugs. These parents don't want their kids using drugs, mind you, they just don't know how to talk to their kids. We know, however, that the most important source for kids on how to behave, to judge right and wrong, comes from parents. Not from TV, not from their peers, but from parents. But parents are not speaking up.

Public messages and national leadership on drug use have declined in the past 5 years. As we noted last year, the bully pulpit is empty. In addition, discussion of legalization in one form or another is on the rise. What this means is that kids no longer hear a no-use message. Instead, they hear mixed messages from government leaders and others. They see efforts to legalize marijuana under a thinly disguised claim of medical need. They see increasing normalization of drug use in movies, music, and on TV.

Is it little wonder, then, that we are seeing growing use of drugs among kids? This increase comes after almost a decade of decline. The decline of use among kids in the late 1980's and early 1990's was not an accident.

It came as a result of commitment by this country—by parents, schools, community leaders, politicians, and others—to protect our young people and their future from drugs. In those years, we undertook efforts to discourage drug use. To make it harder to get drugs. To roll back the notion that drug use was simply a lifestyle choice that caused no harm, except maybe occasionally to a user. It worked. But we are now in the process of squandering those gains.

We need to remember something about how we got into our last drug fix. The 1960's and 1970's was a period of collective forgetfulness about the harm that drug use does. It was not our first drug epidemic, it was our worst. It also did not happen by accident.

Neglect of our public responsibility played a part. Glorification of drug use by the popular culture contributed. A collective public amnesia about our experiences of earlier epidemics added to the mix. It was a period of exploring the limits of personal freedom. Unfortunately, it was also a period that abandoned notions of personal responsibility. Combined with an active lobby that pushed for drug legalization, those years laid the foundations for an explosion of drug use. Most of the burden of that use fell upon young people. Most of our addicts today, who burden our welfare and health systems, are the casualties of that period. They are paying the personal price but the rest of us are footing the bill. It is also no coincidence that our major crime wave began during the same years and is linked directly to growing drug use.

It was the double whammy of kids on drugs and crime on our streets that led to public demands for a speedy and effective response. It led to "Just Say No" and a concerted effort to reverse the trend and save a generation of young people. It worked. But now we are in danger of forgetting once again what we once knew: That drug use is not a victimless crime. That it is not harmless. That it is simply a matter of personal choice with no social consequences.

In the last several years, we have seen teenage drug use increase at an alarming rate. We have seen drug use messages re-emerge in the popular culture. We have seen major public figures and leading members of government equivocate on drugs or openly advocate legalization.

We have seen major financial figures pour money into pushing drugs-are-good-for-you themes. We have also seen the birth of MTV and the Internet. These media, aimed at kids, purvey in the most direct way drug use themes to kids of all ages. Today, access to kids by people who want to exploit them is unprecedented. Whether we are talking drugs or pornography, there is an open highway into almost every home in the country. Any household that is home

to a TV or computer access to the worldwide web is accessible. You cannot lock your doors.

Currently, drug information sources on the Internet are dominated by drug legalizers. Their websites are easily accessed. They specialize in trendy formats and cartoon helpers. We hear a lot about Joe Camel.

Well, take a look at what those who specialize in drug legalization use. As a recent piece in the New York Times shows, drug messages aimed at kids are up to date, stylish, and accessible. High Times, which is one of the major drug legalization publications in the country, operates a site on the net. Their web page is available with only a few clicks from the main page. It is filled with lots of helpful tips. You can learn, for example, how to grow marijuana at home. It offers advice on how to evade or distort drug tests. You can find details on where to find the best drugs. Of course, to access these helpful hints, you have to certify that you are not a minor. But there is no way to check on this, so the certification is meaningless. There are many more, similar sites.

When you link this access to reemerging drug themes in the music most listened to by young people, it is not hard to understand that more kids are using. It is not hard to see why more kids believe that drugs are not dangerous.

These messages come at a time of another wave of ambivalence about drugs. They come at a time when leadership is lacking. They come at a time when many parents do not seem to know how to talk to their kids.

Close to 25 percent of the population of this country is under the age of 18. Forty-five million are under the age of 12. It is this population that is most susceptible to drug use messages. It is this audience that is most targeted with those messages.

We have all the ingredients for another drug epidemic. This one, however, will come when we are still coping with the walking wounded for our last fling with drugs. We are also seeing much younger kids starting to use. If we fail to respond, seriously and soberly, then our new drug epidemic will be worse than our last. It will also be the result of a colossal act of irresponsibility.

The PRESIDING OFFICER. The Senator from New Mexico.

PRIVILEGE OF THE FLOOR

Mr. BINGAMAN. I ask unanimous consent that a fellow in my office, Dan Alpert, be permitted floor privileges during the pendency of the Treasury, Postal appropriations bill.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 12 minutes.

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

AMENDMENT NO. 937 TO S. 1023

Mr. BINGAMAN. Mr. President, the amendment Senator MURKOWSKI and I have offered strikes section 630 of the bill. If enacted, section 630 would foreclose all Federal agencies from taking advantage of energy conservation programs offered by their local utility company. I believe section 630 would needlessly restrict an option that helps the Federal Government, the Nation's largest energy user, implement cost-effective energy-savings programs at Federal facilities.

Mr. President, the Energy Policy Act of 1992 set a goal of reducing by 20 percent the average energy consumed by the Federal Government. Federal facilities were given various approaches for reducing energy consumption. For example, an agency can sign an energy savings performance contract with an energy service company, or it can work with the local utility company to take advantage of utility-sponsored energy conservation measures. Under current law, Federal agencies may select the option that is best for their situation.

It is important to have this flexibility because working with the private sector to reduce a facility's energy use is not an ordinary procurement. Purchasing energy efficiency isn't like buying paper clips or furniture. The Federal Energy Management Program has made substantial progress in streamlining the contracting process for energy management services at Federal facilities. If an agency chooses to work with the local utility company, it may go directly to the utility on a sole-source basis to obtain the energy efficiency and management services that are available to all utility customers. In most cases, the utility teams with energy service companies to maximize cost-effective energy savings for the Government.

Section 630 would eliminate the option of working with the local utility. If section 630 remains in the bill, Federal agencies will not be able to take advantage of the financial incentives, goods, or services generally available to all other customers of the utility. This could represent literally millions of dollars lost to the taxpayers. Section 630 could also prevent payments on existing energy management contracts between Federal agencies and utilities.

Over the years, I have spoken frequently here on the critical need for Federal agencies to make better efforts to reduce their energy use. According to a recent GAO report, the taxpayers' electric bill for Federal facilities is more than $3.5 billion a year. There is no question we could be saving a substantial portion of this amount through cost-effective energy measures that frequently have payback times less than 10 years. I am pleased to see the substantial progress now being made.

For example, the Government's largest single energy user is the Department of Defense, which accounts for half of all Federal electricity consumption. The Department is now on a track to save up to $1 billion per year in total energy spending by the year 2005. The Department of Defense believes section 630 would significantly reduce its authority and opportunity to take advantage of private sector energy conservation expertise and capital, and would, in fact, seriously reduce the amount of work offered to all sectors of the energy community.

Mr. President, I ask unanimous consent that a copy of this letter from Millard Carr of the Department of Defense be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. Earlier, I described the options available to Federal agencies to secure energy management services. If I could Mr. President, I'd like to take a moment to give two examples demonstrating that the program is on the right track and illustrating the risks of hasty and ill-considered changes.

The first example is the New Mexico initiative from my home State. The General Services Administration has a contract with a local utility, Public Service Co. of New Mexico, that covers the Federal facilities in PNM's service territory. Under the terms of this agreement, PNM partners with energy service companies on a competitive basis to implement the actual energy-saving measures. This initiative is expected to result in $60 million in new investments in conservation and energy efficiency technologies. The initial pilot project is at the White Sands Missile Range, where I understand that substantial reductions of energy and water use have been achieved. This successful program would be terminated if section 630 were enacted.

The other option available to Federal agencies is to contract with energy service companies. I understand there may be concerns that these companies are left out of the Federal Energy Management Program when the agencies choose to work with their local utilities. Mr. President, I don't believe this is the case. An article from the May 22, 1997, New York Times describes the Department of Energy's awarding of five competitive contracts worth up to $750 million dollars. These contracts cover Federal buildings in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, and Washington. The winning companies include energy service companies such as Honeywell, Inc., and

Johnson Controls. Five more awards are planned over the next 2 years for a total contract value of $5 billion. It seems to me that all commercial players are helping Uncle Sam reduce his energy bill. Mr. President, I ask unanimous consent that a copy of this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. BINGAMAN. Mr. President, these are but two examples from the Federal Energy Management Program. The Energy Policy Act of 1992 simplified the contracting procedures Federal agencies may use to implement energy conservation measures. The last thing we should be doing is eliminating options. We should be striving for maximum flexibility and not hamstringing the agencies as they strive for substantial progress.

Mr. President, last week the distinguished chairman of the Appropriations Committee stated that section 630 "reflects no change in the law" and that the section "directs federal agencies to abide by the law." I must respectfully disagree with the chairman. Section 630 would make very substantial changes in energy-management measures enacted as part of the Energy Policy Act of 1992, which Senator MURKOWSKI and I, and the other members of the Energy Committee, worked to pass.

Last week, in speaking on section 630, the chairman of the Appropriations Committee listed what he stated were the provisions that are, in his view, relevant to Federal agency contracting programs for energy services. However, with all due respect Mr. President, the distinguished Chairman omitted the sections of the existing law that section 630 would overturn. In particular, section 152 of the Energy Policy Act of 1992 describes the implementation options available to agencies. If I may, I'd like to read the exact text: Each agency shall "take maximum advantage of contracts authorized under subchapter VII of this chapter, of financial incentives and other services provided by utilities for efficiency investment, and of other forms of financing to reduce the direct costs of Government * * *."

Section 630 would effectively eliminate the option for Federal agencies to work with utilities, receive any available financial incentives, or take advantage of attractive forms of financing. This would be a bad deal for the taxpayer.

Another part of section 152 of the Energy Policy Act that section 630 would repeal specifically describes utility incentive programs:

(1) Agencies are authorized and encouraged to participate in programs to increase energy efficiency and for water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities.

(2) Each agency may accept any financial incentive, goods or services generally available from any such utility, to increase energy efficiency or to conserve water or manage electricity demand.

(3) Each agency is encouraged to enter into negotiations with electric, water, and gas utilities to design cost-effective demand management and conservation incentive programs to address the unique needs of facilities utilized by such agency.

(4) If an agency satisfies the criteria which generally apply to other customers of a utility incentive program, such agency may not be denied collection of rebates or other incentives.

Congress placed very similar requirements on the Department of Defense in the Defense Authorization Act for fiscal year 1993. Mr. President, I will not read any more of the existing energy or defense authorizations that would be wiped out by section 630. Instead, I ask unanimous consent that there be printed in the RECORD at the conclusion of my remarks all the relevant provisions that allow local utility participation in Federal energy management programs.

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

(See exhibit 3.)

Mr. BINGAMAN. Mr. President, I have heard no arguments here as to why these good provisions should now be repealed. In addition, the Appropriations Committee's report offers no explanation of the need for section 630.

Let me also observe that section 630 attempts to make these controversial changes in energy legislation through an appropriations bill. As far as I can tell, no formal notification to or consultation with the Energy Committee has taken place. I doubt that such a far-reaching change would be considered by the Energy and Natural Resources Committee without at least a hearing.

The proponents of section 630 should have their views heard in the appropriate forum. I am recommending to the chairman of the Energy Committee that hearings be held so that we can get all the issues out on the table and, if changes are needed, come to a reasonable solution.

In the meantime, I urge my colleagues to support this amendment and strike section 630.

EXHIBIT 1

OFFICE OF THE UNDER SECRETARY OF DEFENSE, DEFENSE PENTAGON,
Washington, DC, July 18, 1997.

To: Mr. Dan Alpert, Office of Senator Bingaman.

Subject: Section 630 Senate Treasury and Postal Service Appropriations bill.

This is in response to your phone request for a Defense position on the proposed Section 630 to the Senate Treasury and Postal Appropriation bill which would preclude any Federal agency from obtaining energy conservation services on a sole source basis.

I understand the intent of the section is to assure best value to the government through competition. I cannot comment on the jurisdictional issues, but I believe very strongly that the language as written would significantly reduce the authority and opportunity this Department has to take advantage of private sector energy conservation expertise and capital. I can only assume that the sponsor of this section has been seriously misled as to its implications.

The Department of Defense is the single largest energy user in the country and as such we have been and continue, to be committed to achieving the energy efficiency improvement goals of the Energy Policy Act and President Clinton's Executive Order 12902. If those goals are achieved, we will realize a billion dollar reduction in our annual energy bill by 2005 and implement the most cost effective environmental improvement result possible through pollution prevention. With the reduction in available appropriated funds and technical personnel to achieve the buildings and energy systems improvements necessary to meet program goals, we are turning to the private sector for those resources.

The Military Departments and this office have worked for over a year to develop a memorandum of agreement with the Edison Electric Institute to expedite participation in existing energy conservation programs offered by many of their member companies to all customers. There is no question that Department of Defense installations, and all Federal agencies, should have the same ability to access those programs provided to other similar customers. The agreement, based on authority in the Energy Policy Act, includes direction that a competitive procurement process be used to select the most cost effective and competent private sector firm capable of doing the specific technical work. It is our belief that this utility "prime contract" process will lead to a significant increase in the actual work done by the energy savings performance contractor and Architect/Engineer communities.

The intent of the DoD/EEI agreement was simply to expedite the contracting process through which Defense installations could access private sector energy conservation experts and resources. Passage of Section 630 would in fact seriously reduce the amount of work offered to all sectors of the energy community.

I urge you to work to convince the Congress to strike Section 630.

MILLARD E. CARR, P.E.,
Director, Energy and Engineering.

EXHIBIT 2

[From the New York Times, May 22, 1997]

UNITED STATES TO RENOVATE FEDERAL BUILDINGS TO CUT ENERGY BILLS BY 25 PERCENT

(By Matthew L. Wald)

WASHINGTON.—The Federal Government, the Nation's largest landlord, will undertake a $5 billion renovation of its buildings to cut energy bills by about one quarter, and all the money will come from private companies, the Energy Secretary, Federico F. Peña, announced today.

Mr. Peña named five corporate teams that will do the first $750 million of work. When all the Government's 500,000 buildings are renovated, he said, energy costs will be cut by $1 billion a year from the current $4 billion.

"That is real money, even by Washington standards," Mr. Peña said.

An aide said the improvements, including better lamps, motors, air conditioning systems and heating equipment, were expected

to save the Government $22 billion over their lifetime.

The Energy Department has tried the approach before, on its headquarters on Independence Avenue here and in other buildings, but has found it cumbersome, as contracts are bid building by building, officials said. Now the Government has a standard contract and a list of vendors and hopes to complete all Federal buildings by 2005.

The Government will invite an outside contractor to perform an "energy audit" and suggest improvements, stating a price for which it will do the work. If the Government accepts the bid, the contractor installs the new equipment at the contractor's expense, an approach taken by many private building owners.

The Government will pay the contractor part of the money that it saves on electric and fuel bills. The payments will continue for a fixed period, usually five years. For the contracts announced today, the maximum payments will be $750 million.

John Archibald, the deputy director of the Federal Energy Management Program at the department, said he believed that the contractors would invest about $500 million directly. In addition, officials said, the contractors' burdens include being paid back over several years, and the risk that the savings would not justify their improvements.

The buildings to be improved range "from military posts to post offices, and from Federal monuments to memorials," Mr. Peña said. Most are office buildings, officials said. The contracts announced today cover all Federal buildings in Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon and Washington. Electricity prices in Washington and Oregon are among the lowest in the nation, making savings more difficult.

The work will be done by Honeywell, Inc., of Minneapolis, which helped devise the concept of contractor-financed energy improvements, Johnson Controls, of Walnut Creek, Calif., ERI Services Inc., of Brideport, Conn., and two corporate teams. One team comprises The Bently Company/BMP Team, of Walnut Creek, Calif., Puget Sound Energy, of Bellevue, Wash., and Macdonald Miller Company, of Seattle. The other team is Enova, which is the parent company of San Diego Electric and Gas, and Pacific Enterprises, also of San Diego.

EXHIBIT 3

EXCERPTS FROM THE ENERGY POLICY ACT OF 1992

SECTION 152(C)(2) (42 U.S.C. 8253(D)(1)(C))

Each agency shall take maximum advantage of contracts authorized under subchapter VII of this chapter, of financial incentives and other services provided by utilities for efficiency investment, and of other forms of financing to reduce the direct costs to the Government.

SECTION 152(F)(4) (42 U.S.C. 8256)

Utility incentive programs

(1) Agencies are authorized and encouraged to participate in programs to increase energy efficiency and for water conservation or the management of electricity demand conducted by gas, water, or electric utilities and generally available to customers of such utilities.

(2) Each agency may accept any financial incentive, goods or services generally available from any such utility, to increase energy efficiency or to conserve water or manage electricity demand.

(3) Each agency is encouraged to enter into negotiations with electric, water, and gas utilities to design cost-effective demand management and conservation incentive programs to address the unique needs of facilities utilized by such agency.

(4) If an agency satisfies the criteria which generally apply to other customers of a utility incentive program, such agency may not be denied collection of rebates or other incentives.

EXCERPTS FROM THE DEPARTMENT OF DEFENSE AUTHORIZATION, PUBLIC LAW 102-484 (10 U.S.C. 2865(D))

Energy saving activities

(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by any gas or electric utility for the management of electricity demand or for energy conservation.

(2) The Secretary of Defense may authorize any military installation to accept any financial incentive, goods, or services generally available from a gas or electric utility, to adopt technologies and practices that the Secretary determines are cost-effective for the Federal Government.

(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into agreements with gas or electric utilities to design cost effective demand and conservation incentive programs (including energy management services, facilities alterations, and the installation and maintenance of energy saving devices and technologies by the utilities) to address the requirements and circumstances of the installation.

(4)(A) If an agreement under paragraph (3) provides for a utility to advance financing costs for the design or implementation of a program referred to in that paragraph to be repayed by the United States, the cost of such advance may be recovered by the utility under terms no less favorable than those applicable to its most favored customer.

(B) Subject to the availability of appropriations, repayment of costs advanced under paragraph (A) shall be made from funds available to a military department for the purchase of utility services.

(C) An agreement under paragraph (3) shall provide that title to any energy savings device or technology installed at a military installation pursuant to the agreement vest in the United States. Such title may vest at such time during the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent that I be allowed to speak for 20 minutes in morning business.

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

FAST-TRACK TRADING AUTHORITY

Mr. DORGAN. Mr. President, I want to visit today on the floor of the Senate about something that will come to the Senate, according to what I read in all the journals and newspaper articles, in the month of September. This will be a request from the Clinton administration to the Congress to give them something called fast-track trade authority.

This poster behind me will tell my colleagues of course how I feel about fast track. There will not be any great suspense by those who look at this poster to understand that I think fast-track trade authority is the wrong track for this country. I want to spend a little time talking about what fast track is. I expect most people in the country are unfamiliar with the term. What is fast-track trading authority? And why are we debating it?

Just the words "fast track" tell a story. We all come from towns that have understood what the word "fast" means. We have all had some folks come through our town with the modern-day equivalent of the old covered wagon and the fellow wearing silk pants and a silk shirt and a top hat, selling some sort of bottled medicine that cures everything from hiccups to the gout—the fast talker, fast-buck artist. We know about fast food and fast lanes.

This is fast track. What does fast track mean? Congress under the U.S. Constitution has the authority on trade issues. I will put up a chart which shows that authority in the Constitution. Fast track means that Congress will take its authority and essentially subjugate its authority to a process by which an administration will go out and negotiate a trade agreement and then bring it back to Congress with an understanding that there shall not be any amendments on the agreement. Fast track means that every Member of Congress will be prevented from offering an amendment to the trade agreement.

The Constitution of the United States in article 1, section 8 says, "The Congress shall have the power . . . to regulate commerce with foreign nations." Interpreted, it means that the responsibility for the issue of trade resides here in the Congress. We also have an executive branch and a President and an office of Trade Ambassador and others who go out and negotiate trade agreement with other countries.

Of course, it is a different world now than it was. We have much more commerce, back and forth across the oceans, country to country, and across national borders. So then the question is, who wins and who loses in this trade? Some would have us believe that everyone wins in every circumstance.

I was on an interview show last Thursday in downtown Washington, DC, with Jack Kemp. Jack Kemp has a

view about trade, and he is a good friend of mine. I like Jack Kemp a lot, but his view of trade is, "All trade is just fine, because everybody wins. Open it up and expand it and everybody wins."

However, that is not the case in international trade. There are winners and there are losers. Yes, expanded, freer, and more open trade is good for the world. There is no question about that. But trade rules that are fair are required in order that one country is not winning at the expense of the other country that is losing. I want to talk a little about that today and how that fits with my concern about the issue of fast track.

Now, there are a lot of things that are right in this country at the moment. We have a country that tends almost inevitably to insist on talking about what is wrong. But, there are a lot of things right in this country. Our economy is growing. It has been growing for some long while. Unemployment is down, way down. Inflation is down, way down, 5 years in a row, and is almost nonexistent. The Federal budget deficit is down, and has been for 5 years in a row.

The fact is, there is some good economic news in this country. People feel better about the future. Our economy rests on a cushion of confidence. When people are confident about the future, they make decisions that reflect that confidence. They will buy a car. They will buy a house, buy a washing machine, or buy a television set. If they are not confident about the future, they make the opposite choice. They decide not to purchase that washing machine or that car or that house. So our economy rests on a notion of confidence.

Do people have confidence about the future? At this point they do have more confidence about the future than they had in the past. It is because most of the fundamentals about our economy are moving in the right direction with one exception, and that is the area of international trade.

People look to this country and say, well, gee, in international trade, America is remarkably successful. It is not. Two centuries ago, this country was known as a country of shrewd Yankee traders. We could outtrade anybody anywhere any time, the shrewd Yankee traders from that new United States of America. What happened?

What happened was that in the last half century, following the Second World War, our trade policy inevitably became our foreign policy. We did not have a trade policy; we had a foreign policy with other countries. That foreign policy drove all of the trade decisions we made—with Japan, with Europe, with all of our trading partners.

Our trade policy was driven by our foreign policy. At the time, of course, we were bigger, stronger, and had greater capability of dealing in international trade. We could whip almost any of these countries with one arm tied behind our back. That is how strong our economy was compared to a Japanese economy that was wrecked by World War II, a European economy that was wrecked by World War II and in tatters and trying to rebuild. We could compete easily. We could provide concessions to every one of those countries, even giant concessions at that, and we did. Despite the fact that we did that, in the first 25 years after the Second World War, we saw continual wage gains in this country up and up and up, and we did very, very well.

But then what happened was Japan and the Western European economies were rebuilt and became very strong. And, they became shrewd, tough, international competitors. Meanwhile, our trade policy with them was still driven by our foreign policy.

With Japan, we began to become accustomed to deficits in international trade relations every single year. In recent years these have amounted to $40 to $50 billion, and even $60 billion a year trade deficits with Japan, every single year. The same has been true with some of our other trading partner relationships.

Now in recent times we have had a series of trade negotiations, some of them under what is called the fast-track procedure. After every trade negotiation we have had days of feasting and rejoicing by those who negotiated them. They talked about how wonderful the agreements were for America, but at the conclusion of it our trade deficit kept growing and growing and growing.

There has been angst in this Chamber, an enormous amount of discussion about the other deficit, the fiscal policy budget deficit, and it is a very serious problem. Fortunately, we have made significant progress in dealing with it.

Yet, the deficit called the trade deficit does not provoke one utterance in this Chamber. No one talks about it, no one thinks much about it, and no one appears willing to lift a finger to do anything about it. I will show my colleagues and those watching these proceedings what has happened to the trade deficit. The merchandise trade deficit, that is, the imbalance or the deficit between what we ship into this country versus what we ship out, is this year 21 years old. We have had 21 straight years of trade deficits growing worse and worse every year. It is now of legal age, since we have had 21 years of trade deficits.

Last year, we had the largest merchandise trade deficit in this country's history. Does it matter? Some say it does not. Some say it just does not matter at all. It means that we are importing cheap goods from around the world and so someone else has the American dollars that we paid for those goods.

What will they do with these dollars? They will invest them in America. That is what they say. I suppose that suggests it does not matter who owns the productive facilities of our country or the real estate of our country or who owns much of the assets of our country. I don't happen to believe that, but I suppose some probably say it does not matter. There are those who believe it is an international economy, let the chips fall where they may, and if you cannot compete, you cannot compete.

The dilemma is this: The U.S. producer and the U.S. employer can compete with anyone in this world as long as the competition is fair. But no U.S. worker and no U.S. employer ought to be required to compete against someone who works 14 hours a day, is 14 years old, and makes 14 cents an hour. Yet this goes on all across the world, as I speak.

Is that fair competition? Should we expect someone in Toledo, Fargo, Denver, or Los Angeles to have to compete against 14-cent-an-hour wages? I don't think so. I don't think anyone actually believes that represents fair trade.

Should we be expected to compete against a country that insists on shipping its goods in wholesale quantity to our country but keeps its market closed to the goods produced by American workers? I don't think so. That is not fair trade.

Now, as a result of a number of those considerations, and others, we have a trade deficit that continues to grow. Fast track is a process that started back a couple of decades ago of negotiating trade agreements under a procedure called fast track so that no one could amend the trade agreement when it came back to Congress.

Look what has happened under fast track. There is nothing but a sea of red ink. Is it because of fast track? I don't know. All I know is that within trade agreements there are serious problems. For example, the one we have with Canada results in a massive, massive problem with a flood of Canadian grain coming into our country unfairly and we cannot do a thing about it. We seem powerless to deal with it.

I voted against the United States-Canada Free Trade Agreement because I thought it was negotiated in a way that was fundamentally unfair to our country. I thought the negotiators effectively sold out the interests of American agriculture in negotiating that trade agreement. Now, we find ourselves now with a growing trade deficit with Canada, and an avalanche of Canadian grain flooding into our country, undercutting the price that farmers in our country received from an already weak grain market. Is that fair? I don't think it is fair.

Let's take a look at NAFTA, the United States-Canada Free Trade

Agreement, the Uruguay round of GATT talks, the Tokyo round, all under fast track. What happens under fast track is that we negotiate a Tokyo round, bring it to Congress, shove it through the Congress, and say you have no right in Congress to amend it.

Now, Congress decided that it should have no right to amend it. That is what fast track is all about. There was fast track with the United States-Canada Free Trade Agreement. Shove it through Congress, with no right to amend it. None. Then there was NAFTA, the North American Free Trade Agreement, which includes Mexico—Congress had no right to amend it. I led the fight against fast track on this particular agreement when I was in the House of Representatives. We lost by about 30 or 40 votes. Then the Uruguay round comes to Congress. There was no right to amend it because fast track means that whatever they negotiate you have to accept up or down, with no amendments.

The bars on this chart represent the merchandise trade deficits that we have had since these trade agreements were adopted through the use of fast track. Can anyone in this country who has not had a fifth of Wild Turkey take a look at these and say that this is success? You have to be dead drunk to believe this is a success. This is an abysmal failure. Part of it, in my judgment, comes from fast track. This is a process that says to negotiators, go out and negotiate and do what you want to do and bring it back, and then we will have a procedure in place that prevents any Member of Congress from correcting a mistake you might have made. This is not success. This ocean of red ink represents failure.

Let me take a closer look at one of them in particular, the NAFTA agreement. The NAFTA agreement is a trade agreement that we negotiated with Canada and Mexico together. We already had the United States-Canada Free Trade Agreement. We rolled that into a broader agreement which included Mexico with NAFTA. Just prior to the time the NAFTA trade agreement was implemented, we had an $11 billion merchandise trade deficit with Canada and a $2 billion merchandise trade surplus with Mexico.

Look at what has happened to this country since this agreement was phased in: The deficit with Canada has gone from $11 billion to $14 billion to $18 billion to $23 billion. Success? You would have to be dead drunk to call that a success. That is not a success. That is a failure.

With Mexico, we had a $1 billion surplus in the first year of the trade agreement under NAFTA. The next year, we had a $15 billion deficit. The next year, it was a $16 billion deficit. In other words, we now have a nearly $40 billion combined trade deficit with both of our neighbors.

So what does it matter, some say. "So what? Things are going fine. So what?" What it means is that in the past 21 years, we have accumulated close to a $2 trillion account deficit that will have to be repaid with a lower standard of living in this country at some point in the future. So what? So it means that we are inevitably weakening the production and the manufacturing sectors of this country. No country will long remain a world-class economy unless it has a world-class manufacturing sector. If it does not have a strong manufacturing base, it will not retain a strong world-class economy. You cannot have a strong economy just selling hamburgers and insurance and so on, back and forth to one another; you must have a strong manufacturing base.

Now, let me describe a bit about what has happened with the free trade agreement. We were told that if the Congress passed something called NAFTA with Canada and Mexico that we would receive products that came from low-skilled jobs from Mexico. We were told that as a result of NAFTA, we would have more American jobs because of the trade agreement. Do you know that now, after a few years of NAFTA, we have more automobiles shipped into this country, produced in Mexico, than are shipped from America to the rest of the world?

Let me say that again because I bet most people don't believe that to be the case. Now that we have opened these borders and we have allowed the largest enterprises in this country to go find the cheapest labor they can find, we now import more automobiles from Mexico than the United States exports to the rest of the world combined.

Think about that. Why does all this matter? It matters because the manufacturing sector in this country is critical to an economy that is based on good jobs with good incomes. If we are going to produce shoes, pencils, automobiles, electronics products, and we are going to do that in Mexico, in Bangladesh, in Sri Lanka, in Indonesia, because we can hire a worker in those areas at a fraction of the cost of what it would require us to pay to hire a worker in the United States, what does that mean? It means production moves offshore. Our production moves overseas. What does that mean to the core of the economy in this country? It is weakened.

The central question I ask about these trade relationships is whether it is fair trade? Is it fair trade for a company to be able to just pole vault over all of the problems in this country that they have in producing? For example, the problem of having to overcome a prohibition against hiring kids. We say in this country that you can't go hire a 12-year-old kid and work him 12 hours a day. That violates the Child Labor Act in this country. We say, you can't produce a product and dump chemicals into the air and throw chemicals into the water because we have environmental laws that prevent you from doing that. So that company can say, fine, if you say we can't hire kids, we can't dump chemicals and sewage into the water and air, we will go to a country where we can. We will produce it there and ship it back to Fargo and to Buffalo and we will ship it to Dallas and put it on the shelves of the stores to compete with products made in the United States, where you have had to pay higher wages and you have had to obey child labor laws and you have had to obey environmental laws.

I question, is that fair trade? I don't think so. Yet, that is exactly what we are facing. Yes, we face it even close to our border, but especially in many other places around the world.

We have a trade deficit in which 92 percent of the merchandise trade deficit is with six countries: Japan, with nearly $50 billion; China, $40 billion; Canada and Mexico with another $40 billion; and Germany.

I was in China last November and met with the President of China and talked about our trade relationship. I have no idea whether I made any impact. He was a wonderful person. China has a terrific deal with this country. We talk a lot about most-favored-nation status here in this Chamber. We had a vote on it last week. I didn't think we should vote on that within an appropriations bill without any significant debate, so I voted against that amendment. But I specifically indicated that that wasn't a vote for me on the substance of the MFN issue. I think we ought to have a vote and a significant debate on most-favored-nation status for China.

But let me say this. We talk a lot about most-favored-nation status and about human rights. Certainly human rights is very important. The week I was in China, a fellow—I believe his name was Wang Dan—was sentenced to 9 years in prison for criticizing the government. Those human rights are important.

At the same there is something else that is also important. What about a country that is exponentially increasing its trade surplus with this country? We have become a cash cow for the hard currency needs of China. Again, it weakens us and strengthens them. They ship us their goods. In fact, almost half the Chinese exports come to the United States of America, and yet, we get so few goods into China.

We ought to say to China, to Japan, to Canada, and to others, that we expect and demand reciprocal and fair trade treatment, and if you don't give it to us, the United States marketplace is not open to you. The U.S. marketplace is open to you if you treat us

fairly. Yes, we are willing to compete. We should be required to compete. But the competition ought to be fair. If it is not, then we ought to have the nerve and the will to stand up to these countries and say it is not fair to this country. And, it is not fair to American workers and to American producers either.

In September, when we have a debate on fast track, I am going to be on the floor fighting as hard as I know how to fight to prevent us from granting fast-track authority for new trade talks. Do I support the trade officials? Yes, I want them to succeed. I want them to negotiate something that they can win for a change. I am really tired of us losing in international trade talks.

Let me give you some specifics. Last Saturday morning, in Minot, ND, I met with a group of grain producers. These are family farmers, who raise Durum and spring wheat. They have one problem. On the horizon of trade problems, is this big or significant? Probably not, on the whole horizon. But to them it is it big. You bet. In many cases, it is a question of whether they survive and do they make it.

Here is their problem. We had a fellow named Clayton Yeutter go to Canada and negotiate a trade agreement with the Canadians. I didn't vote for that. I said at the time that I thought it was a terribly flawed agreement. At that time, I didn't know of the side deal that had not been made public. That side deal that had been made with the Canadians was about how to compute whether or not there was a subsidy for grains. When that was made public, it just destroyed my faith in these kinds of negotiations.

So now we find ourselves down the road some years from the United States-Canadian Free Trade Agreement and here's what we have. We have a Northern border with wonderful people. They are good neighbors of ours. We share a lot and we have a lot of commerce back and forth.

However, in the area of grain, we have had a flood of grain coming across, especially Durum, since this agreement. For those who don't know what that is, let me explain. Durum is the wheat you grind into something called semolina flour and that is what you use to make macaroni and other pasta. Eighty percent of the Durum produced in America is produced in North Dakota. So if you are buying some noodles or elbow macaroni or spaghetti, you are likely buying something, if it is sourced in this country, that was raised somewhere in a field, or grew somewhere in a field in North Dakota. The Durum market is a very important market to our farmers.

Well, we passed the United States-Canada Free Trade Agreement and all of a sudden, a flood of Canadian Durum came into our country, a literal flood of Canadian Durum and, following it, other wheat and barley. But you can't get much grain into Canada. I have told my colleagues before about the time that I got in a little orange truck with Earl Jensen, and we took Earl's orange truck up to the Canadian border with 200 bushels of North Dakota Durum to try to get it into Canada. They said, "No, you can't go across the border here."

We had a woman from Bowman, ND, who lived in Canada. She married a Canadian and went home to Bowman for Thanksgiving, and she had a desire to bake some whole wheat bread. So she took a sack of hard red spring wheat—good for baking bread—and she couldn't take that back to Canada. This was at a time when over 50 million bushels of Canadian wheat was coming into our country. Truckload after truckload that were clogging our roads. This lady got to the border and wanted to take in one grocery sack full of wheat in order to make whole wheat bread. Guess where it ended up? Dumped on the ground because you can't take one grocery sack of wheat into Canada these days.

Are our farmers angry about this? You're darn right. Do they have a right to be angry? Absolutely. They have a right to be furious about a trade relationship that is fundamentally unfair to our side. Now, can we get someone to fix it? We are trying. Mickey Kantor, a former Trade Ambassador, took the first step. The fact is that it got better for a time. But once again, this flood of wheat is exceeding the limits we had agreed to with Canada.

I use that illustration only to say that this example is just but one of the examples of problems we have with trade issues that you can't solve anymore, because we pass trade agreements with something called fast track. Under fast track you can't fix them when they are here. You either have to vote yes or no, up or down, and the result is that these flawed agreements then become law. Those treaties or agreements are then wedded into American law and it prevents us from providing remedies for the trade problems that exist—yes, with Japan, with China, with Canada, with Mexico, and others.

I think it is time for us to decide to put a stop to it. I think it is time for us to say to negotiators in trade that you go negotiate just as all of the other negotiators do. When we send someone abroad to negotiate arms agreements, they don't do so under fast track. We didn't have fast-track authority to prevent any amendments on the floor of the House or Senate on the nuclear arms reduction treaties that we had. There was no fast track there. Why on earth, if we don't need fast track on arms control agreements, do we need it on trade agreements? Are our trade negotiators so weak, so inept that somehow they need fast track when others don't?

Last Friday, the Commerce Department released the statistics that describe what happened to our trade numbers for the month of May. It indicated that our trade deficit in goods, the merchandise trade deficit for the month of May, was $17 billion, just for the month of may. That is up from $15.5 billion in the month of April. The big news was that China's trade deficit exceeded Japan's trade deficit for the month, for the third time in history.

These monthly statistics demonstrate another failure in trade. Unfortunately, it is greeted with a series of yawns here in the Congress and in this town. Were someone to try to put an op-ed piece in, for example, the Washington Post about this issue, they would say, no, thank you, they don't do those kinds of pieces. You can't have a debate about trade issues in this town, because too many believe there are only two sides of this issue. On one side there are those who say we are for free trade, free, expanded, and open trade, and that is good for the world. And they say everyone who doesn't subscribe to that is somehow an uninformed xenophobic stooge who wants to put walls around America. Those are the two camps that you are put into. You are either for free trade, period, or you are some sort of xenophobic, isolationist stooge. That is just a thoughtless way to deal with what I think is a significant problem for this country.

This country needs to understand that our trade policy ought to disconnect from our foreign policy. Our trade policy in dealing with trade competitors who are savvy, tough, and shrewd, ought to be a policy that cares about the well-being of this country. I believe in open and expanded and more trade. I also demand that it be fair. If it is not fair, we ought to say to other countries, you either get it fair and allow entry to our products on a fair basis, or we are not going to continue this one-way relationship.

This is not going back to some Smoot-Hawley notion of how we should trade. It is not calling for higher tariffs; nothing of the sort. It is demanding of other countries that we stop being mistreated. It is demanding of other countries that those who believe they can continue to access our marketplace must understand that their marketplace will have to be open as a consequence of that, and the failure to open it means that we will impose reciprocal trade treatment on our trading partners.

Now, we are going to have a meeting in the next day or two with the United States Trade Ambassador and the Secretary of Agriculture to talk about the issues of United States-Canada grain. That is but one issue among these larger sets of issues, but nevertheless it is important. I hope that this issue doesn't continue to fester. I hope that this side, that this Government and

this country, will say to the Canadians on the grain issue: You can't do that. We are not going to allow you to do that.

But my experience has been, regrettably, over many years, that standing up for this country's interests has been the exception rather than the rule in trade issues. All too often our country backs away and says, well, we don't want to ruffle any feathers here. I am just a little tired of that.

When China wants to buy airplanes, guess what? China is a huge market with 1.2 billion or so people, and they need to buy airplanes. So I am told that China comes to our country and says to us, "Well, we need to buy some airplanes, and we don't manufacture airplanes. But instead of buying it from you, what we want you to do is bring your technology and produce it in China."

I don't understand that either. This country ought not be interested in that. When we have a country with a $40 billion trade surplus with us, or we a deficit with them, and they need something we have, then they ought to buy it from us off the shelf. China ought to buy more wheat from us. They ought to buy airplanes from us produced in this country with U.S. employees and from U.S. companies.

We ought not to continue to allow our trading relationships to be foreign policy relationships. They ought to be economic relationships with tough, shrewd negotiators working out relationships where the rules are fair, where our employees and our producers can expect fair treatment and fair ability to compete.

So, in September when the President brings to this Congress a request for fast-track trading authority, I intend to be on the floor of the Senate saying no. I have no idea how many of my colleagues will join me. I know for sure as I stand here today that those of us who do say no will be branded as some sort of isolationists. Those who do that are wrong and thoughtless, but they will do it.

But I will insist that finally this country have the nerve and the will to stand up for itself and its interests. I believe that my children will inherit, just as they inherit the budget deficit, a trade deficit that means we will have a lower standard of living in this country unless we take action to deal with it and deal with it effectively.

Let me conclude where I began. This country can compete on any terms anywhere in this world as long as the rules are fair. But we have not been able to satisfactorily conclude trade negotiations in recent decades in any reasonable way that gives us the feeling—or at least gives me the feeling—that we have succeeded.

Time after time after time our trade negotiators celebrate after they have lost. They don't understand they have lost. I am not even sure they do when they see the red ink pile up and the growing, record merchandise trade deficit that now exists in this country.

I hope that one day we can have a thoughtful and interesting debate about trade policy. It should not be between camps who think trade is good or bad. Everyone ought to believe that expanded world trade, provided the circumstances and rules of trade are fair, is good for this world. But everyone also ought to believe that when this country is taken advantage of with markets that are closed, rules that are unfair, and countries that employ child labor and pollute this Earth's environment, that is not fair trade and is not something we ever ought to have to subscribe to.

Mr. President, once again, I expect September will be an interesting month and a challenging month on the issue of trade largely because of the debate on fast track. I intend to be back often to discuss this subject.

Mr. President, I yield the floor and make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered. The Senator has 10 minutes under morning business.

Mr. SHELBY. I thank the Chair.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 1040 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, July 18, 1997, the Federal debt stood at $5,363,155,572,034.79. (Five trillion, three hundred sixty-three billion, one hundred fifty-five million, five hundred seventy-two thousand, thirty-four dollars and seventy-nine cents)

One year ago, July 18, 1996, the Federal debt stood at $5,168,794,000,000 (Five trillion, one hundred sixty-eight billion, seven hundred ninety-four million).

Twenty-five years ago, July 18, 1972, the Federal debt stood at $432,236,000,000 (Four hundred thirty-two billion, two hundred thirty-six million) which reflects a debt increase of nearly $5 trillion—$4,930,919,572,034.79 (Four trillion, nine hundred thirty billion, nine hundred nineteen million, five hundred seventy-two thousand, thirty-four dollars and seventy-nine cents) during the past 25 years.

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

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will now proceed to the consideration of Senate bill 1034, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1034) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, commissions, corporations, and offices for fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I thank the Chair.

Madam President, with my distinguished ranking member, I am pleased to present to the Senate the fiscal year 1998 VA–HUD and independent agencies appropriations bill. This bill is not perfect, as is usually the case with the measures that we present, and not everyone is fully satisfied, but, nevertheless, every attempt was made to achieve a balanced, fair bill which meets our highest priority.

While I am very grateful for the support of the appropriations chairman in the allocation process, it should be recognized that the allocation is slightly above the amount assumed in the budget agreement. Our job was made extremely difficult once again this year by an extraordinarily tight initial 602(b) allocation. I might add that we are awaiting final Budget Committee action, which I expect will be forthcoming shortly, to achieve the final allocation numbers.

The allocation represents a reduction of about $1.4 billion below the President's request in outlays. Clearly, fulfilling the President's request in many areas has been impossible under these numbers.

The bill totals approximately $69.4 billion in discretionary budget authority, plus an additional $21.5 billion in mandatory spending.

Our highest priority was adequately funding VA medical programs, which in the budget agreement took a $300 million cut. Protecting VA medical care

meant that fulfilling the President's full request for EPA, for which a 12 percent or $850 million increase was requested, simply was not possible.

In addition, the subcommittee did not apply cuts totaling $230 million to the National Aeronautics and Space Administration or the National Science Foundation which were assumed in the budget agreement.

Finally, the budget agreement suggested that public housing, community development block grants, the HOME Program for local governments to assist in housing, and the McKinney Homeless programs all be cut. Clearly, those cuts were unacceptable, and we did not include them.

For the Veterans Administration the committee recommendation totals $18.7 billion in discretionary funding, an increase of $92 million above the President's request and almost $400 million above the amount assumed in the budget agreement. Increases were provided to VA medical care, research, and the State home construction grant program, the latter of which demand far exceeds available Federal matching funds.

The recommendation for VA is predicated on enactment of reconciliation legislation giving VA authority to retain collections from third-party payers and copayments. Such collections are estimated to total $600 million next year, and together with the medical care appropriation will result in an increase over fiscal year 1997 of $617 million in available discretionary funding for VA medical care. The amount recommended will enable VA fully to continue on the path of improving the quality of health care services, increase the number of veterans served, and increase the provision of care in ambulatory and community-based settings.

The bill would also require VA to begin implementation of a number of preliminary recommendations of the National Academy of Public Administration report regarding the Veterans Benefits Administration. These recommendations are intended to improve and expedite the processing of veterans' claims for benefits. Addressing this problem is long overdue.

For the Department of Housing and Urban Development, the committee recommends $25.4 billion, including flat funding for most programs such as CDBG, HOME, public housing, and homeless assistance. The budget agreement assumes cuts in each of these programs. And as I indicated, the committee did not accept that budget agreement recommendation.

In addition, the mark restores the President's budget cut of $365 million to elderly and disabled housing, with a total of $839 million included in the recommendation for this program.

Furthermore, the bill provides $9.2 billion to fund section 8 contract renewals fully for which the budget resolution included a special reserve account.

For the Environmental Protection Agency, the committee recommendation totals almost $7 billion, an increase of $180 million over the fiscal year 1997 level. While this recommendation is $680 million less than the President's request, the reduction is attributable primarily to the decision not to fund a requested 50 percent increase for Superfund.

Given that the Superfund Program is sorely in need of reform and reauthorization, with the General Accounting Office designating it as a high-risk program subject to fraud, waste and abuse, coupled with our budget constraints previously described, a $700 million increase simply could not be justified. Senators CHAFEE and SMITH, chairman of the authorizing committee and subcommittee respectively, have indicated their opposition to a large boost in Superfund appropriations prior to reauthorization and reform badly needed in that program. Finally, there are serious questions as to whether EPA could even spend the full amount being requested.

In terms of operating programs, which are up almost $100 million over last year, the largest reduction—$122 million—below the request was taken from a laboratory construction project in Research Triangle Park, NC. Sufficient funds remain available to continue progress on the new building at this time.

In addition, all major operating program accounts in the Environmental Protection Agency will receive increases. Again, this year the committee made as its highest priority EPA funding for States for implementation of environmental requirements. A significant increase is recommended for State revolving funds.

The committee recommendation restores the President's proposed $275 million cut to clean water State revolving funds and fully funds the $175 million increase for drinking water State revolving funds, for a total of $2.075 billion. These funds are vitally needed, Madam President, with the EPA's estimate of drinking water and clean water infrastructure requirements nationally exceeding $200 billion. I believe every Member of this body, when she or he returns to their State, will find that these priority needs are there. They are critical and they are absolutely essential to maintaining the health of our populace as well as the quality of our environment.

In addition, the committee recommends a $50 million boost to State environmental assistance grants, in part for additional responsibilities in the area of air quality standards, for a total of $725 million. The leaking underground storage tank grants are increased $5 million, for a total of $65 million. This program is vital in protecting ground water resources.

To minimize controversy and expedite consideration of this bill, there are no EPA legislative provisions included in the committee recommendation. If Members wish to offer such amendments, we ask that you bring them forward. We will deal with those in the full body. We did not deal with them in committee.

For the National Aeronautics and Space Administration, the committee recommends $13.5 billion for NASA, the same as the President's request. The past few weeks in the news have exemplified NASA's situation, from the heady excitement of seeing the American robot Sojourner cruising the surface of Mars to the continued concerns over the safety of our American astronaut and his Russian companions on the Mir space station. We have supplied NASA with the President's request and will work with the agency to allow them the flexibility to continue their exciting research and development missions while at the same time working to control their costs.

For the National Science Foundation, the recommendation includes $3.377 billion for the National Science Foundation, $10 million above the President's request and $60 million above the budget agreement assumptions. This subcommittee believes that research and development is essential to our Nation's future and wants to give the NSF the necessary resources.

Included in the mark for NSF funding is the provision for a new plant genome initiative. An interagency working group convened by the President's science adviser has recently reported on the exciting prospects in genome research. Their report recommends expanding current studies of plant genomes to economically important crop species, including corn. We have supplied NSF with the resources to jump-start that effort and applaud the agency's interest and support in exploring the broader applications of the research they fund.

For the Federal Emergency Management Agency, the recommendation totals the President's request of $788 million exactly, including $320 million for disaster relief. A prohibition on spending is included in the recommendation, consistent with legislation FEMA recently proposed to reform the disaster relief account. This is an area I have long been interested in addressing, as the costs of this program are completely out of control. The limitation on spending included in this measure as recommended by FEMA would prohibit disaster relief funds from being spent on such projects as golf courses, stadiums, parks, and recreational facilities, trees and shrubs. While the limitation on spending is modest, it is at least a first step, long overdue, and an important one that we should take.

I anticipate the authorizing committee will expedite its consideration of FEMA's proposed Stafford Act amendments in September.

Also in FEMA, the newly authorized dam safety program is fully funded at $2.9 million and State and local assistance grants are increased $3 million.

I might add that, as mentioned earlier, we are waiting final action from the Budget Committee to revise the 602(a) allocation, which is anticipated shortly, after which the subcommittee 602(b) allocation will be revised so that we may be in conformance with that allocation. The action is necessary owing to the budget resolution's special treatment of the HUD section 8 contract renewal accounts.

PRIVILEGE OF THE FLOOR

Mr. BOND. Madam President, I ask unanimous consent that Sarah Horrigan, who has worked on space and science issues on this bill, be allowed the privilege of the floor during consideration on S. 1034, the VA–HUD appropriations bill and any votes therein.

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

Mr. BOND. Madam President, it is now my pleasure to yield to my partner in this effort, the distinguished Senator from Maryland.

I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, thank you very much.

PRIVILEGE OF THE FLOOR

Ms. MIKULSKI. Madam President, I now ask unanimous consent that during the consideration of S. 1034, the VA–HUD appropriations bill for fiscal year 1998, Ms. Stacy Closson, a detailee from DOD serving with the VA–HUD Subcommittee be provided floor privileges during the consideration of this bill.

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

Ms. MIKULSKI. Thank you, very much, Madam President.

Today, I rise to join my distinguished colleague, the Senator from Missouri, to offer for floor debate and the consideration of the Senate the fiscal year 1998 appropriations bill for VA–HUD and independent agencies.

This is an extraordinary bill because it deals with 7 Cabinet-level Government agencies and 18 other agencies that are important to the United States of America. These agencies range from Veterans, Housing, the Environmental Protection Agency, the National Space Agency, the National Science Foundation, Federal Emergency Management Agency, as well as the National Corporation for Volunteer Services, and we go on to Selective Service.

People would be surprised to know that Arlington Cemetery is also funded in this bill. We stand sentry for consumers through the consumer product safety legislation. Those little pamphlets that taxpayers send for from Pueblo, CO, a big chunk of their funding comes out of this bill. So when we say veterans, housing, and independent agencies, this is probably, along with defense and the Labor-HHS bill, the most complex bill. Therefore, when we bring it to the Senate, sometimes our funding sounds like it is significant in terms of its dollar amount, but we really have worked very hard to get a dollar's worth of services for a dollar of taxes.

The bill before the Senate is a $90 billion bill that includes $21.5 billion in mandatory spending which is primarily directed at veterans, and appropriates a total of $69.4 billion in discretionary budget authority. This is almost equal to the House in total funding, and more than $90 million below what President Clinton requested. However, the allocation for the Senate, which is the total amount given to us to spend, was almost $800 million below that of the House.

Given the tight allocation, the chairman and I did the best we could to balance the needs of diverse groups of agencies funded within this subcommittee. With a better allocation, we could have funded all the agencies in this bill at higher levels. But we were ready to make tough choices and set priorities.

On the majority of the aspects of the bill, I want to say unequivocally I support Senator BOND, the chairman of the committee, the Republican, on his priorities. There are some yellow flashing lights related to President Clinton's agenda that I will address in my remarks, but we are very much in sync and in alignment with what we want to do. I am particularly grateful for Chairman BOND's efforts reflected in this bill to continue many of the initiatives voted by the subcommittee over the past several years when I chaired it.

As I said, I wholeheartedly agree with Chairman BOND's attempt also to avoid controversial riders this year and to keep out significant new legislative provisions not dealt with by this subcommittee. We have essentially said to Democrats and Republicans alike, don't play pin the tail on the donkey with this bill, adding controversial riders, and also, if you have new ideas for new initiatives, hey, why not try the authorizing committee for a change and see if we can move legislation that way.

There are several things, though, that I really approve of in this bill. Both Chairman BOND and myself consider veterans to be a very high priority and veterans medical programs to be of special priority. This bill restores $300 million worth of cuts assumed in the budget agreement and puts them in veterans medical care and also in veterans medical research. Veterans funding remains a key concern of mine, and I will continue to fight to ensure that promises made are promises kept. I will also stand sentry to make sure that the Veterans Administration meets its projections in third-party insurance collections that are designed to help increase medical care spending.

This bill also restores several cuts made to key programs at the Department of Housing and Urban Development. This was restored as the community development block grant funds so important to mayors and local communities, the project HOME, public housing and homeless assistance.

Also, something I am particularly pleased to work with Chairman BOND on is we restored the cuts in elderly and disabled housing. When the budget agreement was first proposed, there was a suggestion that this particular area of funding receive $400 million. Senator BOND and I agreed we should fully fund it at last year's level and have $839 million that will go to being able to build housing for the elderly and for the disabled.

The Senate bill has also added a modest increase to the Hope 6 revitalization program. This is a program that is very important because, hopefully, it ends public housing in the way we know it and says that public housing should not be a way of life, but be a way to a better life. Always where there is compelling need there is often sometimes sloppy administration. I concur with the report language offered by Senator BOND directing the Government Accounting Office to continue its analysis of Hope 6 to make sure that the effectiveness of the program is being monitored to ensure that for those receiving Hope 6 benefits in public housing, which was designed to community build and have work force readiness, the GAO will make sure that the work force readiness aspect is really doing what it should.

Then we move on to our very important science programs as well as Federal Emergency Management. Thanks to the efforts of this subcommittee, the national space agency, the National Science Foundation, and Federal Emergency Management are all funded at the President's request level. We, on this side of the aisle, say thank you, thank you to Chairman BOND for working with us to make sure that core science programs are funded and Federal Emergency Management continues to be fit for duty should other people around the United States have to dial 911. I think all of us who watched Hurricane Danny were glad it was downgraded to a tropical storm, but when it hits Alabama with over 25 inches of rain in a very short time and you see people carrying out their children and their most precious possessions, we know why FEMA exists.

Despite the tight allocation, I am pleased we were able to meet the President's request for these key agencies while protecting the funding in veterans medical care, disaster relief, critical science and space. I think America has to be incredibly thrilled with the breakthroughs NASA has made as Sojourner continues to roll across Mars. Scientific developments, such as the Sojourner, the Hubble telescope, Mission to Planet Earth, are truly special American projects, and show that we are No. 1 in space. FEMA is another agency that is doing a very good job, and this critical agency has shown steady improvement in recent years in responding to America's natural disasters.

Madam President, I also want to call to your attention the fact that the administration does have some serious concerns with the reductions in this bill. I call these yellow flashing lights. Given the tight allocation, I understand that not all the programs could be funded at the President's request. Measures had to be taken, protective measures, for several key programs. That meant that other important initiatives could not be adequately addressed. So, in looking out for veterans' medical care, that meant fulfilling the President's full request for an $850 million increase to the EPA budget simply was not possible. As a result, the request for a 50-percent increase in the Superfund was not yet met.

As you know, the President is a strong advocate of the Superfund. This will be a key issue to resolve during the upcoming weeks while the House and Senate are in conference on this bill. I really encourage the authorizers, while we are in conference, to try to pass the authorizing bill so that the authorizing bill could match, perhaps, what we were able to do in conference.

Another yellow flashing light is the $146 million reduction to the President's request for the Corporation for National and Community Service. This request was to be used for the President's program called the America Reads Challenge. It is to be a national literacy campaign to ensure that every child can read, and read well and independently, by the third grade. The budget agreement called for funding in this program. However, it was not funded in either the House or the Senate bill.

Illiteracy in this country is of great concern for all, and all ages, but, really, if we could make sure every child was immunized by the time they were 2, could read by the time they were in third grade, had access and knew how to use a computer by the time they were 12, we would do a lot about empowering our children. I support the restoration of that funding.

A third flashing light to the administration is the elimination of funding for the community development financial institutions, something called CDFI, another program that was protected in the budget agreement, which helps to spur business activity and traditionally underserved communities, and is particularly focused on microenterprise endeavors that enable women of modest means to be able to move in terms of economic development in business. The House bill funded this at $125 million, and we hope this will be a restoration where there is some type of agreement. This is a high priority of mine during the conference.

It will be my intent to offer an amendment or perhaps work with Senator BOND as we go through the other amendments to see if we could not address the issues of empowerment zones, America Reads, and Federal emergency mitigation efforts to see if we could find some funds to be able to have a placemarker in this budget going to conference for these very important programs.

I do appreciate Chairman BOND's willingness to fund the EPA brownfields request and the inclusion of the report language allowing the HUD-CDBG money to be used for brownfield activities. A concern for the administration is the absence of the request of increase for the HUD brownfields program. The brownfields initiative can play a critical role in restoring urban areas. In my own home State of Maryland, in the Baltimore metropolitan area alone, we estimate that there are over 3,000 acres of brownfields in and around our port area which, if we could clean them up, would offer kind of a second version of an empowerment zoning.

Madam President, given these concerns, I will be offering an amendment, as I said, that will restore funding, some funding, modest funding, for the America Reads Program under the Corporation for National Service, empowerment zoning in the HUD budget and predisaster mitigation for FEMA. I will in no way make an effort to restore full funding for those programs, because it just is not fair. But I will be looking to see what we could do to have a placemarker to go to conference.

Madam President, there is mixed news in this bill for the administration. Like you, I am interested in producing a final bill that is agreeable and signable. I believe the bill that we have produced is a very good start. In fact, it is an excellent start to ensuring funding for many of this Nation's vital programs. I will work with my colleagues now on the floor to see how we could accommodate them. I will work with my chairman during conference and continue to try to address the administration's concern.

In closing, I want to thank Senator BOND again for his hard work and his willingness to listen to my side of the aisle's concerns and to honor many of the requests made by President Bill Clinton. I am pleased, when it came to funding like NASA, like the National Science Foundation, the funding for Federal Emergency Management, it knew no party, because when we are up there on Sojourner, when we might have to be part of the rescue operation for Mir, when we are doing so many very important things at the National Science Foundation and helping rescue Americans who have been hit by national disasters, this is not about party. I commend the cooperative nature in which this bill has been crafted. I believe we have produced a bill that can be signed into law with some of the appropriate amendments in conference consideration.

Madam President, before I yield the floor, I say to all of my colleagues from my side of the aisle, if you have amendments, please let us know them. We know that between now and 5:15 when we start voting on Treasury, Post Office, it would be enormously useful to Senator BOND and myself to know what any amendments are so that we could either work with you to accommodate you or be able to set the stage on how we can proceed with this bill. I believe it is Senator BOND's intention, and I will do my best to cooperate with him, that we will conclude this bill tomorrow at the earliest possible time.

Having said that, I look forward to the debate, as always, on this bill and, as always, have enjoyed working with my colleague, Senator BOND. I yield the floor.

Mr. BOND. Madam President, when major measures like this are considered on the floor, it is usually boilerplate for each side to say nice things about the counterpart. In the case of the VA-HUD bill—this is a very difficult bill—I say without reservation, and not as a matter of mere formality, that one of the great benefits I have in working through a very, very difficult bill is that I have the distinguished Senator from Maryland as my ranking member. She has helped me a great deal learn and understand many of the great challenges in this bill from her position as having chaired this committee. She has presented to us, in very workable fashion, a number of the concerns we have been able to meet in this bill, and I really could not be here with this difficult a bill in as good a shape as I believe it is without her support. It has been absolutely invaluable to me to have her assistance and that of her able staff.

She mentioned a modest amendment that I look forward to working with her to include.

I guess my whole concern over this bill—it was with a slight tear in my eye that I read the statement of administration policy from Budget Director Raines. He said some nice things about working with the committee. On the

first page of his letter, he said, "We urge the committee to reduce funding for lower priority programs or for programs that would be adequately funded at the requested level and to redirect funding of programs of higher priority."

Unfortunately, we have looked at the programs. We have not funded the lower priority programs to the best of our ability. The priority funding that we have included in this bill does reflect the priorities of what I hope will be a bipartisan majority of this body. We do have the option when we go to conference, we hope, of increasing the overall allocation, so that there will be more funds available, and that we will be able to put some more money in the higher priority programs. But given the nature of the allocation and the many pressing needs, as my ranking member has outlined and as I have outlined, there are not low-priority programs funded in this bill.

I note that on the America Reads Program, it has not been authorized. We don't really have any details on it yet. So we were reluctant to go forward with the President's full request. When I first heard about it, I thought it would be a program that would be funded in Labor-HHS if it is a reading program. But I am certainly willing to work with my minority colleagues in trying to make some accommodation of the President's interests there.

With respect to the brownfields HUD program, I have said on this floor many times that HUD is a very troubled agency that is having a great deal of difficulty running the programs it is supposed to run. That is why I am reluctant to give it a new responsibility in the environmental area. EPA is handling that program. We have included money for the EPA for the brownfields program. We made brownfields clean up an eligible activity for the community development block grants, so that communities without an undue benefit, Federal bureaucratic interference, might be able to clean up some of them themselves. So we feel that the brownfields program is not one that ought to be added to HUD's already too-full plate.

After speaking briefly with my ranking member, I join with her in urging our colleagues to bring forward the amendments. We hope to know by 10 o'clock tomorrow what amendments are pending. We want to be accommodating. We want to accommodate our colleagues if they do have amendments and, if possible, we would try to accommodate them. If we simply do not see the resources available, we would like to move expeditiously to a vote on it, if that is required. I am most encouraged by the optimistic thought that we could finish this very important bill by not too late tomorrow. I am from Missouri and it is the "show me" State. I will believe it when we have final passage. But I commit to working with the ranking member and all of my colleagues.

In the past, we have been swamped at the end with a large number of colloquies and senses of the Senate. I have found, through very painful experiences, that I need to read those and make sure that we have time to consider them fully on both sides. So if colloquies or other noncontroversial items are to be inserted, it would be of great help to me and I would appreciate it, as my ranking member would, if we could see those colloquies as soon as possible, so we will be able to give them full consideration.

Now, Madam President, I had hopes that one of our very distinguished colleagues would be able to be over this afternoon. We heard that Senator GLENN might wish to come and talk about the space station. We are open and we are ready to do business. We will be more than happy to entertain any measures. If any colleagues have an amendment that may need to go to a voice vote, we would like very much to lay it down today. We have both the time from now until 5:15 and then after the votes to do it. It is the request, I believe, of the leaders that we move forward. If there is an amendment that we can debate and set for a vote tomorrow morning, we would like very much to do so.

Madam President, I yield the floor.

Ms. MIKULSKI. Madam President, I, too, am looking forward to the statement on the space program of our distinguished colleague from Ohio. I have been advised by his staff that the distinguished Senator from Ohio is in a meeting and hopes to join us perhaps around 4. In the meantime, if any other Senators have statements they wish to make, they could do that, and this might be a good time to offer an amendment.

Madam President, I yield the floor.

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

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

Mr. GLENN. Mr. President, if there is anything that sets this country apart from other nations around the world, it seems to me it would be our, almost our innate curiosity, our questing spirit that led people not only to explore geographically, but led them to explore in the laboratories of our Nation and express our curiosity in learning new things. That is at the heart of science, learning the new and putting it to use. We could run through a whole gamut of things in history. We could talk all night tonight about different things that have revolutionized our way of doing things on Earth.

The Wright brothers were curious about whether we could fly or not, whether you could get the air to react enough off an airfoil so you could fly—and they were ridiculed for it. Some people said, "If God wanted us to fly, why, he would have made feathers on us so we could fly." Their curiosity led to airplanes and the aviation industry and changed the nature of the whole world. You can say the same thing about curiosity about the internal combustion engine and automobiles and communications and how we transmit sounds from one place to another—the telephone, the Bells—computers and plastics and TV and nuclear energy and agricultural research.

We never think of agriculture in this country as being such an example of basic research, yet, just in my own lifetime, the corn production in Ohio has gone from about 48 bushels per acre to something like 137 on the average and, in some places, going close to 240 bushels an acre in certain selected spots. That is just enormous. That did not occur because people are working three or four times as hard. It occurred because of basic, fundamental research, people curious about soil and about fertilizer and seeds and hybrids and so on. We can go on with antibiotics and anatomy and physiology and all the things we know in medicine these days. We could talk for many hours about where this questing, curious nature that we have in this country has led us.

Part of the bill before us here involves the NASA budget. An area where we, as a nation, are expressing our curious, questing nature, is in the area of space and space research. Every year we are asked why do we invest billions of taxpayer dollars for space exploration and research. There is one very short answer to it. In my view, we do it is to benefit people right here on Earth. This has been true for the whole program. It was true ever since I was involved in the space program many years ago, during Project Mercury and our first orbital flights. There are a number of examples of research connected just with the space program, and particularly with the space shuttle experiments, that I think everyone can relate to.

We will have applied science and scientific research going on through the years with the international space station project. Every year we debate this on the floor. Fortunately, to my way of thinking, we have continued to fund the space station. It is one of the greatest scientific engineering cooperative efforts in the history of this world. We have a number of things that are being looked into now on the shuttle that could be done better and longer term on the international space station when it comes along. Parts of it will

start being put up at the end of next year. But a lot of things that have come out of the shuttle program so far are of very, very practical use right here on Earth.

One experiment that I find most intriguing is protein crystal growth. It is fascinating. It brings a whole new input to medicine, to the thousands of different proteins and combinations that make up our bodies and literally stands to transform the way medicine looks at itself and the way we treat disease and what we can do with regard to immunities.

Let me give just one example. We have a chart here I would like to have put up that shows what is going on with treating flu. A flu remedy is being developed with space-grown crystals, where you can better find out how the flu bug itself reacts. The loss of productivity due to flu is staggering. Its costs range as much as $20 billion a year. There are high-mutation rates of the flu virus. New data from the protein crystals grown in space and on Earth have unlocked the secret of the flu bug and revealed its Achilles heel. The secret lies in a small molecule which is attached to the host cell's surface and each flu virus, no matter what strain, must remove this small molecule to escape the host cell to spread infection.

But using data from space and Earth-grown crystals, researchers from the Center of Macromolecular Crystallography are designing drugs to bind with this protein's active site, in other words, the lock on this site. This lock-and-key reduces the spread of flu in the body by blocking its escape route.

In collaboration with its corporate partner, the CMC, the Center of Macromolecular Crystallography, has refined drug structure in preparation for clinical trials, and those clinical trials are starting. When tested and approved, relief is expected from flu epidemics by the year 2004. I give some detail on that because I think it is an example of the kinds of things that are underway that we can directly relate to the space program. We have some 20 to 40 million people every year that get the flu, and it causes some 20,000 deaths a year in the United States alone. This new data of space-grown crystals has helped unlock a secret to let us treat flu in a different way. That is just one example.

Another example that can benefit from these same kinds of space-grown crystals is trauma from open-heart surgery, which often may lead to complications due to massive inflammation of heart tissue. Factor D is a protein which plays a key role in the biological steps that activate this immune response. Being able to block factor D's effects could enable heart surgery patients to recover more rapidly, and data from space-grown crystals allowed researchers to develop inhibitors which specifically block factor D. This drug is being readied for clinical trials.

We have a new antiparasite drug from space-grown crystals. It is estimated that over 1 billion people in this world are infected with a round worm known as ascarids. It is a tiny parasite that infects the intestinal tract of vertebrates and is often fatal. Ascarids are dependent on a substance called malic enzyme to function properly. A new drug, developed in part by Upjohn, with the benefit of crystals grown on the USML-1 Spacelab mission, should interfere with normal functioning of malic enzyme and, thus, prove deadly to ascarids.

Another example: Space crystals and the fight on AIDS. A new combination of drugs, which include protease inhibitors, have proven immensely successful in treating AIDS. In an ongoing experiment with DuPont Merck, NASA has crystallized HIV protease enzyme with an inhibitor to support structure-based drug design research, and the resulting drugs could represent the second generation of this successful approach to treating this disease.

This chart shows some of the details. I don't know whether the cameras will pick this up well enough to show the interaction. This is something that gives real hope in the treatment of AIDS in the future.

Another example on a different chart here indicates how diabetes patients may benefit from NASA's bioreactor research. The bioreactor is a tissue culturing instrument which allows microgravity researchers to grow tissues which are larger and more complex than other tissue culturing techniques. The bioreactor has the potential for changing disease treatment through tissue transplants.

Forthcoming experiments plan to grow human pancreatic islet cells in the bioreactor for possible transplantation into diabetic patients. Trial runs with this technique have proven successful. If the upcoming experiments are successful, diabetic patients will not need to rely as heavily on insulin injections and will have less complications from their disease.

Another chart: Modeling colon cancer with bioreactor. Mr. President, 166,000 cases of colon cancer are diagnosed each year in the United States, and it is a leading cause of death. Colon cancer tissue grown in a bioreactor develops remarkably similar to tumors extracted from humans. Studying these tissues outside the human body may allow researchers to understand how cancer spreads, as well as identifying new therapies which may prevent it.

This bioreactor is a fascinating thing. It lets tissues be cultured in the same way they occur in the human body. If you go into a laboratory and try to do experiments there, quite often the experiment becomes far more two-dimensional because it wants to settle to the bottom of the petri dish. A bioreactor in space, with all the right fluids that simulate the body, allows growth in a 3-D situation. They can be studied better so possible antidotes for them or possible treatments can be put into a culture there that is very similar to what is in the human body. It is not just something that is flattened out in the bottom of an experimental glass in the laboratory.

Growing cartilage with the bioreactor is another potential application. An application of the bioreactor is culturing cartilage tissue for replacement and transplantation. Experiments with the bioreactor and space indicates it can successfully culture cartilage tissue that is quite similar to human cartilage.

I use these few examples today just to illustrate that they are very, very practical and very, very useful for our future on Earth. The international space station will make it possible to continue some of the same experiments for longer periods of time. I know that every year when we have the budget battles on the floor, we have attempts made to cut out some of the money for the international space station, which would cut out some of the scientific inquiry that we otherwise would be able to perform. Let me talk about it very briefly.

NASA has already had some 1,000 or more proposals per year for ground-based and flight investigations involving the international space station project. Selection of principal investigators and commercial developers is beginning this year for flights starting in 1999, and this population will increase from 650 to 850 principal investigators and from 100 to 200 industrial affiliates by the time the station assembly is complete.

About 650 life and microgravity sciences principal investigators are now participating at over 100 institutions of higher learning around the country, and the number of investigators is expected to grow to over 850 before assembly is completed. These researchers, in turn, employ about 1,400 graduate students at present, with that number expected to grow.

What are they looking into? Well, a number of different areas, and I won't be able to go into all of them today. Biotechnology with an x ray diffraction system, for instance. Microgravity allows researchers to produce superior protein crystals, which I mentioned a moment ago, for drug development and to grow three-dimensional tissues, including cancer tumors, for research and cartilage for possible transplant.

The long-term benefits: to provide information to design a new class of drugs to target specific proteins and cure specific diseases; to culture tissue for use in cancer research and surgery in bone and cartilage injury.

Another area that can be looked into on the international space station also

is in the area of materials science. Researchers use low gravity to advance our understanding of the relationships among the structure, the processing and the properties of physical materials.

The long-term benefits: We advance the understanding of processes for manufacturing semiconductors, metals, ceramics, polymers, and other materials. We also determine fundamental physical properties of molten metal, semiconductors, and other materials with precision impossible on Earth.

There are a number of people involved in this, people from the State University of New York, Rensselaer Polytechnic Institute, and MIT up in Boston. Researchers indicate great progress from this new research tool in having projects in space in microgravity.

Another area being looked into, and this one is a fascinating one, is combustion science, fluids and combustion facility, glove-box experiments, as they are called. Scientists are using low gravity to simplify the study of complex combustion processes, burning processes. Since combustion is used to produce 85 percent of Earth's energy, even small improvements in efficiency will have large environmental and economic benefits.

The long-term benefits: Improved control of combustion emissions and pollutants reduce risk from incineration of hazardous wastes and enhance efficiency of combustion processes.

These are only highlights of some of the prestation research that have already occurred. Dr. Robert Cheng and Dr. Larry Kostiuk, combustion science researchers at Lawrence Berkeley National Laboratory under contract to NASA, were awarded a patent for a ring flame stabilizer, which significantly reduces pollution from natural gas burners. Fitted into an off-the-shelf home heating surface, the device reduces nitrogen oxide emissions by a factor of 10 by increasing efficiency by 2 percent, and the device can be readily sized to industrial scales. That kind of experiment will continue on the space station.

"Almost every chapter in the combustion textbooks will be rewritten as a result of the microgravity work," said Prof. Howard Palmer, professor emeritus at Penn State University. And other statements by other scientists say the same thing.

Furthermore, the international space station will continue research into fundamental physics. Scientists use low gravity to test fundamental theories of physics with degrees of accuracy that far exceed the capacity of earthbound science. Physics and low gravity expand our understanding of changes in the state of matter, including those changes responsible for high-temperature superconductivity.

The long-term benefits will challenge and expand our theories of how matter organizes as it changes state, and that is especially important in understanding superconductivity and its advantages. We can also test the theory of relativity with precision beyond the capacity of earthbound science.

Scientists will study gravity's influence on the development, the growth and the internal processes of plants and animals, and their results expand fundamental knowledge to benefit medical, agricultural, and other industries.

The long-term benefits will improve the overall health of people of all ages. It can improve plants for agriculture and for forestry, and we will gain an advanced understanding of cell behavior.

Biomedical research in space will provide unique insights into such things as how the heart and lungs function, the growth and maintenance of muscle and bone, perception cognition, and balance, the whole area of neuroscience, and the regulation of the body's many systems, called regulatory physiology.

The long-term benefits will assist in developing methods to keep humans healthy in low-gravity environments for long, long periods of time; advance new fields of research in the treatment of diseases; enhance medical understanding of the role of force on bone in disease processes, including osteoporosis; advance fundamental understanding of the brain and nervous system and help develop new methods to prevent and treat various neurological disorders. These are the long-term benefits.

I quote a friend and one of the most respected surgeons in this country—as a matter of fact, in the world—Dr. Michael DeBakey, chancellor and chairman of the department of surgery, Baylor College of Medicine, who said:

> The space station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury. Present technology on the shuttle allows for stays in space of only about 2 weeks. We do not limit medical researchers to only few hours in the laboratory and expect cures for cancer. We need much longer missions in space—in months to years—to obtain research results that may lead to the development of new knowledge and breakthroughs.

We also can either look out into space or, from an observation point in space aboard a spacecraft, the international space station, look back toward Earth. That is planned with the Earth Observation and Space Science, the Alpha Magnetic Spectrometer, and SAGE to be deployed in 2001.

The space station will be a unique platform with multiple exterior attach points from which to observe the Earth and the universe.

Conceptualized by Nobel prize-winning scientist Dr. Sam Ting, of MIT, the alpha magnetic spectrometer experiment will search the universe for antimatter and "dark" matter in an attempt to prove cosmological theory with direct evidence.

Also, the stratospheric aerosol and gas experiment, SAGE–III, will also be delivered. It will obtain global profiles of aerosols, ozone, water vapor, and oxides in order to determine their role in climatological processes. It will allow cross-correlation of observations from SAGE's I and II at different latitudes and different time periods.

I cite these examples to briefly indicate what a wide variety of scientific effort will go on with the international space station.

Now, let me address these next remarks to two sets of people who may be watching or listening here today. How many of you are over 60 years of age? If you are not over 60 years of age I know that each of you hopes to live to be 60 or older. What I am about to say I believe is very relevant to you.

For several years now NASA and the National Institute on Aging, which is part of the National Institutes of Health, have been working on some projects looking at what happens to astronauts in space.

I became intrigued with this, and I have long been interested in issues associated with our aging population. In fact, when I first came to the Senate—I was sworn in in January 1975—I asked to be assigned to the Special Committee on Aging because I thought there was so much work needed to be done.

Today, we find an aging population sometimes referred to as the graying of nations. I conducted hearings years ago on the graying of nations, and then had additional Governmental Affairs Committee hearings in New York called the Graying of Nations II. Dr. Robert Butler assisted in putting together those hearings. He was the first Director of the National Institute on Aging and did a superb job in getting that whole agency started.

Nearly 45 million Americans today are 60 years of age or older. The demographic experts tell us that that is projected to grow to about 100 million over the next 50 years, by the year 2050. NASA has begun to formally explore the similarities between the aging process and what happens to astronauts in microgravity. There are physical changes that occur in space and the National Institute on Aging has been very interested in and has worked with NASA to review these changes. They are in the process now of coming up with very specific proposals as specific experiments.

But there is a great similarity between what happens to astronauts in the short term—it starts 3 to 5 days after they have been up there on current missions—and what happens to the elderly right here on Earth by the normal process of aging. This is fascinating because of the similarities in osteoporosis, for instance, changes in

bone density, changes in orthostatic intolerance—in other words, the ability of the body to keep blood in the upper part of the body so you do not just black out—the vestibular and balance problems, sleep disturbances, decrease in muscle strength, the decrease in immune response, and similar changes in cardiac activity and blood glucose.

Now, these changes occur in the younger astronauts in space right when they go up today. They occur during the first 3 to 5 days, or are noticeable, as I understand them, in the tests that have been run. At the end of the flight when they come back to Earth, the younger astronauts return to normal, their bodies recover, their bone structure is basically reformed again. They recover from it.

Now, in the elderly here on Earth there is not that same kind of recovery. But what the National Institute on Aging and NIH is looking into with NASA is to propose experiments to see what happens if you did put an older person into space. What would happen? Would the changes that happen to the younger astronauts be additive to the older astronaut or would that person be semi-immune from those same changes?

Would the change be to the same degree? What happens when you come back to Earth again? With these changes, would the older astronaut recover as fast as the younger ones? If not, why not? In other words, the questions being asked are basically what triggers these different systems and why do they change? Why do they change in microgravity? Why do they change in orbit? Would they change the same for an older person as they do for the younger people? I think this is a fascinating field. I am very hopeful that NASA and NIA will formalize this program primarily for the potentially enormous benefit that may come from it for hundreds of millions of people, not just people in this country, but people literally all over the world, and also because I can think of no more powerful and essentially untapped constituency for human research in space than the elderly.

I will say a few words about the importance of international cooperation in space research, also.

If you had told me some 35 years ago when I made my flight back in 1962 that in June 1997, a U.S. astronaut would be beginning the 16th month of continuous U.S. presence on a Russian space station, I certainly would not have believed it.

As a veteran of the cold war and the space race, I guess I could not be more pleased to see this kind of progress. Obviously, there is tremendous symbolic value when former enemies work together cooperatively. But symbolism isn't the most important reason we cooperate. Again, it gets back to basic research. The quality of research is going to improve if we have the best and the brightest from 15 nations working on a project.

The shuttle-Mir program, also called phase I of the international space station, is a perfect example of the benefits of such cooperation. As many of you know, this program consists of nine shuttle-Mir docking missions. The program is helping both the United States and Russia learn countless valuable lessons which will be put to use on the international space station.

Now, obviously, the Mir space station has been having problems. We are aware of those from the daily news. Some problems are due to aging components of the station; some may have been due to crew or ground control errors. We will see what NASA and the Russian space agency leadership will recommend.

Usually, for both the Russians and the Americans, space operations have been nearly flawless. For example, just a few days ago, the crew of STS–89 returned from a 16-day science mission which appears to have exceeded all expectations for scientific data.

I would like to remind people of two things. First, space travel and research is still a risky and technologically complex undertaking. Things do not always go right. We are dealing with new fields of power and speed. There are going to be times when things do not always go right. So it would be completely inappropriate for us at the first sign of serious trouble to cut and run.

Second, NASA emphasizes safety above all else. No one has ever intentionally put our astronauts in unsafe or hazardous conditions. Quite the opposite. I know from firsthand experience our astronauts are trained to handle emergencies of all sorts that can be foreseen.

Some have suggested that before we send another astronaut to Mir, NASA must certify to Congress that it has done everything possible to make it safe. I find that an insult to NASA, because that has been their primary objective all the way through the whole program. For Congress to require that NASA had to certify it has done everything possible to make it safe before we would have another astronaut sent to Mir was about as unnecessary as anything I have seen since I have been around here. I think such a certification would be an insult to the men and women who work on this program every day. No one at NASA intentionally ever takes risks with people's lives. But space flight is risky, and we have to accept that.

I do not know whether people realize the speeds involved up there. I meet with school groups quite often. I find them amazed when you say, well, we have to travel nearly 18,000 miles an hour just to stay in orbit up there. That is true. But that is such a large number, it does not mean much until you ask the same students, "What is 5 miles from your school? Is the mall 5 miles from your home?" It seems the mall has an attraction for a lot of the young people these days. To make that 5 miles trip in a spacecraft would take just 1 second. To stay in orbit you are traveling about 4.8 miles per second—per second. And when you come back in and start hitting the atmosphere again with the spacecraft, there is tremendous heat buildup just from the friction of the atmosphere, ionized layers out ahead that get up around 9,000 or 10,000 degrees Fahrenheit, and surface temperatures of, say, somewhere around 3,000 degrees Fahrenheit.

We confront many challenges we have come to take for granted almost that we can meet the challenge successfully. We have done it amazingly successfully throughout the history of the space program. It has not been perfect. So to think that it is going to be perfect is just a wish.

Even if we were forced to curtail the Mir activity, we have already learned a tremendous amount from the seven shuttle flights that have been made to that station.

Let me just enumerate a few of the accomplishments.

Most importantly, we have conducted countless joint science experiments in a variety of disciplines.

American astronauts have maintained a continuous presence in space for nearly 470 days.

We have successfully conducted six shuttle-Mir docking missions, with three more missions for the future.

Russian and American engineers, astronauts and cosmonauts, in performing joint operations, have developed mutual understanding in originally dissimilar design philosophies and established close rapport between counterparts of the two different cultures. That is important for the future.

We have learned to plan and execute a typical shuttle mission to a space station.

We have verified and developed rendezvous and docking procedures.

We have conducted joint ground and mission control operations.

We have learned to transport and exchange supplies.

We have developed joint extra-vehicular activities.

We are testing schedules for long-duration Mir and short-duration shuttle crew work rest cycles during the docked and undocked phases of missions.

We are jointly resolving safety and acceptance testing differences.

And we are developing in-flight training protocols.

Most importantly, we are working together on joint research projects.

These accomplishments place us in an excellent position for initiating and conducting the assembly and subsequent operation of the international

space station with reduced risk, with greater confidence and reduced learning curve expenditures in time and costs. The only other way to gain this experience would be to wait until assembly of the ISS and then learn, and that is a little late.

Now all of this is leading up to construction and operation of the international space station. Let me show just a couple of charts here. This effort will be the largest peacetime international science collaboration in the history of this world. These international partners will include Canada, Japan, Russia, Britain, Italy, France, Germany, Belgium, the Netherlands, Norway, Denmark, Spain, Sweden, and Switzerland.

On-orbit weight will be 470 tons, and almost 20 percent of that, over 85 tons, of hardware has already been built.

This is an example of one piece of hardware now, one of the modules right here. When built it will have some 43,000 cubic feet of pressurized volume, which is the equivalent of a 747.

When you think about the number of scientific breakthroughs that can come from such an orbiting laboratory as this, it is sort of mind boggling.

I want to remind everyone of the critical importance of spreading the word about the benefits of human space flight. I hope staffs listening in the offices as well as Senators may go back to our communities in our States and find new outlets or organizations which may not have considered the significant impact which space research has had and could have and will have on their lives. If we can just invigorate and sustain such an effort I am very confident that the shuttle Mir and the international space station will merely be steppingstones to a much greater future.

I have asked NASA to put together, if they can, a compilation of the of the scientific research projects that have gone on on each one of those shuttle flights. I hope I can get that this evening so we can put that in the RECORD tomorrow because I think it will show the diverse nature of the scientific experiments, some of the breakthroughs that have occurred because of those experiments, and I think that is the best way to show what has happened in the shuttle program and the potential that gives for the international space station.

We have some other pictures of the space station that is already put together and is being worked on. This shows a technician working on this particular hatch. This shows two of the modules here that are already built, already tested out, and we have one unit that is undergoing tests down at the cape right now.

This shows another view of what is being done. This is not something that is theoretical into the future. It is being done right now.

This is a picture of some of the testing area where the hardware is being checked out. The hardware is roughly, as I said, almost 20 percent complete right now. Now, that 470 tons will be the final size of the vehicle once it is up there.

I see this as an extension of the best that our country has to offer in the way of science and research and the questing nature of our people that have given us a standard of civilization beyond anything the world has ever seen. We have been a Nation that did not just say we will live on the Atlantic shore on the coastal plain. We moved beyond that to the Ohio River, to the Mississippi and on to the Plains.

I read into the RECORD last year, and I may bring it to the floor again tomorrow, the statement by Daniel Webster, who for all his other brilliance was a skeptic, sometimes, and had a rather myopic vision. When they were considering buying lands west of the Mississippi from Spain or Mexico, Daniel Webster was against it and he rose and said words to the effect of "What use can this area west of the Mississippi be, this area of cactus and prairie dogs, of blowing sand, of mountains with snow, impenetrable snow, to their base? Mr. President, I will not vote 1 cent from the public Treasury to move the Pacific coast 1 inch nearer Boston than it now is."

That may show somewhat of a myopic view of even such a learned person as Daniel Webster, but it does. And that is repeated somewhat today by people who say, "What is the possible value of this?" The possible value is clear in just a few of the things I have mentioned here today. We have whole catalogs that have come out, things that have benefited science, research, medicine, and engineering in this country, and they are continuing. That is what this is about.

For the first time we will have some 15 nations involved in an international space station, working together instead of preparing to fight each other, working together using the best brains out of each of those countries to do research that is of benefit to people all over this Earth. That is the importance of it.

Some years ago when people would rise on this floor and say what possible benefit can it be, we now have a good story to tell them. It is a success story that every single American can be very, very proud of.

I am happy to be supporting the station. I presume we will have some amendments proposed on the floor that will change some of the program and the way it is outlined. I hope we will not approve those. I think the program has been revamped now. It is very well thought out. It is being done at about the cheapest we can possibly do it and still keep safety paramount, which is No. 1.

Mr. President, I ask unanimous consent to insert into the RECORD a paper, "Microgravity Research and Exploration" provided by the NASA Office of Life and Microgravity Sciences and Applications.

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

MICROGRAVITY RESEARCH AND EXPLORATION

In the mid-20th Century human ventures into space have ushered in a new era of exploration and defined a new field of research using gravity as a variable. In turn, this research has led to exciting discoveries on how profoundly gravity affects all elements of life on this planet and beyond. Over the years unexpected connections have been made between the findings in microgravity and the many physical, chemical and biological processes here on Earth, opening new vistas for understanding ourselves and our world. These findings have wide-ranging applications from medicine to understanding weather patterns, contributing to economic growth and vitality here on Earth.

These findings also serve as a sound foundation for future human and robotic exploration and for settling new worlds in the 21st Century. The International Space Station is the first truly multinational effort by the people on Earth to conduct a final rehearsal in low Earth orbit before spreading into space on a new and exciting quest for the origins of life.

Gravity is a force that has profoundly shaped the evolution of all living things. Gravity and its effects drive or constrain the fundamental physical, chemical, and biological processes that surround us. It is the basic force against which every living organism on Earth must work. Gravity gives us our sense of balance, guides the development of our bones and muscles, and challenges our hearts to pump blood against its constant downward pull. Space flight gives humankind the ability to control gravity as an experimental variable for the first time in the history of science. With the control of gravity, we gain a whole new perspective on the physical world and on the world of living things.

HISTORICAL PERSPECTIVES

The human crew member has been an integral element of the U.S. and Russian space programs since their inception. The harsh environment of space has posed a number of critical challenges for the protection of humans, planning for missions, and the execution of experiments.[1,2,3] The role of the human has grown as space missions and programs have increased in duration and complexity. Initially, the goal was to demonstrate man's ability to survive in space. During the 1960s astronauts served mainly as observers and backup operators to ground control personnel. The Gemini and Vostok missions built on the achievements of Mercury and Voskhod, and provided a technical and biomedical foundation for the Apollo lunar landing and Salyut space station programs. The Apollo missions required a broad biomedical support program, including provisions for in-flight illness. Like Gemini, the Apollo millions yielded significant findings on human physiology in space, but few insights into the effects of the space environment on physical and chemical processes.

In the early 1970s Skylab provided the first opportunity to study human adaption to microgravity over extended periods of time,

Endnotes at end of article.

allowing researchers to identify those physiological changes that are self-limiting. For the first time in the history of space flight modest microgravity experiments were conducted—the role of astronaut was expanded to that of scientist/investigator. It is worth noting that during the 1970s many more experiments were executed in drop towers, parabolic aircraft and suborbital robotic missions.

Since 1981 the reusable Space Shuttle has provided routine access to Earth orbit, expanded the space program to include investigators from industry and academia, and for the first time in the history of experimentation provided an exceptional platform for microgravity research. In 1994 an agreement between NASA and the Russian Space Agency allowed for the deployment of US research hardware on the Russian MIR space station for experimentation by NASA astronauts. Similar experiments to Space Shuttle missions are conducted on this platform but in a more constrained fashion.

RESULTS TO DATE

Since 1981 an unprecedented amount of scientific data has been accumulated from space research that has revolutionized our understanding of the nature and action of gravity on physical and biological processes. To date the Space Shuttle has flown approximately 720 days in space, of which 120 days were dedicated to microgravity research. NASA astronauts have flown 970 days on MIR with a total of 160 days dedicated to microgravity experiments.

RESEARCH WITH BENEFITS TO INDUSTRIAL PROCESSES AND EARTH APPLICATIONS

Despite the relatively brief duration of actual research in the life and physical sciences on orbit to date, numerous applications have already been identified and acted on by the private sector. These have been based on both scientific findings as well as technological advances. Today, a significant fraction of NASA's microgravity research program is already conducted with substantial financial support from other agencies and from industry, and we expect that contribution to grow.

Scientists have successfully used the low gravity environment of space to understand and control gravity's influence on the formation of materials including metals, semiconductors, polymers and glasses. For example, space research has produced cadmium zinc telluride (CdZnTe) crystals that have 50 times lower levels of a key defect than the best commercially available crystals. These experiments help researchers to verify mathematical models for semiconductor crystal growth to improve semiconductor fabrication on Earth. There have been many theories and mathematical models developed to predict the formation and development of dendrites, the tree-like structures that are the building blocks of most metal products. On Earth, gravity's effects limit the power of experiments to validate these fundamental theories. The Isothermal Dendritic Growth Experiment flown aboard the Space Shuttle has become the scientific benchmark for testing our theoretical understanding of metal formation.[4]

Another field in which microgravity research continues to make major contributions is combustion science. Combustion is a highly complex process involving many factors, such as: the physical flow of fuel and oxygen; the chemical conversion of fuel and oxygen into heat and chemical products and the transfer of heat. In many cases, combustion processes are so complex that scientists have difficulty developing accurate, complete models for them. By significantly reducing gravity's effects, scientists are studying subtle aspects of combustion that are often hidden. Research to date has demonstrated that gravity has a profound effect on combustion phenomena, with microgravity conditions leading to behaviors never before observed. Because combustion is so widely used for energy production and transportation, our growing knowledge of gravity's role in combustion phenomena holds the promise of improving the efficiency of a wide range of everyday technology, with potentially far reaching economic effects. For example, a patented ring flame stabilizer device has been developed by Lawrence Berkeley National Laboratory based on the results of microgravity combustion research. This device—applicable to residential furnaces and water heaters—reduces emissions of nitrous oxides by a factor of five over existing devices, while increasing overall efficiency by 2%.

Closely related to combustion science is fluid physics, a field in which researchers study the behavior of liquids, gases and mixtures. In microgravity, scientists observe aspects of fluid behavior that are difficult or impossible to understand in normal gravity. Microgravity enables scientists to create physical models of important processes and make observations that would be impossible on Earth. For example, results from microgravity research have provided the only controlled experimental observations of the convective motions in physical models of planetary and stellar atmospheres, laying a foundation for scientific understanding of the nonlinear dynamics of planetary and stellar flows, and giving us new insights into the dynamics of the sun and gaseous planets.[5] A new technique for stereo imaging velocimetry to measure fluid flows in space experiments developed by Lewis Research Center has found application in the US industry, where it is being used to quantify fluid flows in the steel casting process.

Use of the microgravity environment has allowed researchers to design experiments that achieve a measurement accuracy not possible in the gravity environment of Earth. Areas of investigation include research on general relativity, critical phenomena, laser cooling for ultra-precise measurement of atomic electronic properties, as well as other thermophysical measurements of interest in condensed-matter physics. For example, space flight research has been used to confirm with unprecedented accuracy the validity of a Nobel prize-winning theory describing the conditions under which matter will change between different states, such as from liquid to gas or from conductor to superconductor.[6]

RESEARCH WITH BENEFITS TO HEALTH

Microgravity provides researchers with new tools to address two fundamental issues in biotechnology: the growth of high-quality crystals for X-ray diffraction studies of large proteins, and the growth of three-dimensional tissue samples in laboratory cultures. Gravity plays central roles in each of these processes and NASA research is providing access to new data and techniques to the broader biotechnology community.

NASA's bioreactor, developed to simulate low gravity, has proven dramatically successful as an advanced cell culturing technology. This success has led to an extensive collaboration with the National Institutes of Health (NIH). Work with NASA bioreactors at the NIH has already produced advanced cultures of lymph tissue for studying the infectivity of HIV. Other areas of outstanding success include cultures of cancer tumors and cartilage.[7] Initial results of tissue culture research on the MIR space station are very positive and suggest the possibility of major advances in tissue culturing once the International Space Station becomes available.

Biotechnology researchers also use microgravity to produce protein crystals for drug research that are superior to crystals that can be grown on Earth. Already researchers have produced crystal samples of proteins important to the study of AIDS, emphysema, influenza, diabetes and other diseases.[8] Recently, researchers using space grown crystals determined the highest resolution structure for insulin published to date. By studying the structure and function of insulin, scientists hope to produce improved drugs for diabetics.

Life is, of course, dependent on many of the same physical processes I have already discussed. Convection, sedimentation, and buoyancy are features of complex, living systems as well as nonliving systems. But life possesses additional properties—such as adaptation to maintain homeostasis, and evolutionary development in response to environmental factors—that are also affected by gravity.

We are now demonstrating that microgravity can be used as a model to study some aspects of the aging process here on Earth. Indeed, astronauts experience bone and muscle loss, inability to maintain balance, posture, gait, and blood pressure, and changes in the general metabolism that mimic some of the symptoms of aging. Thus, microgravity research offers an unusual opportunity for us to study in a laboratory setting this natural phenomena of the life cycle. The symptoms caused by space flight reverse themselves on return to normal gravity, presenting additional opportunities for insight into the aging process.

The accumulated data from experiments in the physical sciences has formed the basis for a multidisciplinary investigation of biological phenomena using the findings from fluid physics research. As a result, we are obtaining explanations for complex biological behavior at the cellular and molecular levels. We are able to formulate a new set of hypotheses regarding the behavior of complex ecological systems in relation to multigenerational adaptive responses to the pervasive effects of gravity.

We have found that even the tiny single-celled organisms suspended in water are equipped to respond to gravity. We have used the low gravity environment of space to research and establish the mechanisms individual cells use to translate physical force, like acceleration due to gravity, into chemical signals that drive adaptation and response. We have begun work to explore the process by which plants respond to gravity to produce lignin, the primary component of wood. We look forward to exploring the role that gravity has played on Earth, and possibly in other places, in the genesis and evolution of life. If a planetary gravitational environment necessary for the creation or continued existence of life, how would living systems evolve in a different gravitational environment?

RESEARCH WITH BENEFITS FOR SPACE FLIGHT

Research into the effects of gravity on fundamental physical, chemical, and biological processes is increasingly serving as the underpinning for our understanding of how to live and work in space. Space flight induces changes in virtually all body systems. Most

appear to be benign adaptations to weightlessness, but if unchecked some physiological changes could become life threatening. It seems today that exposure to the low gravity environment produces a disassociation between the chronological and physiological ages. Thus, our task is to bridge this time gap by developing countermeasures such as exercise and pharmacokinetics.

The time course and extent of physiological changes in astronauts must be characterized, and appropriate countermeasures (compatible with the spacecraft design) developed for long-duration orbital and interplanetary space missions. This research promises to improve our general understanding of human physiology and a number of medical conditions. Similarly, the countermeasures that we devise may benefit health care on Earth.

To illustrate the breadth of the challenges we face, consider the digestive system. Relatively little work has been done on the effects of low gravity on the digestion, absorption and transport of drugs and nutrients in space. You might think that in a confined space like the human bowel there would be little role for gravity to play. But keep in mind that it is gravity that causes bubbles of gas to rise to the surface of a liquid and dispersed particles to settle out. We know that astronauts do not suffer from malnutrition, but how are digestion and pharmacokinetics affected?

Challenged by the need to monitor the health status and deliver health care services to astronauts in ever more remote and hostile environments, NASA is at the cutting edge of medical technology requiring autonomy. Space programs have pioneered the use of telecommunications, computer, and microelectronic and nanoelectronic technologies in health care. While critical for space flight and exploration, these technologies also yield considerable benefit for medical care here on Earth. The highly successful Spacebridge to Russia program—a joint effort between NASA and the Russian Space Agency—is an Internet-based telemedicine testbed that links academic and clinical sites in the US and Russia for clinical consultations and medical education. A predecessor project—Spacebridge to Armenia—was used to provide medical consultation services during the recovery from the Armenian earthquake in 1988. Pilot projects in telemedicine technology have also supported health care delivery in a wide variety of remote locations.

NASA has developed a range of technologies in medical informatics, sensors, diagnostic techniques, decision support systems, image compression, and advanced training to support health care delivery in space. These technologies include compact, solid state sensors that permit non-invasive monitoring of crew health and the spacecraft environment. NASA's Ames Research Center is adapting technology, originally developed for space-related scientific visualization, to stimulate complex surgery. This application enables surgeons to reconstruct a patient's face and skull from computerized tomographic (CT) scans, allowing doctors to virtually manipulate the bone tissue and visualize possible surgical procedures. Marshall Space Flight Center has worked cooperatively with industry to develop a Sensing and Force-Reflection Exoskeleton (SAFiRE) that senses hand and finger motion as human operator input and provides force-reflective feedback to the operator for both telerobotic and virtual environment applications. The SAFiRE project's technology base could be used to develop a biomechanically sound resistance exercise system.

FUTURE RESEARCH

Recent discoveries of life's adaptation to very extreme environments and the potential for past or even present existence of life on Mars or elsewhere in the Universe have raised a range of compelling questions. Life's complex processes are ubiquitous on Earth. Are they present on other worlds as well? What role has gravity itself played in the genesis and subsequent evolution of life on this planet and elsewhere? Humanity's fascination with life and the physical world propels our interest in the exploration of space.

As demonstrated by the success of the Mars Pathfinder mission, NASA has embarked on a promising path of technological innovation that is creating a "virtual" human presence on other worlds. Future missions of exploration will require crew members to live and work productively for extended periods in space and on planetary surfaces. As in the past, key biomedical, life support and human factors questions must be answered to ensure crew health, well-being, and productivity. To address these challenges, NASA will apply innovative technology to the challenges of robotic and human space exploration, ranging from advances in telemedicine, telepresence, and life support to in situ materials utilization, nanotechnology, and bionics. In the coming decades, fundamental and applied research in gravity's effects will lay the foundation for humans to develop and use space, and to expand outward on missions of exploration.

PROTECTING CREW HEALTH

Our first priority is ensuring the health and safety of our crews. Long duration flights have demonstrated that it is possible to survive extended term exposure to low gravity. Yet, as I have described above, we must not forget that adjusting to microgravity and then back to normal gravity is a traumatic experience for the body. Many of our intuitive theories for explaining these processes have already failed in the light of hard data. Even some of our long-held theories about the gravity dependence of physiological processes for humans on Earth have been proven false by space research. We must remain cautious in drawing general conclusions from the small sample sizes currently available and we must develop a rigorous understanding of the mechanisms behind adaptation to microgravity as well as the dose-response relationship. If we do a thorough scientific job of understanding the mechanisms and dose-response relationships of adaptation of low gravity we will create a new storehouse of knowledge with innumerable applications to Earth-based medical care.

TELESCIENCE AND TELEMEDICINE

In the next few years, the International Space Station will serve as a platform for developing and testing systems that will permit future space explorers to respond autonomously to a wide variety of ongoing and emergency health care issues. Medical monitoring will take advantage of noninvasive microminiaturized sensors and advanced wireless communications technology as well as next generation systems for displaying and integrating the data stream. Emphasis on portability and noninvasiveness of medical monitoring will also pay large dividends by reducing the need for storage and transportation of specimens.

ADVANCED LIFE SUPPORT TECHNOLOGY

Future exploration missions will rely on advanced, lightweight, closed-loop life support systems to sustain life in the hostile space environment. Research on advanced life support systems include both ground based and flight components. We have already begun a series of closed tests using crews of up to four people in ground based facilities at the Johnson Space Center. Flight testing and validation for life support systems will take place on the International Space Station. Our goal is to demonstrate advanced life support system on ISS that would be suitable for a Mars transit vehicle by 2004, and validate system performance by 2008. Space Station environmental monitoring systems will incorporate new miniaturized sensor technology requiring greatly reduced resources to operate.

PHYSICAL SCIENCES

We cannot overlook the vital role that fundamental research in the physical sciences will play in the future of exploration. Materials science research will explore advanced radiation shielding materials vital to long-duration space missions. Research in the behavior of fluids in low gravity will help the designers of future space systems to move from an empirical approach to approaches based on valid mathematical models for such vital systems as thermal control, fuel storage, and delivery, and life support systems. Research on combustion phenomena will contribute to improved technology for detecting and extinguishing fires in spacecraft.

Fundamental physical research is also required to lay the foundation for efficient and safe operations on the surfaces of other bodies in the solar system. We must understand the behavior of materials in the novel environments found on other solar system bodies if we are to design efficient systems for in situ resource utilization for fuel, life support, radiation protection, fire detection, and construction. Microgravity researchers are now participating in planning for robotic missions to Mars in 2001 and 2003 that will include experiments designed to explore these issues.

The quest for understanding in space is a voyage into the unknown. We cannot accurately predict what we will find, or what we will produce. But if we are to control the risks of human space flight and extract the benefits of space development for future generations, we must continue our efforts to reduce our ignorance. We must focus our research both in the life sciences and the physical sciences, using robotic missions in parallel with crewed missions to reduce the risks of human space flight. As a result, we will extend human virtual and physical presence further into the solar system, paving the way for broad commercial and scientific development in space. Ultimately, we will learn to send astronauts on long duration missions of exploration. Their work will serve to extend our research to new worlds, and possibly to new forms of life.

ENDNOTES

[1] Nicogossian, Huntoon, and Pool, *Space Physiology and Medicine, 3rd Edition*, Lea and Febiger Publishing, 1994.

[2] Nicogossian, Mohler, Gazenko, Grigoryev, *Foundations of Space Biology and Medicine, Volume II: Life Support and Habitation*, American Institute of Aeronautics and Astronautics, 1993.

[3] Dehart, *Fundamentals of Space Medicine, 2nd Edition*, Williams and Wilkins Publishing, 1996.

[4] Glicksman, *et. al., Physical Review Letters*, Vol. 73, No. 4, 1993.

[5] Hart, *et. al., Science*, Volume 234, No., 61, 1986.

[6] Lipa, *et. al., Physical Review Letters*, Vol. 76, No. 6, 1996.

[7] The May 1997 journal published by The Society for *In Vitro* Biology contains over a dozen original research papers using the NASA bioreactor.

[8]McPherson, "Macromolecular Crystal Growth in Microgravity" in *Crystallography Reviews*, Vol. 6, No. 2, 1996, 157–308).

Ms. MIKULSKI. Mr. President, as the ranking member of the VA–HUD Committee, of which NASA is one of our key agencies, I thank the Senator from Ohio for his detailed speech about what NASA is doing, not only today, but what it will do tomorrow. I believe the Senator, by talking about the exciting projects that we have, many of which have originated from the work at the Johnson space station, in the Presiding Officer's home State, the work in the area of health care. I visited these programs, know the merit they have, particularly in cancer research, tumor research, the issues outlined by the Senator from Ohio.

Also, in 1992, NASA and NIH signed a joint memorandum of agreement on how they can work together to maximize the research being done by the space agency, along with NIH, on issues related particularly to cancer and to issues related to women's health. Issues like osteoporosis, the same kinds of problems that the astronauts face being in orbit, are what many face, particularly we women on Earth. We lose bone density.

There has been a lot of joint effort and a lot of joint agreement. I think the Senator made a very valuable contribution and I thank him for his remarks.

Sometimes for those of us who seek funding for NASA, it sounds self-serving, that we would tout, pull out an item or two. But when Senator JOHN GLENN, an astronaut-Senator, speaks to it, I think the whole world listens.

We thank him for his comments and his contribution to the Senate and to the American space program.

I yield the floor.

Mr. BOND. I join my distinguished colleague from Maryland in thanking our friend from Ohio. No one in this body speaks with more knowledge and expertise on space issues than Senator JOHN GLENN. To hear him talk about the exciting things that are happening in space, science and medical advances, it truly is remarkable. It gives one a sense of what we can accomplish with the investments we make.

This is extremely helpful, as we go into the debate, because these are very tight budget times. We have taken a step of assuring that money is available for space, for investment in our future by the exploration not just of space but of the scientific discoveries that can come from utilizing the space station.

I thank him first as one who is interested in science. I envy his background and his knowledge. I appreciate very much his description of the exciting things that can come from space exploration, not just for those of us who are worrying about the funny-named rocks on Mars but those who want to see concrete and specific medical advances here today.

Mr. GLENN. We have in room S. 211, for the information of Senators or their staffs, a panoramic view that has been put together by NASA of Mars as taken from the Pathfinder. A full-sized model is out there for people to look at. It is intriguing. It is so tiny you cannot believe it is sending all this information back to us on Earth.

We invite staffs or Senators when they come over for a vote which starts at 5:15 to stop in and look at it. It is very worthwhile and gives a different concept than just seeing the pictures on TV.

I yield the floor.

Mr. BOND. I had my picture taken with the Sojourner. I thought it was quite coincidental that the Sojourner model showed up today. Timing is everything.

I urge my colleagues who are interested in this space exploration to look at the panoramic view to see how the Sojourner operates.

I see my colleague from Texas is anxious to speak. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to say it was a pleasure for me to hear the Senator from Ohio talk about this very important subject. I am proud the Senator from Ohio was once my constituent when he made the historic trip into space—that was really the beginning of our space program—and made us all so proud that we really could conquer space. What we have learned and what we have done for quality of life and for health research since his first foray into space has been, perhaps, more than even he could have dreamed would happen.

I am very proud he is a supporter of the space station and the NASA Program and knows that what he did in the beginning is certainly not the end and certainly, I hope, we can continue the legacy that he has left for us.

Mr. BOND. Mr. President, I believe the leader is going to be here shortly to discuss the voting schedule for tonight. I know votes were scheduled to begin at 5:15, but pending the arrival of the majority leader, 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.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1998

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1023, the Treasury-Postal Service bill.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1023) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

Pending:

Campbell (for DeWine) amendment No. 936, to prohibit the use of funds to pay for an abortion or pay for the administrative expenses in connection with certain health plans that provide coverage for abortions.

Kohl (for Bingaman) amendment No. 937, to strike provisions prohibiting the use of appropriated funds for the sole source procurement of energy conservation measures.

Campbell (for Coverdell-Feinstein) amendment No. 940, to provide that Federal employees convicted of certain bribery and drug-related crimes shall be separated from service.

Campbell (for Coverdell) amendment No. 941, to require a plan for the coordination and consolidation of the counterdrug intelligence centers and activities of the United States.

Campbell (for Hatch) amendment No. 942, to provide for a national media campaign focused on preventing youth drug abuse.

Hutchison amendment No. 943, to establish parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal allowance for duty-free merchandise purchased abroad by returning residents.

UNANIMOUS CONSENT-AGREEMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the rollcalls not take place as ordered.

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

Mr. STEVENS. For the information of all Senators, a number of votes were scheduled to occur beginning at 5:15 today. Over the weekend, and most of today, the managers of the Treasury appropriations bill have been working to resolve those outstanding amendments, and it now appears that the Campbell amendment offered on behalf of Senator DEWINE regarding abortion funds and passage are the only remaining votes that need to occur with respect to the Treasury appropriations bill. There may also be a Bingaman amendment, but we are not clear about that yet.

As many Members are aware, the U.S.S. *Constitution* made its maiden voyage as a refurbished symbol of America's proud past today on the waters off Massachusetts. However, the ceremonies surrounding this event were delayed. Consequently, several of our Members will not be returning in time for the vote.

Therefore, on behalf of the majority leader, I ask unanimous consent that the rollcall votes scheduled to occur today now be postponed to begin at 10 a.m. on Tuesday, July 22. Obviously, needless to say, there will be no rollcall votes that will occur in today's session, but there will be some further matters.

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

Mr. STEVENS. Mr. President, I yield the floor.

DATA ACCESS

Mr. NICKLES. Mr. President, before this body passes the Treasury and general government appropriation bill for fiscal year 1998, I would like to raise an important issue concerning how the Government develops policies and regulations. The issue is the public's right to have access to the data that is produced from Government funded studies and used to support regulatory rulemakings. As you may know, the Federal Government does not have a standardized process for making research data available for independent review. Often the public is forced to comply with costly regulations without the assurance that the data underlying the rules has been made available for independent scientific evaluation. If the Government is going to force the public to comply with its rules, the public must have confidence that the rules are based on sound science. Similarly, if the Government is going to provide funding for research, the public should be able to access the data that is produced from such research. Unfortunately, the Government does not have a disclosure policy on research data. I believe this undermines the scientific basis of our rulemaking and erodes the public's confidence in the Government's regulatory development process. I would like to ask my colleague from Colorado, the chairman of the Treasury and General Government Appropriations Subcommittee, if he would be willing to work with me to correct this problem.

Mr. CAMPBELL. I thank my colleague from Oklahoma for raising this important issue. The fact that this data is not now made available only adds to the public's mistrust of Government. I look forward to working with you to develop an appropriate solution.

Mr. NICKLES. I thank the Senator for his support on this issue.

NEWPORT, IRS HIRING WAIVER

Mr. LEAHY. Mr. President, I would like to seek clarification on report language which the subcommittee was good enough to include in the Treasury and general government appropriations bill. That report language urges the Internal Revenue Service to approve a waiver from internal hiring requirements for the Newport IRS office if a planned reduction in force [RIF] does not result in those positions being filled.

The Newport IRS office is one of two national centers that process SS 8 forms and has earned a high reputation for efficiency and excellence. To handle its increased responsibilities, the office has been trying to fill a number of lower level positions ranging from GS 3–5. Current IRS regulations require that these positions be filled internally. While Newport is a beautiful Vermont town, it is also extremely remote, and the office has been unable to fill such low-level positions from within the existing IRS personnel. These new personnel are needed to continue Newport's exemplary record in processing SS 8 forms.

The committee report also includes a provision, which I strongly support, directing the IRS to continue to delay its planned field reduction in force until it submits another report to Congress with a detailed plan on how the IRS will ensure adequate taxpayer service in the future, especially in rural areas. I share the concerns outlined in the committee report about how taxpayer service will be affected by the planned reorganization, especially in rural areas like Vermont. As a result of this language, the RIF which IRS had planned for July 7 will not be going forward. My understanding is that in the absence of this RIF, the committee intends for IRS to move forward immediately with its approval for the Newport hiring waiver. Is that correct?

Mr. CAMPBELL. Mr. President, the Senator from Vermont is correct. The Senate report clearly states that if the July RIF did not address the employment shortage at the Newport IRS office, that the Service should move forward with the waiver. Because that RIF will be delayed for some time, IRS should move forward immediately with the Newport hiring waiver.

Mr. LEAHY. I thank the Senator from Colorado, and I appreciate his clarification of this language.

AMENDMENT NO. 943

Mrs. HUTCHISON. Mr. President, I ask that Senators KYL, MCCAIN, GRAMM, BINGAMAN, and BOXER be added as cosponsors to my amendment.

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

Mrs. HUTCHISON. I am pleased that I was able to work with Secretary Rubin and Ambassador Barshefsky's staff on this amendment. I am confident that they will use this directive from Congress to make progress—in the spirit of NAFTA—to correct the personal duty-free allowance inequity. I hope that it can be passed by unanimous consent when it is brought to the floor.

Mr. President, my amendment addresses the disparities that exist in the personal duty-free exemption's of the United States, Mexico, and Canada. The United States provides each United States resident who is returning from Mexico and Canada with a personal exemption from duty on merchandise valued at up to $400 once every 30 days. This is the same duty exemption every U.S. citizen is afforded when they return to the United States from any country. Mexico, however, has a two-tiered duty-free allowance structure. If you are a Mexican resident and live within 25 kilometers of the border, when you return to Mexico at a land border crossing, you may only return with $50 in duty-free merchandise. This has become known as the $50 rule, and it is crippling businesses on the U.S. side of the border in Texas, California, New Mexico, and Arizona. If you are a Mexican resident bringing more than $50 in merchandise, you must pay a 22.8-percent duty rate.

This rule, Mr. President, makes it prohibitively expensive for a Mexican resident to purchase a washing machine, refrigerator, electronics, furniture, or any item costing more than $50 in the United States. In U.S. border communities, countless small businesses have closed their doors and thousands of American jobs have been lost. Our larger retailers are also suffering, as Mexicans who used to travel across the border for goods are now limited to purchasing them on their side of the border.

Mr. President, my amendment is very simple. It directs the United States Trade Representative and Secretary of the Treasury to begin discussions with their counterparts in Mexico and Canada to achieve parity in the duty-free allowance structure of the three NAFTA countries. These officials will report to Congress within 90 days on the progress they are making to correct these disparities. If the situation remains unchanged, in 6 months these officials will propose appropriate legislation and action to bring the United States duty-free allowance into conformance with the allowance levels established by Mexico and Canada.

Mr. President, this is an important issue for my constituents, and I look forward to this amendment's adoption.

Mr. DOMENICI. Mr. President, I rise in strong support of S. 1023, the Treasury and general Government appropriations bill for fiscal year 1998.

This bill provides new budget authority of $25.2 billion and new outlays of $22.3 billion to finance operations of the Department of the Treasury, including the Internal Revenue Service, U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Financial Management Service; as well as the Executive Office of the President, the Office of Personnel Management, the General Services Administration, and other agencies that perform central Government functions.

I congratulate the chairman and ranking member for producing a bill that is within the subcommittee's 602(b) allocation and generally consistent with the bipartisan balanced budget agreement. I also commend the chairman for his strong support for law enforcement, including the Federal Law Enforcement Training Center.

When outlays from prior-year BA and other adjustments are taken into account, the bill totals $25.3 billion in BA and $25.1 billion in outlays. The total

bill is below the Senate subcommittee's 602(b) nondefense discretionary allocation for budget authority by $4 million and at its allocation for outlays. The subcommittee is also at its violent crime reduction trust fund allocation for BA and under its allocation for outlays by $15 million.

Mr. President, I ask unanimous consent to have printed in the RECORD a table displaying the Budget Committee scoring of S. 1023, as reported by the Senate.

I urge Members to support the bill and to refrain from offering amendments that would cause the subcommittee to exceed its 602(b) allocation. Mr. President, I rise in strong support of S. 1023, the Treasury, Postal Service, and general Government appropriations bill for fiscal year 1998.

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

S. 1023, TREASURY-POSTAL APPROPRIATIONS, 1998—SPENDING COMPARISONS, SENATE-REPORTED BILL

[Fiscal year 1998, in millions of dollars]

	Defense	Nondefense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority	—	12,464	131	12,713	25,308
Outlays	—	12,269	112	12,712	25,093
Senate 602(b) allocation:					
Budget authority	—	12,468	131	12,713	25,312
Outlays	—	12,269	127	12,712	25,108
President's request:					
Budget authority	—	12,848	118	12,713	25,679
Outlays	—	12,388	105	12,712	25,205
House-passed bill:					
Budget authority	—	—	—	—	—
Outlays	—	—	—	—	—
Senate-Reported Bill Compared To					
Senate 602(b) allocation:					
Budget authority	—	(4)	—	—	(4)
Outlays	—	—	(15)	—	(15)
President's request:					
Budget authority	—	(384)	13	—	(371)
Outlays	—	(119)	7	—	(112)
House-passed bill:					
Budget authority	—	12,464	131	12,713	25,308
Outlays	—	12,269	112	12,712	25,093

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

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Colorado.

MODIFICATION TO AMENDMENT NO. 921

Mr. CAMPBELL. Madam President, I ask unanimous consent that amendment No. 921, adopted previously, be modified and I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The modification is as follows:

At the conclusion of line 1 on page 1, insert Amendment 922; and

On page 1, strike lines 2 and all that follows through line 21 on page 3 and insert the following in its place.

SEC. . SENSE OF THE SENATE REGARDING IMPORTS OF FISH TAKEN OR RETAINED IN A MANNER INCONSISTENT WITH RECOMMENDATIONS OF THE INTERNATIONAL COMMISSION FOR THE CONSERVATION OF ATLANTIC TUNAS.

It is the Sense of the Senate that the United States, as a signatory to the International Convention for the Conservation of Atlantic Tunas, should implement as fully as possible the recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

It is the Sense of the Senate that fish taken and retained in a manner and under circumstances that are inconsistent with the recommendations of the ICCAT made pursuant to article VIII of the Convention and adopted by the Secretary of Commerce should be prohibited entry into the United States.

AMENDMENTS NOS. 942 AND 943, AS MODIFIED

Mr. CAMPBELL. Madam President, I ask unanimous consent that amendments Nos. 942 and 943 be modified, and I send those modifications to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendments (Nos. 942 and 943), as modified, are as follows:

AMENDMENT NO. 942, AS MODIFIED

At page 47, starting at line 18, strike all to page 48, line 1 at *"Provided"*.

In lieu thereof, insert "trol Policy, submits a strategy to the Committees on Appropriations and Judiciary of the House of Representatives and the Senate that includes (1) a certification, and guidelines to ensure that funds will supplement and not supplant current anti-drug community based coalitions; (2) a certification, and guidelines to ensure that none of the funds will be used for partisan political purposes; (3) a certification, and guidelines to ensure that no media campaigns to be funded pursuant to this campaign shall feature any elected officials, persons seeking elected office, cabinet-level officials, or other Federal officials employed pursuant to Schedule C of 5 Code of Federal Regulations, Section 213, absent notice to the Chairmen and ranking members of the House and Senate Committees on Appropriations and Judiciary; (4) a detailed implementation plan to be submitted to the Chairmen and ranking members of the Committees on Appropriations and Judiciary for securing private sector contributions including but not limited to in kind contributions; (5) a detailed implementation plan to be submitted to the Chairmen and ranking members of the Committees on Appropriations and Judiciary of the qualifications necessary for any organization, entity, or individual to receive funding for or otherwise provided broadcast media time.

AMENDMENT NO. 943, AS MODIFIED

At the appropriate place, insert the following new section:

SEC. . PERSONAL ALLOWANCE PARITY AMONG NAFTA PARTIES.

(A) IN GENERAL.—The United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, shall initiate discussions with officials of the Governments of Mexico and Canada to achieve parity in the duty-free personal allowance structure of the United States, Mexico, and Canada.

(b) REPORT.—The United States Trade Representative and the Secretary of the Treasury shall report to Congress within 90 days after the date of enactment of this Act on the progress that is being made to correct any disparity between the United States, Mexico, and Canada with respect to duty-free personal allowances.

(c) RECOMMENDATIONS.—If parity with respect to duty-free personal allowances between the United States, Mexico, and Canada is not achieved within 180 days after the date of enactment of this Act, the United States Trade Representative and the Secretary of the Treasury shall submit recommendations to Congress for appropriate legislation and action.

AMENDMENTS NOS. 940; 941; 942, AS MODIFIED; AND 943, AS MODIFIED

Mr. CAMPBELL. Madam President, I ask unanimous consent that amendments Nos. 940, 941, 942, as modified and 943, as modified, be adopted, en bloc, and that the motion to reconsider the vote on the adoption of those amendments be laid upon the table.

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

The amendments (Nos. 940 and 941) and (Nos. 942 and 943), as modified, were agreed to, en bloc.

AMENDMENT NO. 940

Mr. KOHL. Madam President, we have accepted amendment No. 940, but I do want to mention that we may need to fine-tune it in conference. The reason is that, as currently drafted, the proposal is somewhat ambiguous. And for that reason, the Justice Department has told us that it has serious concerns about the amendment.

Now, I read the language to apply prospectively; that is, to people who are subsequently convicted of a crime—but not to those employees who were convicted years ago—or at any time prior to when this proposal becomes law. And I also believe that parts (a)(1)

and (a)(2) should be read conjunctively; that is, to apply to government employees who are convicted of drug-related bribery—but not to employees who are convicted of either bribery or drug-related crimes alone.

We have talked to Senator COVERDELL's staff and they are willing to work on the language of the amendment to make this clear and I am optimistic that we can write it to everybody's satisfaction in conference.

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

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

DEPARTMENTS OF VETERANS' AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. BOND. Madam President, we are now back on the VA-HUD bill.

I see my colleague from Minnesota has come in. I understand he wants to speak on another measure. But I ask my colleagues, if they have any business, if they wish to do anything, please be here before 6 o'clock. We are willing, ready, and able to do business and move forward on VA-HUD. But we do not need to hold personnel here if nobody is going to come forward.

With that invitation, or request, that all of our colleagues who may have either amendments or colloquies advise the ranking member or myself by 10 o'clock tomorrow that we will be here for votes, it will be a good opportunity for us to determine what measures are going to come before the body so we can schedule the work on this very important bill and move forward.

I thank my colleagues for their cooperation. I hope they will let us know what amendments they have.

Ms. MIKULSKI. Madam President, I have discussed the floor situation with the Democratic leadership. They are currently doing a hotline asking that all Democrat Senators who have amendments to please apprise us of them this evening so that we will be able to report to the chairman tomorrow and to our leadership what those amendments are.

Upon the completion tomorrow on Treasury, postal, it would be my hope that anyone who must offer amendments on NASA—and some amendments have been traditionally offered on NASA—that they be on the floor so we can do this before the party conference. I know there are many Senators who have given a great deal of thought on how to improve these programs. We will be anxious to hear about their amendments.

So, Madam President, we are doing our best to make progress on this particular bill, and moving this bill forward. We will be able to report to you tomorrow morning.

I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. GRAMS].

Madam President, I ask unanimous consent to be able to speak as if in morning business for up to 10 minutes.

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

Mr. GRAMS. Thank you very much, Madam President.

IS THERE NO SHAME IN WASHINGTON?

Mr. GRAMS. Madam President, I would like to speak a little bit tonight about taxes and the big controversy over tax cuts—and not only over tax cuts themselves but who qualifies for these tax cuts—what is fair, what is not fair. And really the basic bottom line is there is not enough money in the pot for the tax cuts that Americans need.

Madam President, as negotiators from the House and Senate meet with administration officials to hammer out a tax package, I rise today to be the voice for the millions of Americans who no longer seem to be heard here in Washington: the Nation's hard-working, overtaxed, middle-class families.

And I want to ask my colleagues, is there no shame in Washington?

Madam President, I read the comments made by the minority leader this morning, arguing that the $77 billion tax cut bill "is not fair."

I have to say that I agree with the Senator from South Dakota. Any bill that cuts taxes by just $77 billion is not only unfair—it's an outrage.

Let me remind my colleagues what happened in 1993.

In 1993, after campaigning on middle-class tax relief, President Clinton turned around and raised taxes on working Americans by $263 billion—making his the largest tax increase in the history of this Nation. Everybody paid more, including: $114.8 billion in new income taxes, $24 billion in additional gas taxes, $34.9 billion in business taxes, $29 billion in payroll taxes, and $24.6 billion in new Social Security taxes.

In other words, if you worked, were retired, drove a car, owned a business, or paid income taxes, you paid for the President's 1993 tax increase.

Although it was billed as nothing more than a tax increase only on the rich, but using this funny calculation called FEI—or family economic income—the President was able to say only those who worked were rich and, therefore, needed to pay more in taxes.

So today President Clinton—again, the same President who in 1993 raised taxes on the American people by $263 billion, and also, by the way, Madam President, vetoed two Republican bills to cut taxes for Americans—now considers himself to be a champion of the middle class because he now wants to cut taxes by a measly $77 billion, and only allowing the majority of those tax reductions if Americans—this is like your children—if Americans, the people who get up every day, go to work to earn this money, now, if they only will do what they are told. And that is to "be seen, not heard." That seems to be the philosophy that we use out of Washington today. And, what is worse, both the House and the Senate are ready to go along with it.

Again, the question has to be: Is there no shame in Washington?

It doesn't take a math wizard to calculate that if the taxpayers had their taxes hiked by $263 billion 4 years ago, and will only get back $77 billion in so-called "tax relief" under the plan being crafted as we speak—the American taxpayers are still $186 billion in the hole to the Federal Government in new taxes in just the last 4 years.

And the men and women—the working families who have paid dearly for that tax increase every day since—are supposed to thank Congress and the President for this mere pittance of a tax cut?

Is there no shame in Washington?

Madam President, since the last meaningful tax cuts were signed into law by President Reagan in 1981, Washington has raised taxes on 10 occasions—10 different times tax increases have been imposed on Americans, and always with the caveat if we can only raise taxes again one more time we are going to be able to get our budget under control.

Every time the Washington politicians have wanted to spend more money, so they could brag to the folks back home, Look what I did for you. But I need to raise your taxes in order for you to pat me on the back for all those projects that I am going to do for you back home. But they have raised taxes on working families 10 times. They have done that.

You hear this complaint on the floor many times, "Oh, that tax cut that we had back in 1981 led to all these deficits that we have today." If you put that in real technical economic terms, you could say that is a bunch of hooey. It has not raised the deficit. It has been Congress not controlling the spending that has raised the deficit.

The $77 billion now slated for tax relief amounts to barely one-tenth of the amount that taxes were raised in the great tax hikes of 1990 and 1993.

You know, this little tax cut that we are talking about—$77 billion over 5

years in a $7-plus trillion annual economy in this country—this little tax cut would actually be like a car dealer taking one penny off the price of a new car and bragging to the buyer that, Boy, I am giving you a great deal. That is what Congress is doing. They are saying, We are going to knock a penny off the price of this new car for you, and you had better come out to Washington and thank us for allowing you to keep some of the money that you have worked for.

With a track record like that, I am afraid the Congress and the President have a long way to go before they can claim true victory on behalf of the American taxpayer.

Again, they said that the 1981 tax cut led to all of these deficits. If that was the problem, wouldn't you think that the 10 tax increases over the last 16 years would have solved that problem? No. No, that hasn't done it.

I have seen enough of the way Washington works to know that if we eliminated the tax cuts from this budget entirely—if we could take the advice of some on the floor here and say, We don't need any tax cuts at all, we can't afford any tax cuts, we have to save this $77 billion, we can't let Americans keep any more of the money they make—that $77 billion would never be dedicated to deficit reduction. The politicians would spend it faster than you can say reelection, and they would spend it on more Government programs and more pork. It certainly would not go toward reducing the deficit and giving our children and grandchildren a debt-free future. If you want evidence, you can just ask yourself: What happened to that $225 billion that was miraculously found just before the budget deal was put together a couple of months ago? It all went to spending. Nothing went to tax relief. Nothing went to deficit reduction.

So to say that if we could give up this tax package now of tax relief that somehow it would go to deficit reduction, the record doesn't show that. I guarantee you that the more we allow Washington to keep, the more Washington will spend. And that is what makes the entire debate over what is fair and what is equitable in this tax relief package so ridiculous. Washington is not willing to give up dollars, and it is not willing to give up the power that those dollars represent to the taxpayers. Therefore, a $77 billion tax cut will never be fair, and it will never be equitable because the pie can never be cut into enough pieces to give a fair slice to everyone. The pie is just simply too small. And once it is divvied up, working families will be left with little more than crumbs.

Clearly, Madam President, there is no shame in Washington. It is absurd to expect the American taxpayers to fall on their knees to Washington in thanks for a tax relief plan that offers them dollars that were rightfully theirs to begin with.

Again, giving $10 and getting $1 back I do not think is fair. It is not equity. If my colleagues want to talk about tax fairness, we can do it. Let us repeal the 1993 tax increase on our senior citizens—$24.6 billion. If my colleagues want to talk about tax fairness, repeal the 1993 tax increase on motorists—that is $25 billion. If my colleagues want to talk about tax fairness, repeal the 1993 tax increase on working families. If we could do even a part of that, only then will this Congress and this President have the credibility to discuss meaningful tax relief for America's working families. Until then, Madam President, it has been just a lot of empty talk.

I thank the Chair. I yield the floor and 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. BOND. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

Mr. BOND. Madam President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, 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.)

REPORT CONCERNING THE CONTINUATION OF MOST-FAVORED-NATION STATUS FOR MONGOLIA—MESSAGE FROM THE PRESIDENT—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

On September 4, 1996, I determined and reported to the Congress that Mongolia is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Mongolia and certain other activities without the requirement of an annual waiver.

As required by law, I am submitting an updated report to the Congress concerning the emigration laws and policies of Mongolia. You will find that the report indicates continued Mongolian compliance with U.S. and international standards in the area of emigration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1997.*

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 18, 1997 he had presented to the President of the United States, the following enrolled bill:

S. 768. An act for the relief of Michel Christopher Meili, Guiseppina Meili, Mirjam Naomi Meili, and Davide Meili.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2525. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled "National Ambient Air Quality Standards for Ozone" (FRL#5725–3) (FRL#5725–2) (FRL#5725–6), received on July 17, 1997; to the Committee on Environment and Public Works.

EC–2526. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule relative to Air Quality Implementation Plans (FRL#5856–8), received on July 11, 1997; to the Committee on Environment and Public Works.

EC–2527. A communication from the Director, Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to Consolidated Guidance About Materials Licenses; to the Committee on Environment and Public Works.

EC–2528. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including one relative to Tebufenzoide Pesticide Tolerances (FRL#5719–9), received on July 1, 1997; to the Committee on Environment and Public Works.

EC–2529. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule relative to the State Implementation Plan for Indiana (FRL#5860–4), received on July 15, 1997; to the Committee on Environment and Public Works.

EC–2530. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection

Agency, transmitting, pursuant to law, fourteen rules including one relative to Air Quality Implementation Plans for Richmond, Virginia, received on July 16, 1997; to the Committee on Environment and Public Works.

EC–2531. A communication from the Director, Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, nine rules including one relative to the California State Implementation Plan (FRL#5850–4), received on July 9, 1997; to the Committee on Environment and Public Works.

EC–2532. A communication from the Acting Director, Fish and Wildlife Service, U.S. Department of the Interior, transmitting, pursuant to law, a rule relative to Endangered Status for the Jaguar (RIN:1018–AC61), received on July 17, 1997; to the Committee on Environment and Public Works.

EC–2533. A communication from the Acting Deputy, Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, transmitting, pursuant to law, a rule relative to Whooping Cranes (RIN:1018–AD45), received on July 17, 1997; to the Committee on Environment and Public Works.

EC–2534. A communication from the Acting Deputy, Assistant Secretary for Fish and Wildlife and Parks, U.S. Department of the Interior, transmitting, pursuant to law, a rule relative to Southwestern Willow Flycatcher (RIN:1018–AB97), received on July 17, 1997; to the Committee on Environment and Public Works.

EC–2535. A communication from the Director, Federal Emergency Management Agency, transmitting, a draft of proposed legislation relative to Stafford Act Amendments; to the Committee on Environment and Public Works.

EC–2536. A communication from the Co-Chair, Committee on Environment and Natural Resources, the Under Secretary for Oceans and Atmosphere, U.S. Department of Commerce, transmitting, a notification relative to the delay of the National Acid Precipitation Assessment Program 1996 Report to Congress; to the Commmittee on Environment and Public Works.

EC–2537. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to capitalization of State Infrastructure Banks; to the Committee on Environment and Public Works.

EC–2538. A communication from the Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report relative to the second biennial Report to Congress on Deposition of Air Pollutants to Great Waters under the Clean Air Act for calendar year 1997; to the Committee on Environment and Public Works.

EC–2539. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Courts Improvement Act of 1997"; to the Committee on the Judiciary.

EC–2540. A communication from the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, a draft of proposed legislation entitled "Technical Immigration and Naturalization Amendments of 1997"; to the Committee on the Judiciary.

EC–2541. A communication from the Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting, a draft of proposed legislation relative to amending the Privacy Protection Act of 1980; to the Committee on the Judiciary.

EC–2542. A communication from the Acting Associate Attorney General, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–2543. A communication from the Clerk, U.S. Court of Federal Claims, transmitting, pursuant to law, a report relative to the Review Panel; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 98. A resolution expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations Framework Convention on Climate Change (Rept. No. 105–54).

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. GRAMS (for himself and Ms. MOSELEY-BRAUN):

S. 1038. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI:

S. 1039. A bill to designate a commercial zone within which the transporation of certain passengers or property in commerce is exempt from certain provisions of chapter 135, of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. KERRY:

S. 1041. A bill to amend section 5314 of title 49, United States Code, to assist compliance with the transit provisions of the Americans with Disabilities Act of 1990; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRAIG (for himself, Mr. GRAHAM, and Mr. JOHNSON):

S. 1042. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for himself and Mr. BRYAN):

S. 1043. A bill to designate the United States courthouse under construction at the corner of Las Vegas Boulevard and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself and Mr. KYL):

S. 1044. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringment provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mrs. MURRAY, Mr. MURKOWSKI, Mr. KEMPTHORNE, Mr. WYDEN, Mr. GORTON, and Mr. SMITH of Oregon):

S.J. Res. 35. A joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS (for himself and Ms. MOSELEY-BRAUN):

S. 1038. A bill to provide for the minting and circulation of one dollar coins, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE EFFICIENT CURRENCY ACT OF 1997

Mr. GRAMS. Mr. President, today Senator MOSELEY-BRAUN and I are introducing the Efficient Currency Act of 1997. The bill calls for a newly designated, golden-colored $1 coin to replace the Susan B. Anthony dollar coin.

The argument for a $1 coin is simple: it saves money. According to estimates of the General Accounting Office and the Federal Reserve, replacing the $1 bill with a coin saves the Government $2.28 billion during the first 5 years it circulates. As we consider plans to balance the budget and eliminate Government waste, I believe that carrying a $1 coin along with $2 bills is a relatively painless option compared to the alternatives of raising taxes or cutting important programs.

A public opinion poll conducted in May 1997 reveals that 58 percent of the American public favors replacing the $1 bill with a coin when informed that such a change would save the Government $456 million annually.

I want to stress that the Efficiency Currency Act of 1997 does not call for a phase out of the $1 bill until 1 billion $1 coins authorized under this legislation are in circulation. If the public rejects the new coin, the phase-out will not occur.

Unless this legislation is approved in the near future, the U.S. Mint will begin the process of minting more of the unpopular Susan B. Anthony coins by 1999. The supply of Anthony coins in Government inventories fell by a total of 137 million coins in 1995 and 1996. Only 146 million remains as of May 30. The inventory has been falling at the rate of about 5 million per month, because Anthony dollars are used at hundreds of vending locations, by more than a dozen major transit systems, and by the U.S. Postal Service. Contrary to reports by opponents of the dollar coin, the U.S. Postal Service has no plans to discontinue the use of the Anthony dollar in their self-service operations. The timeframe for a decision

by Congress is short, because the U.S. Mint has stated that it needs 30 months to design and fabricate a new $1 coin.

I think one of the most compelling reasons to replace a $1 bill with a $1 coin is the cost savings. First, the Treasury Department will save money. A $1 coin lasts about 30 years while costing about 8 cents. A $1 bill is significantly more expensive, as it lasts only 1 year and 1 month at a cost of 4 cents per bill.

Second, the private sector will save money. A $1 coin is easier to process than a $1 bill. Paper money received on buses must be hand-straightened at a cost of over $20 per 1,000, or about 2 cents for each dollar. Coins can be processed for less than one-tenth of the cost. The change to a $1 coin is estimated to save the mass transit industry $124 million annually.

Furthermore, vending operators could avoid placing dollar bill acceptors, which cost between $300 and $400 each, on each vending machine. The additional cost of these machines eventually must be passed on to customers. In addition, bill acceptors frequently do not work and are more expensive to maintain than coin mechanisms.

Another benefit is that many consumers will actually have less, not more, change in their pocket. Instead of having to use 4, 8, or 12 quarters to pay for mass transit, parking meters, phone calls, and car washes, they will use dollar coins weighing a fraction the weight of many quarters.

The visually impaired support the introduction of a $1 coin because the $1 bill can be confused with bills of higher denominations. A useable $2 coin will permit them to complete small transactions without ever having to use paper money.

This legislation is called the Efficiency Currency Act because passage would bring efficiencies to the private sector as well as to Government. This commonsense approach to modernizing our currency is not an original idea. In fact, the United States is the only major industrialized country that does not have high denomination coins.

Mr. President, I ask unanimous consent that both a copy of the Efficient Currency Act of 1997 and a summary of its contents be entered into the RECORD.

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

S. 1038

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 "Efficient Currency Act of 1997".

SEC. 2. ONE DOLLAR COINS.

(a) COLOR AND CONTENT.—Section 5112(b) of title 31, United States Code, is amended—

(1) in the first sentence, by striking "dollar,"; and

(2) by inserting after the fourth sentence, the following: "The dollar coin shall be golden in color, have a distinctive edge, have tactile and visual features that make the denomination of the coin readily discernible, be minted and fabricated in the United States, and have similar metallic, anticounterfeiting properties as United States clad coinage in circulation on the date of enactment of the Efficient Currency Act of 1997.".

(b) DESIGN.—Section 5112(d)(1) of title 31, United States Code, is amended—

(1) in the third sentence, by striking "the dollar, half dollar," and inserting "half dollar"; and

(2) by striking "The eagle" and all that follows through "Anthony." and inserting the following: "The Secretary of the Treasury, in consultation with Congress, shall select appropriate designs for the reverse and obverse sides of the dollar coin.".

(c) EFFECTIVE DATE.—Before the date on which the Government inventory of Susan B. Anthony $1 coins is depleted, the Secretary of the Treasury shall place into circulation $1 coins authorized under section 5112(a)(1) of title 31, United States Code, that comply with the requirements of subsections (b) and (d)(1) of that section 5112 (as amended by this section). The Secretary may include such coins in any numismatic set produced by the United States Mint before the date on which the coins are placed in circulation.

(d) INCREASE CAPACITY.—The Secretary of the Treasury shall increase capacity at United States Mint facilities to a level that would permit the replacement of $1 Federal Reserve notes with $1 coins minted in accordance with section 5112 of title 31, United States Code, as amended by this Act.

SEC. 3. CEASING ISSUANCE OF ONE DOLLAR NOTES.

(a) IN GENERAL.—Federal Reserve banks may continue to place into circulation $1 Federal Reserve notes in accordance with section 5115 of title 31, United States Code, until Susan B. Anthony coins and coins minted in accordance with this Act and the amendments made by this Act total 1,000,000,000 coins in circulation, at which time no Federal Reserve bank may order or place into circulation any $1 Federal Reserve note.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of the Treasury shall produce only such number of $1 Federal Reserve notes as the Board of Governors of the Federal Reserve System orders from time to time to meet the needs of collectors of that denomination. Such notes shall be issued by 1 or more Federal Reserve banks in accordance with section 16 of the Federal Reserve Act and sold by the Secretary, in whole or in part, under procedures prescribed by the Secretary.

SEC. 4. REGULATORY AUTHORITY.

The Secretary of the Treasury shall issue appropriate rules and regulations to carry out this Act and the amendments made by this Act.

SUMMARY OF THE EFFICIENT CURRENCY ACT OF 1997

New and Unique Coin: Section 2(a) of the bill authorizes production of a new dollar coin that (1) is golden in color, (2) has a distinctive edge, (3) has tactile and visual features that make the denomination of the coin readily discernible, and (4) has similar metallic anti-counterfeiting properties of U.S. clad coinage. This will make the dollar coin easily distinguishable from a quarter.

Images on the Coin: Section 2(b) authorizes the Treasury Department to select new designs, in consultation with Congress, for the obverse and reverse sides of the dollar coin.

Timetable for Circulation: It is expected that the mint will have to issue new Susan B. Anthony coins by September 1999. Section 2(c) of the bill requires that the Treasury Department must replace the Susan B. Anthony dollar coin with a new (and more usable) dollar coin before the mint's inventory of Susan B. Anthony coins are depleted.

Termination of $1 Bill: The Efficient Currency Act effectively lets the public decide whether the Treasury Department should retain or terminate the dollar bill. Section 3(a) states that if the use of the new dollar coins dramatically increases so that there are at least one billion coins in circulation, then the dollar bill shall be terminated.

By Mr. DOMENICI:

S. 1039. A bill to designate a commercial zone within which the transportation of certain passengers or property in commerce is exempt from certain provisions of chapter 135, of title 49, United States Code; to the Committee on Commerce, Science, and Transportation.

THE NEW MEXICO COMMERCIAL ZONE ACT

Mr. DOMENICI. Mr. President, today I rise to introduce the New Mexico Commercial Zone Act of 1997. This legislation will establish a much needed zone in New Mexico to facilitate the trade and transportation of raw materials and merchandise across our border with Mexico.

Mr. President, now that America is witnessing the economic benefits of the North American Free Trade Agreement [NAFTA] and trade with Mexico is growing at a record pace, it has become clear to New Mexico that we must establish a commercial zone to take full advantage of the economic possibilities available to border States.

Mr. President, this legislation has the support of New Mexico's Governor, Gary Johnson, the State Economic Development Department, the New Mexico Border Authority, the United States-Mexico Chamber of Commerce, the New Mexico food processing industry, the New Mexico Motor Carriers Association, and the Cities of Las Cruces and Deming.

In the past, commercial zones were created by the Interstate Commerce Commission in numerous States to facilitate local border trade and transportation activities. They also serve to control movement and uphold American vehicle safety requirements for foreign vehicles operating within the United States.

It is within the limits of these zones that commercial vehicles of either Mexican or Canadian registry are authorized to deliver products from their country to a United States distribution point or warehousing facility. In addition to permitting these vehicles to pick up loads of products which are destined for export into their respective countries.

Mr. President, commercial zones similar to the one I propose today have been established in the States of: New York, South Carolina, West Virginia,

Louisiana, Pennsylvania, Washington, Illinois, Colorado, Kentucky, Minnesota, California, Texas, Arizona, and the District of Columbia.

Since the passage of NAFTA, these zones have been very important to border States because they are serving as the transition boundaries for all Mexican commercial traffic.

Mr. President, it is clear that if we do not establish a commercial zone in New Mexico, my State will remain at a tremendous disadvantage to other border States. We will continue to be one step behind in attracting NAFTA-related businesses and building upon our current trade relationship with Mexico.

Despite the fact that New Mexico does not yet have a commercial zone, we are taking steps to increase trade with our neighbors. We have began to put the necessary border infrastructure in place and are laying the foundation for a winning partnership with Mexico.

We have moved to develop a state-of-the-art Port of Entry at Santa Teresa which will facilitate efficient border crossings and will soon begin construction on a intermodal transportation center. This center will help expedite international cargo transfers not only for New Mexico, but for the rest of the country once its construction has been completed.

Since the passage of NAFTA, New Mexico has witnessed its exports to Mexico increase by over 1,000 percent—a percentage which represents one of the largest explosions in exports by any State in the Nation.

Unfortunately, New Mexico still lags behind 35 other States in the amount of exports being sent to Mexico. It is becoming increasingly clear to the people of New Mexico that one component is still missing. The establishment of a New Mexico commercial zone.

Mr. President, this dilemma will not be more apparent than late this summer when the Mexican chili crops are ready for harvest. Because without a commercial zone, these farmers will not be able to process their chili crops in the many food processors located in southern New Mexico.

For a Mexican farmer to sell chili to our food processors, that farmer must transport the chili crop to the border station, unload the cargo, and then reload it onto an American carrier to travel the remaining 30 miles to the processing plant.

Mr. President, this is clearly not an economic incentive for conducting business with New Mexico food processors.

Mr. President, we passed NAFTA to begin creating new jobs and business opportunities for American businesses.

Unfortunately, what we are seeing in New Mexico, is one of the first opportunities for new business, just slip through our finger tips—because we do not have a commercial zone.

Mr. President, this issue will not only affect the owners of these processors, but also the 3,000 New Mexicans who work at these plants and rely on that income to survive.

The apprehension among these workers is growing everyday because if Congress does not resolve this issue, there will not be enough work to go around this summer in southern New Mexico.

Mr. President, I believe that by establishing this commercial zone we will not only be helping New Mexico but also the American consumer. Because as trade with Mexico continues to increase, so will the demand for more efficient border crossings. And if you have ever traveled to any of the busier border crossings, you would quickly notice the long lines of commercial trucks sitting idle and waiting for hours to cross into the United States.

By establishing this commercial zone in New Mexico, we can help alleviate some of this traffic and make the process more efficient.

Mr. President, this is the economic reality we are facing in New Mexico unless this legislation is passed. I believe New Mexico has laid the foundation for developing a winning trade partnership with Mexico.

Simply put, this legislation puts New Mexico on a level playing field with other border States so that we can continue our efforts to make a brighter future for New Mexico residents.

In closing, I have three letters supporting this legislation, and I would ask unanimous consent to submit for the RECORD.

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

M.A. & SONS,
CHILE PRODUCTS,
Derry, NM, June 9, 1997.

Senator PETE DOMENICI,
Building D, Suite 1,
Las Cruces, NM.

DEAR SENATOR DOMENICI: We are writing to thank you for your leadership in working to resolve the D.O.T. enforcement of the "Commercial Zone" at the Port of Columbus, New Mexico. Your sponsorship of legislation to address this problem is very much appreciated and will ensure that the Port of Columbus will remain a viable Port of Entry for New Mexico.

We, as importers of red chile from Mexico for processing, need the Port of Columbus "Commercial Zone" to be expanded as your legislation is proposing in order to remain competitive and continue to employ people in the State of New Mexico at our chile processing plant. We have found the Port of Entry at Columbus to be efficient and able to provide the service that we need. We want to continue to use this Port instead of other Ports of Entry that are located further away from the origin of the chile in Mexico. Using other Ports of Entry would add time and money to the product and this can be avoided by using the Port of Columbus.

Thank you again for your leadership in this issue that is important to us and the State of New Mexico. If you need any additional information please feel free to contact me.

Sincerely,

MARY ALICE GARAY,
Owner.

STATE OF NEW MEXICO,
ECONOMIC DEVELOPMENT DEPARTMENT,
Santa Fe, NM, June 18, 1997.

Senator PETE V. DOMENICI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR: The New Mexico Economic Development Department and the New Mexico Border Authority wish to express their support for a Southern New Mexico Border Commercial Zone.

The establishment of a commercial zone to cover portions of two counties (Dona Ana and Luna) will encourage warehouses and manufacturing plants in New Mexico's border areas. The historical means of establishing Commercial Zones has been to use a population formula which does not work for sparsely populated Southern New Mexico. New Mexico is poised for industrial and commercial growth in the border area, and needs a Commercial Zone to avoid being at a competitive disadvantage with other border states. Of particular and immediate interest is the use of a Commercial Zone for produce from Mexico moving to food processing plants in New Mexico.

We strongly applaud your efforts to establish a New Mexico Commecial Zone.

Sincerely,

GARY D. BRATCHER,
Cabinet Secretary.

UNITED STATES-MEXICO CHAMBER OF COMMERCE, CAMARA DE COMERCIO MEXICO-ESTADOS UNIDOS,
Washington, DC, July 9, 1997.

Hon. PETE DOMENICI,
U.S. Senate,
Washington, DC,

DEAR SENATOR DOMENICI: The United States-Mexico Chamber of Commerce is happy to hear of your sponsorship of the New Mexico Commercial Zone Act of 1997. The legislation will certainly benefit the economic development of your state while supporting jobs on both sides of the border. Regional prosperity is crucial to an economically and environmentally stable border region.

Until NAFTA's cross-border trucking provisions take effect, the extension of commercial zones at the state level is both commercially and politically viable. In the case of New Mexico, it is especially crucial because it does not have the same "twin city" arrangements as other border states and, therefore, cannot take advantage of existing commercial zones. Economic development and jobs in Las Cruces and Deming are left vulnerable to transportation inefficiency.

As NAFTA continues to benefit its three signatory nations, it would be unfortunate to keep regions, states or cities from enjoying its full benefits. Current trucking provisions amount to non-tariff barriers. The Chamber supports removal of those barriers and we support your initiative.

Sincerely,

ALBERT C. ZAPANTA,
President.

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1040. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

THE FREEDOM AND FAIRNESS RESTORATION ACT OF 1997

Mr. SHELBY. Mr. President, although the tax reconciliation bill promises to cut taxes by approximately $76 billion over 5 years and $238 billion over 10 years, it should be viewed as only a small step forward in providing tax relief to the American people.

I remind my colleagues this afternoon that we must not forsake our broader agenda to seek comprehensive reform of our tax system. Piecemeal tax cuts are not, and I want to say it again, are not a substitute for broad-based tax reform. Therefore, I rise today to offer the Freedom and Fairness Restoration Act which will scrap the entire Income Tax Code as we know it and replace it with a system that taxes all income once and only once at one low, flat rate of 17 percent.

A flat tax, I believe, will correct the vast and pervasive problems of the current system. As illustrated before here, the complexity of Federal tax laws costs taxpayers approximately 5.3 billion hours to comply with the current Internal Revenue Code. The Tax Code is so complicated that even the IRS doesn't understand it.

In 1993, the IRS gave 8.5 million wrong answers to taxpayers seeking assistance, and the IRS sent out 5 million correction notices which turned out to be wrong.

In 1996, this past year, taxpayers spent a staggering $225 billion trying to comply with the Tax Code. Think about it—$225 billion in America spent by the taxpayers trying to comply with the Tax Code. This is a deadweight loss to the economy that is, as the Presiding Officer knows as a member of the Armed Services Committee, about equal to our national defense budget.

We live in a society that accepts the notion that some level of taxation is necessary to finance the cost of Government, but it is important that it does no more harm than is necessary to achieve the stated goal. The current Tax Code is the product of a 40-year experiment with social engineering that has hampered the effort of the American people to be free, bear the fruit of their labor and ultimately live the American dream.

Recently, the bipartisan national commission on restructuring the IRS came out with a report laying out their vision for a new and improved IRS. One of the key recommendations of this commission that was made was that simplification of the tax law is necessary to reduce taxpayer burden and to facilitate improved tax administration.

We need to address significant tax policy changes that will not only provide taxpayers with relief, but will simplify and equalize the tax collection in this country. Taxation is bad enough without administering that tax through the inefficient, inequitable, and oppressive tax system that we have today.

Rather than wading through stacks of complicated IRS forms and instruction manuals, under a flat tax taxpayers would file a simple, postcard-size return. When fully phased in, the family allowance would be $11,600 for a single person, $23,200 for a married couple filing jointly and $5,300 for each dependent child.

These allowances will be indexed to inflation under our bill. For a family of four, this will mean that their first $33,800 of income would be exempt from taxation by the Federal Government, which will assure a progressive average rate for low-income households.

The flat tax, I believe, will restore fairness to tax laws by treating everyone alike, regardless of what business they are in, whether or not they have a lobbyist in Washington or how much money they make. If you earn more, under the flat rate tax, you would pay more. Under the current system, one taxpayer may pay little or no taxes because they have paid an accountant or tax attorney to figure out the Tax Code for them. At the same time, another person with the same exact income but who does not have the professional assistance may pay much more in taxes. I say that is not fair.

Under a flat tax, this would end. People would not have to hire an accountant or tax attorney simply to comply with the law. Everyone would fill out the same simple, postcard-size return. Everyone will be taxed at the same rate. And, yes, everyone will pay their fair share.

Furthermore, the flat tax will eliminate the double taxation of savings and promote jobs and higher wages in this country. Because the flat tax applies a single low rate to all Americans, I feel it is the best replacement of the current system. I do not think that Americans should have to jump through hoops just to keep the money they have earned through their hard work. The current Tax Code basically says you can keep your money only if you do what we think you should do. This is not freedom; it is serfdom. The flat tax does away with Government micromanagement of people's personal lives and allows them to spend their hard-earned money as they see fit.

But perhaps the most important virtue of the flat tax is that it supports the basic value of work, savings, and individual liberty. It has been a commitment to these principles that has made America the most successful economy in the world. In recent years, we have watched as the private sector has streamlined itself. I think it is now time for us to streamline the Tax Code.

By Mr. KERRY:

S. 1041. A bill to amend section 5314 of title 49, United States Code, to assist compliance with the transit provisions of the Americans with Disabilities Act of 1990; to the Committee on Banking, Housing, and Urban Affairs.

THE ACCESSIBLE TRANSPORTATION ACTION ACT OF 1997

Mr. KERRY. Mr. President, today I am introducing the Accessible Transportation Act of 1997. This legislation will continue the progress we have made improving access to transportation services for individuals with disabilities.

There are 25 million Americans with disabilities who are transit dependent. Access to transportation for these Americans is the critical factor that determines whether they can pursue opportunities in employment, education, housing, and recreation. I believe that assuring access to transportation is critical to promoting maximum independence and achieving meaningful integration for persons with disabilities.

In 1987, Congress created Project Action to promote transportation accessibility and to enhance cooperation between transit providers and the disability community.

In 1990, Congress passed the Americans With Disabilities Act [ADA] to ensure that every American has access to transportation, buildings and other necessary locations, services, and activities which are essential to lead an active life. The ADA guarantees equality of accessibility for all Americans regardless of the challenges that their disabilities present.

In order to facilitate the implementation of the transportation provisions included in ADA, I sponsored the Accessible Transportation Action Act of 1991 which was included in the Intermodal Surface Transportation Efficiency Act of 1991. This legislation authorized funding of $2 million each year for the Easter Seals Society to undertake a national program of research, demonstrations, and technical assistance to provide new solutions to the problems of providing transportation for persons with disabilities. Project Action has become the Nation's foremost resource for information and guidance on implementing the transportation provisions of ADA.

The National Easter Seals Society has administered Project Action and has assisted in building strong working relationships between transit operators, disability organizations, and the U.S. Department of Transportation in order to find cost-effective ways to promote transportation accessibility.

Project Action has developed an impressive resource center of informational materials for a wide variety of transit and disability community audiences on the nature and progress of ADA implementation. It has initiated consumer campaigns to insure that people with disabilities are aware of their rights.

The positive effects that have developed from Project Action activities

have been impressive. Nationwide bus fleet accessibility has grown. Rail station access has increased. Paratransit services have improved and expanded. And the disability and transit communities have learned how to work together to promote accessible transportation.

However, there are a number of challenges which remain in order to assure that the disabled have full access to transportation services. The chief concern is how to insure the implementation of ADA in the most cost-effective manner. Paratransit costs are high and resources are limited. At the same time, overall Federal assistance for transportation and mass transit has been limited. America needs Project Action to continue to find innovative ways to allow every disabled person to gain equal access to our Nation's public transportation systems.

Therefore, I am today introducing legislation which will continue the Project Action for the next 5 fiscal years to continue the vital process of implementing the transportation facets of the Americans with Disabilities Act.

By Mr. CRAIG (for himself, Mr. GRAHAM and Mr. JOHNSON):

S. 1042. A bill to require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements; to the Committee on Agriculture, Nutrition, and Forestry.

THE IMPORTED PRODUCE LABELING ACT

Mr. CRAIG. Mr. President, I rise today with my colleague, Senator GRAHAM, to introduce the Imported Produce Labeling Act of 1997.

For the past 67 years, since Congress passed the Tariff Act of 1930, almost everything imported from abroad has been labeled as to its country of origin. Guidelines now exist for products of virtually every kind—from clothing and toys to prepared food. Pick up almost anything in your local supermarket or department store and you're likely to see its country of origin clearly displayed.

This is sound trade policy, which has served our Nation well. It is now time, Mr. President, to extend these same labeling requirements to imported produce.

Currently, containers carrying imported produce from abroad are required, by the same Tariff Act of 1930, to be labeled as to where that produce was grown and packed. This information makes it possible for American importers, shippers, and retailers to know the produce's country of origin. However, that information is never revealed to the consumer.

What this legislation would require, Mr. President, is for this important information, already in the hands of our retailers and shippers, be passed on to those who ultimately purchase and consume the imported produce. We're asking, quite simply, for retailers to let the American consumer know what they're eating and where it was produced.

The United States imports approximately 1.7 billion dollars' worth of fruit and vegetables every year. Almost all of this produce is purchased and consumed by unsuspecting shoppers who have no idea where, or under what conditions, it was grown.

While some might claim these new labeling requirements are unfair or burdensome, these claims are simply not true, and aim to distract the real issue: the consumer's right to know.

I would point out to these critics, Mr. President, that most of our international trading partners already require such labeling. While I won't take the time to read the names of all these nations now, I would like to draw your attention to two of those with the strictest labeling requirements, Canada and Mexico—our two closest trading partners.

Mr. President, I ask unanimous consent that a list of countries which currently require country of origin labeling for produce to be printed in the RECORD.

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

PRODUCE LABELING REQUIREMENTS ABROAD

(From the National Food and Agriculture Policy Project/Arizona State University)

Countries which require country of origin labeling on all produce, including bulk produce: Bulgaria, Canada, Costa Rica, Egypt, Germany, Greece, India, Ireland, Malaysia, Mexico, Romania, Spain, Tunisia, and the United Kingdom.

Countries which require country of origin labeling only on prepackaged products: Austria, Brazil, Ecuador, Hong Kong, Israel, Iraq, Portugal, South Africa, Switzerland, and Venezuela.

Countries where country of origin labeling is an industry practice, though not required: Denmark, Finland, Italy, Japan, New Zealand, Singapore, and Sweden.

Mr. CRAIG. Mr. President, it is about time we start giving American consumers the same information granted in these other nations.

Likewise, this legislation is not overly burdensome. The bill provides for a wide variety of labeling options, any number of which might be easily employed by American retailers to display information they already know.

Mr. President, I ask my colleagues to consider this legislation seriously. It is time to close the gap of knowledge that currently exists relative to where imported produce is grown. American consumers have the right to know where their food came from and, given the opportunity, will use that information to protect and provide for their families.

Mr. GRAHAM. Mr. President, I rise today to introduce legislation that will both support our national agricultural industries and bolster the abilities of American consumers to make educated choices about the fruits and vegetables that they purchase for their families: the Imported Produce Labeling Act of 1997.

This important legislation extends our current country-of-origin labeling laws—enacted as part of the Tariff Act of 1930—to require country-of-origin labeling of imported produce at the final point of sale, which for most Americans is the grocery store. It would bolster food safety, give consumers more information, and allow American growers to achieve some benefit from the heavy investment they make in complying with health, labor, and environmental laws.

Mr. President, country-of-origin labeling is not a new idea. For decades, European nations, Japan, and Canada have informed consumers about the origins of the produce available for purchase.

One need only to walk through a supermarket in Paris to notice the international nature of the produce sold. Shoppers can purchase apples from the United States, tomatoes from Holland, grapes from Spain, pears from France, peaches from Italy, and oranges from Israel.

Our American supermarkets also carry agricultural products from a wide range of exporting nations. Why, then, do our consumers lack the advantage that their French, Japanese, and Canadian counterparts enjoy: the ability to make informed choices about the food they feed to their families?

It doesn't have to be that way. For 18 years, Florida grocery store customers have enjoyed the benefits of a law very similar to what I am proposing today.

In 1979, during my first term as Governor, the Florida State Legislature enacted the Produce Labeling Act, a law that is now administered by the Florida Department of Agriculture and Consumer Services.

The law has been implemented with almost no additional regulation and at extremely small cost to Florida taxpayers.

Extra supermarket inspections are not required. Department of Agriculture inspectors verify compliance with the law as a part of their already planned, routine inspections of all retail food stores in the State.

Florida's policy also expends limited time and money. A standard inspection takes approximately 15 minutes, the time needed to review displays and document discrepancies. And enforcement costs are estimated to be less than $40,000 annually for the department's inspection of over 23,000 retail food establishments.

While costs are low, the benefits that Floridians have enjoyed as a result of this policy are significant.

Most importantly, consumers are armed with important information

about the products upon which they spend their hard-earned paycheck. Here's what that means:

The "Made In The USA" label can draw more customers to domestic produce, thus supporting American farmers and the U.S. economy as a whole.

Consumers have the ability to seek out foreign produce that is known for its high quality.

Shoppers have the information needed to boycott products from countries that exploit workers with low pay, poor working conditions, or child labor.

American families can protect their own health from products subjected to unsafe or unsanitary produce-handling practices.

The Florida Department of Agriculture reports that the State's labeling law has been both well-received and cost-effective. It costs a store only $5 to $10 per week to implement, and the estimated industry compliance costs statewide are less than $200,000 annually.

In plain terms, this means that for less than $200,000, consumers in a State that has 14 million residents and each year welcomes over 30 million visitors have the basic information regarding the origins of the produce on their supermarket shelves. That's a small price to pay for the ability to make educated choices in the marketplace.

It is my goal—and that of my cosponsors, Senator CRAIG of Idaho and Senator JOHNSON of South Dakota—to ensure that all American consumers are armed with the same ability to make informed choices as their counterparts in Florida, Europe, and Japan.

We are introducing this legislation because the changing nature of the agriculture market demands changes in our Nation's trade policy.

Sixty-seven years ago, when the Tariff Act of 1930 was enacted, fresh fruits and vegetables were exempt from labeling laws.

The Tariff Act dictates that items are required to be labeled with their country of origin only on their outermost container. In the case of fresh fruit and vegetables, the outermost container is the shipping container, from which produce is removed long before it ever reaches the consumer.

Obviously, the consumer market has changed dramatically since 1930. Whereas imported produce was once almost nonexistent in the United States, it now constitutes a $1.7 billion industry. In fact, 60 percent of our winter fruits and vegetables come from Mexico alone.

As imports have become a fixture in the domestic marketplace, our growers and their associations have argued for country of origin labeling. But this is an issue that unites producers and consumers. Research has shown that an overwhelming number of American consumers would like to know where their produce is grown—and they want that information made readily available.

Our bill is not cumbersome. It simply says that a retailer of a perishable agricultural product imported into the United States shall inform consumers as to the national origins of that product.

Nor is it designed to give American products an unfair advantage in the marketplace. In fact, foreign growers who believe that they grow a superior product to ours see this legislation as a prime opportunity to sell more of their goods in American supermarkets.

And finally, this bill does not suppress free trade or the free market system. It simply seeks to level the regulatory playing field. Shoppers in the European Union and Canada benefit from a county-of-origin labeling requirement. American consumers should have access to the same kind of information.

The Imported Produce Labeling Act constitutes one of the most important agriculture trade initiatives that will come before us during this Congress. It is a vital part of efforts to bolster one of the most critical elements of our free-enterprise system: informed choice. I urge its speedy passage.

By Mr. LEAHY (for himself and Mr. KYL):

S. 1044. A bill to amend the provisions of titles 17 and 18, United States Code, to provide greater copyright protection by amending criminal copyright infringement provisions, and for other purposes; to the Committee on the Judiciary.

THE CRIMINAL COPYRIGHT IMPROVEMENT ACT OF 1997

Mr. LEAHY. Mr. President, I am pleased to introduce on behalf of Senator KYL and myself, the Criminal Copyright Improvement Act of 1997. This bill would close a significant loophole in our copyright law and remove a significant hurdle in the Government's ability to bring criminal charges in certain cases of willful copyright infringement. By insuring better protection of the creative works available online, this bill will also encourage the continued growth of the Internet and our national information infrastructure.

This bill reflects the recommendations and hard work of the Department of Justice, which worked with me to introduce a version of this legislation in the 104th Congress. I want to commend the Department for recognizing the need for action on this important problem. This bill was noted with approval in the September, 1995 "Report of the Working Group on Intellectual Property Rights," chaired by Bruce Lehman, Commissioner of Patents and Trademarks, and has been cited by the Business Software Alliance as one of its major legislative priorities.

For a criminal prosecution under current copyright law a defendant's willful copyright infringement must be "for purposes of commercial advantage or private financial gain." Not-for-profit or noncommercial copyright infringement is not subject to criminal law enforcement, no matter how egregious the infringement or how great the loss to the copyright holder. This presents an enormous loophole in criminal liability for willful infringers who can use digital technology to make exact copies of copyrighted software and other digitally encoded works, and then use computer networks for quick, inexpensive and mass distribution of pirated, infringing works. This bill would close this loophole.

United States v. *LaMacchia*, 871 F. Supp. 535 (D. Mass. 1994), is an example of the problem this criminal copyright bill would fix. In that case, an MIT student set up computer bulletin board systems on the Internet. Users posted and downloaded copyrighted software programs. This resulted in an estimated loss to the copyright holders of over $1 million over a 6-week period. Since the student apparently did not profit from the software piracy, the Government could not prosecute him under criminal copyright law and instead charged him with wire fraud. The district court described the student's conduct "at best * * * as irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values."

Nevertheless, the Court dismissed the indictment in LaMacchia because it viewed copyright law as the exclusive remedy for protecting intellectual property rights. The Court expressly invited Congress to revisit the copyright law and make any necessary adjustments, stating:

> Criminal as well as civil penalties should probably attach to willful, multiple infringements of copyrighted software even absent a commercial motive on the part of the infringer. One can envision ways that the copyright law could be modified to permit such prosecution. But, "[i]t is the legislature, not the Court which is to define a crime, and ordain its punishment."

This bill would ensure redress in the future for flagrant, willful copyright infringements in the following ways: First, serious acts of willful copyright infringement that result in multiple copies over a limited time period and cause significant loss to the copyright holders, would be subject to criminal prosecution.

The bill would add a new offense prohibiting willful copyright infringement by reproduction or distributing, including by electronic means, during a 180-day period of 10 or more copies of 1 or more copyrighted works when the total retail value of the copyrighted work or the total retail value of the copies of such work is $5,000 or more. The bill makes clear that to meet the monetary

threshold either the infringing copies or the copyrighted works must have a total retail value of $5,000 or more. The penalty would be a misdemeanor if the total retail value of the infringed or infringing works is between $5,000 and $10,000, and up to 3 years' imprisonment if the total retail value is $10,000 or more.

By contrast, the penalties proposed for for-profit infringement are much stiffer. Specifically, under the existing 17 U.S.C. section 506(a)(1), for-profit infringements in which the retail value of the infringing works is less than $2,500, would constitute a misdemeanor; and, if the retail value of the infringing works is $2,500 or more, the penalty is up to 5 years' imprisonment. As discussed below, this bill would change the monetary threshold amount for felony liability under section 506(a)(1) from $2,500 to $5,000.

The monetary, time period and number of copies thresholds for the new offense, under 17 U.S.C. section 506(a)(2), for not-for-profit infringements, combined with the scienter requirement, would insure that criminal charges would only apply to willful infringements, not merely casual or careless conduct, that result in a significant level of harm to the copyright holder's rights. De minimis, not-for-profit violations, including making a single pirated copy or distributing pirated copies of works worth less than a total of $5,000, would not be subject to criminal prosecution.

This bill would require that at least 10 or more copies of the infringed work be made, which is a quantity requirement that was not present for the new not-for-profit infringement offense in the version of the bill introduced in the 104th Congress. Thus, it would not be a crime under the bill to make a single copy of a copyrighted work, even if that work were very valuable and worth over $10,000. Such valuable intellectual property, whether or not copyrighted, that is stolen could be protected under the Economic Espionage Act of 1996, if it is a trade secret, or under the National Information Infrastructure Protection Act of 1996, which Senator KYL and I sponsored, if the means used to complete the theft involved unauthorized computer access.

Second, the bill would increase the monetary threshold for the existing criminal copyright offense, which makes it a misdemeanor to commit any willful infringement for commercial advantage or private financial gain, and a felony if 10 or more copies of works with a retail value of over $2,500 are made during a 180-day period. The bill would increase the monetary threshold in this offense from $2,500 to $5,000 for felony liability.

Third, the bill would add a provision to treat more harshly recidivists who commit a second or subsequent felony criminal copyright offense. Under existing law, repeat offenders who commit a second or subsequent offense of copyright infringement for commercial advantage or private financial gain are subject to imprisonment for up to 10 years. The bill would also double the term of imprisonment from 3 years to 6 years for a repeat offense for noncommercial copyright infringement. Such a calibration of penalties takes an important step in ensuring adequate deterrence of repeated willful copyright infringements.

Fourth, the bill would extend the statute of limitations for criminal copyright infringement actions from 3 to 5 years, which is the norm for violations of criminal laws under title 18, including those protecting intellectual property.

Finally, the bill would strengthen victims' rights by giving victimized copyright holders the opportunity to provide a victim impact statement to the sentencing court. In addition, the bill would direct the Sentencing Commission to set sufficiently stringent sentencing guideline ranges for defendants convicted of intellectual property offenses to deter these crimes.

Technological developments and the emergence of the national information infrastructure in this country and the global information infrastructure worldwide hold enormous promise and present significant challenges for protecting creative works. Increasing accessibility and affordability of information and entertainment services are important goals that oftentimes require prudent balancing of public and private interests. In the area of creative rights, that balance has rested on encouraging creativity by ensuring rights that reward it while encouraging its public availability.

The Copyright Act is grounded in the copyright clause of the Constitution and assures that "contributors to the store of knowledge [receive] a fair return for their labors." Harper & Row "The Nation Enterprises", 471 U.S. 539, 546 (1985). I am mindful, however, that when we exercise our power to make criminal certain forms of copyright infringement, we should act with "exceeding caution" to protect the public's first amendment interest in the dissemination of ideas. *Dowling* v. *United States*, 473 U.S. 207, 221 (1985). I look forward to continuing to work with interested parties to make any necessary refinements to this bill to insure that we have struck the appropriate balance.

I ask unanimous consent that my full statement be placed in the RECORD together with the bill and a sectional summary.

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

S. 1044

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 "Criminal Copyright Improvement Act of 1997".

SEC. 2. CRIMINAL INFRINGEMENT OF COPYRIGHTS.

(a) DEFINITION OF FINANCIAL GAIN.—Section 101 of title 17, United States Code, is amended by inserting after the undesignated paragraph relating to the term "display", the following new paragraph:

"The term 'financial gain' includes receipt of anything of value, including the receipt of other copyrighted works.".

(b) CRIMINAL OFFENSES.—Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—Any person who infringes a copyright willfully either—

"(1) for purposes of commercial advantage or private financial gain; or

"(2) by the reproduction or distribution, including by electronic means, during any 180-day period, of 10 or more copies, of 1 or more copyrighted works, and the total retail value of the copyrighted work or the total retail value of the copies of such work is $5,000 or more,

shall be punished as provided under section 2319 of title 18.".

(c) LIMITATION ON CRIMINAL PROCEEDINGS.—Section 507(a) of title 17, United States Code, is amended by striking "three" and inserting "five".

(d) CRIMINAL INFRINGEMENT OF A COPYRIGHT.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "subsection (a) of this section" and inserting "section 506(a)(1) of title 17";

(B) in paragraph (1)—

(i) by inserting "including by electronic means," after "if the offense consists of the reproduction or distribution,"; and

(ii) by striking "with a retail value of more than $2,500" and inserting "which have a total retail value of more than $5,000"; and

(C) in paragraph (3) by inserting before the semicolon "under this subsection"; and

(2) by redesignating subsection (c) as subsection (e) and inserting after subsection (b) the following:

"(c) Any person who commits an offense under section 506(a)(2) of title 17—

"(1) shall be imprisoned not more than 3 years, or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, including by electronic means, during any 180-day period, of 10 or more copies of 1 or more copyrighted works, and the total retail value of the copyrighted work or the total retail value of the copies of such work is $10,000 or more;

"(2) shall be imprisoned not more than 1 year or fined in the amount set forth in this title, or both, if the offense consists of the reproduction or distribution, including by electronic means during any 180-day period, of 10 or more copies of 1 or more copyrighted works, and the total retail value of the copyrighted works or the total retail value of the copies of such works is $5,000 or more; and

"(3) shall be imprisoned not more than 6 years, or fined in the amount set forth in this title, or both, if the offense is a second or subsequent felony offense under paragraph (1).

"(d)(1) During preparation of the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to

submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such works; and

"(C) the legal representatives of such producers, sellers, and holders.".

(e) UNAUTHORIZED FIXATION AND TRAFFICKING OF LIVE MUSICAL PERFORMANCES.—Section 2319A of title 18, United States Code, is amended—

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

(2) by inserting after subsection (c) the following:

"(d) VICTIM IMPACT STATEMENT.—(1) During preparation of the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such works; and

"(C) the legal representatives of such producers, sellers, and holders.".

(f) TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.—Section 2320 of title 18, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (f) and transferring such subsection to the end of the section;

(2) by redesignating subsection (e) as subsection (d); and

(3) by inserting after subsection (d) (as redesignated by paragraph (2) of this subsection) the following:

"(e)(1) During preparation of the presentence report pursuant to rule 32(c) of the Federal Rules of Criminal Procedure, victims of the offense shall be permitted to submit, and the probation officer shall receive, a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) Persons permitted to submit victim impact statements shall include—

"(A) producers and sellers of legitimate goods or services affected by conduct involved in the offense;

"(B) holders of intellectual property rights in such goods or services; and

"(C) the legal representatives of such producers, sellers, and holders.".

(g) DIRECTIVE TO SENTENCING COMMISSION.—

(1) IN GENERAL.—Under the authority of the Sentencing Reform Act of 1984 (Public Law 98-473; 98 Stat. 1987) and section 21 of the Sentencing Act of 1987 (Public Law 100-182; 101 Stat. 1271; 18 U.S.C. 994 note) (including the authority to amend the sentencing guidelines and policy statements), the United States Sentencing Commission shall ensure that the applicable guideline range for a defendant convicted of a crime against intellectual property (including offenses set forth at section 506(a) of title 17, United States Code, and sections 2319, 2319A and 2320 of title 18, United States Code)—

(A) is sufficiently stringent to deter such a crime;

(B) adequately reflects the additional considerations set forth in paragraph (2) of this subsection; and

(C) takes into account more than minimal planning and other aggravating factors.

(2) IMPLEMENTATION.—In implementing paragraph (1), the Sentencing Commission shall ensure that the guidelines provide for consideration of the retail value of the legitimate items that are infringed upon and the quantity of items so infringed.

CRIMINAL COPYRIGHT IMPROVEMENT ACT OF 1997—SUMMARY

Sec. 1. Short Title. The Act may be cited as the "Criminal Copyright Improvement Act of 1997."

Sec. 2. Criminal Infringement of Copyrights. As outlined below, the bill adds a new definition for "financial gain" to 17 U.S.C. § 101, and amends the criminal copyright infringement provisions in titles 17 and 18. The bill also ensures that victims of criminal copyright infringement have an opportunity to provide victim impact statements to the court about the impact of the offense. Finally, the bill directs the Sentencing Commission to ensure that guideline ranges are sufficiently stringent to deter criminal infringement of intellectual property rights, and provide for consideration of the retail value and quantity of the legitimate, infringed-upon items and other aggravating factors.

(a) Definition of Financial Gain. Current copyright law provides criminal penalties when a copyright is willfully infringed for purposes of "commercial advantage or private financial gain." The bill would add a definition of "financial gain" to the copyright law, 17 U.S.C. § 101, and clarify that this term means the "receipt of anything of value, including the receipt of other copyrighted works." This definition would make clear that "financial gain" includes bartering for, and the trading of, pirated software.

(b) Criminal Offenses. The requirement in criminal copyright infringement actions under 17 U.S.C. § 506(a) that the defendant's willful copyright infringement be "for purposes of commercial advantage or private financial gain," has allowed serious incidents of copyright infringement to escape successful criminal prosecution.

For example, in *United States* v. *LaMacchia*, 871 F. Supp. 535 (D. Mass. 1994), the defendant allegedly solicited users of a computer bulletin board system on the Internet to submit copies of copyrighted software programs for posting on the system, and then encouraged users to download copies of the illegally copied programs, resulting in an estimated loss of revenue to the copyright holders of over one million dollars over a six week period. Absent evidence of "commercial advantage or private financial gain," the defendant was charged with conspiracy to violate the wire fraud statute, 18 U.S.C. § 1343. The district court described the defendant's conduct as "heedlessly irresponsible, and at worst as nihilistic, self-indulgent, and lacking in any fundamental sense of values," but nevertheless dismissed the indictment on the grounds that acts of copyright infringement may not be prosecuted under the wire fraud statute.

The bill would add a new criminal copyright violation to close this loophole in circumstances where no commercial advantage or private financial gain may be shown. New section 17 U.S.C. § 506(a)(2) would prohibit willfully infringing a copyright by reproducing or distributing, including by electronic means, during any 180-day period, 10 or more copies of 1 or more copyrighted works when the total retail value of the copyrighted works or of the copies of such works is $5,000 or more. The penalty would be a misdemeanor if the total retail value of the infringed or infringing works is between $5,000 and $10,000, and up to 3 years' imprisonment if the total retail value is $10,000 or more.

Not-for-profit willful infringement would thus be subject to similar threshold requirements as for a felony offense of willful infringement for commercial advantage or private financial gain under 17 U.S.C. § 506(a)(1), which requires that 10 or more copies of copyrighted works with a total retail value of more than $5000 be made during a 180-day period. The penalties applicable to an offense under 17 U.S.C. § 506(a)(1) are more stringent than for the new offense under 17 U.S.C. § 506(a)(2). Specifically, under 17 U.S.C. § 506(a)(1), if the retail value of the infringing works is less than $5,000, the penalty is a misdemeanor; and, if the retail value of the infringing works is $5,000 or more, the penalty is up to 5 years' imprisonment.

The monetary, timing, and number of copies prerequisites for the new offense under 17 U.S.C. § 506(a)(2), combined with the scienter requirement, insure that merely casual or careless conduct resulting in distribution of only a few infringing copies would not be subject to criminal prosecution. In other words, criminal charges would only apply to not-for-profit willful infringements of 10 or more copies during a limited time period resulting in a significant level of harm of over $5,000 to the copyright holder's rights. De minimis violations would not be subject to criminal prosecution.

The offenses under § 506(a)(1) and (a)(2) would overlap. For example, someone selling 10 or more copies of a copyrighted work during a 180-day period may violate both provisions if the value of those copyrighted works is $5,000 or more. The key, however, is that the new provision in § 506(a)(2) requires that the infringement involve, at a minimum, harm in the amount of $5,000. By contrast, any offense, regardless of value, involving private financial gain or commercial advantage constitutes at least a misdemeanor, and the crime reaches felony level under the bill once the retail value of the copyrighted or infringing material exceeds $5,000.

The new crime would also require that at least 10 or more copies of the infringed work be made. It would not be a crime under the bill to make a single copy of a copyrighted work, even if it were very valuable and worth over $10,000. Such valuable intellectual property, whether or not copyrighted, that is stolen could be protected under the Economic Espionage Act of 1996 (if it is a trade secret), or under the National Information Infrastructure Protection Act of 1996, if the means used to complete the theft involved unauthorized computer access.

(c) Limitation on Criminal Procedures. The bill would amend 17 U.S.C. § 507(a) to extend the statute of limitations for criminal copyright infringement actions from three to five years. A five year statute of limitations is the norm for violations of criminal laws under Title 18, including those that relate to protecting intellectual property. See, e.g., 18 U.S.C. § 2319A (Unauthorized fixation of and Trafficking in sound recordings) and § 2320 (Trafficking in counterfeit goods or services).

(d) Criminal Infringement of a Copyright. The bill would amend the penalty provisions in 18 U.S.C. § 2319 to comport with the proposed amendments to 17 U.S.C. § 506(a), and would also add a new subsection providing for a victim impact statement.

First, under current law, willful copyright infringement for commercial advantage or private financial gain is a felony punishable by up to five years' imprisonment only when the offense consists of the reproduction or distribution during a 180-day period of ten or more copies with a retail value of over $2500. Willful infringements for commercial advantage, which do not satisfy the monetary threshold or quantity requirement during the statutory time period, are misdemeanor offenses. The bill would modify the felony penalty provision for willful copyright infringement for commercial advantage or private financial gain to cover reproductions or distributions "including by electronic means". The bill would also change the monetary threshold from $2,500 to $5,000.

Second, the bill would provide a new penalty in 18 U.S.C. § 2319(c) for the new offense in 17 U.S.C. § 506(a)(2) of willfully infringing a copyright by reproduction or distribution, including by electronic means, during a 180-day period of 10 or more copies of copyright works when the total retail value of the copyrighted work or of the copies of such work is $5,000 or more. Violations would be punishable by up to 1 year imprisonment and fine if the total retail value of the infringed or infringing works is between $5,000 and $10,000, and by up to 3 years' imprisonment and a fine if the total retail value is $10,000 or more.

The penalty structure under the bill is as follows:

Infringed work values—	Under $5,000	$5,000 to $10,000	Over $10,000
Willful infringement for commercial advantage/private financial gain [17 U.S.C. § 506(a)(1)].	Misdemeanor	FELONY (up to 5 years), if 10 or more copies within 180-day period.	FELONY (up to 5 years), if 10 or more copies within 180-day period.
Willful infringement by reproduction or distribution of works with value over $10,000 for any reason [17 U.S.C. § 506(a)(2)].	No criminal liability	Misdemeanor, if 10 or more copies within 180-day period	FELONY (up to 3 years), if 10 or more copies within 180-day period.

Third, the bill would add a provision to treat more harshly recidivists who commit a second or subsequent felony offense under new 18 U.S.C. 2319(c), which refers to new 17 U.S.C. § 506(a)(2). Under existing law, 18 U.S.C. 2319(b)(2), recidivists are subject to up to ten years' imprisonment and a fine for a second felony offense for willful copyright infringement for commercial advantage or private financial gain. The bill would double the penalty to up to six years' imprisonment and a fine for a second felony offense under new 17 U.S.C. § 506(a)(2) for not-for-profit willful copyright infringement.

Finally, the bill would add new subsection § 2319(d), requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

(e) Unauthorized Fixation and Trafficking of Live Musical Performances. The bill would add new subsection 18 U.S.C. § 2319A(d) requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

(f) Trafficking in Counterfeit Goods or Services. The bill would add new subsection 18 U.S.C. § 2320(e) requiring that victims of the offense, including producers and sellers of legitimate, infringed-upon goods or services, holders of intellectual property rights and their legal representatives, be given the opportunity to provide a victim impact statement to the probation officer preparing the presentence report. The bill directs that the statement identify the victim of the offense and the extent and scope of the injury and loss suffered, including the estimated economic impact of the offense on that victim.

(g) Directive to Sentencing Commission. The Sentencing Commission currently takes the view that criminal copyright infringement and trademark counterfeiting are analogous to fraud-related offenses, and that appropriate sentences are to be calculated according to the retail value of the infringing items, rather than of the legitimate copyrighted items which are infringed. This may understate the harm. The bill would direct the Sentencing Commission to ensure that applicable guideline ranges for criminal copyright infringement and violations of 18 U.S.C. §§ 2319, 2319A and 2320 are sufficiently stringent to deter such crimes, provide for consideration of the retail value and quantity of the legitimate, infringed-upon items, and take into account more than minimal planning and other aggravating factors.

By Mr. CRAIG (for himself, Mrs. MURRAY, Mr. MURKOWSKI, Mr. KEMPTHORNE, Mr. WYDEN, and Mr. GORTON):

S.J. Res. 35. A joint resolution granting the consent of Congress to the Pacific Northwest Emergency Management Arrangement; to the Committee on the Judiciary.

THE PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

Mr. CRAIG. Mr. President, I rise today to introduce legislation to grant congressional consent to the Pacific Northwest Emergency Management Arrangement entered into between the States of Alaska, Idaho, Oregon, and Washington and the Provinces of British Columbia and the Yukon Territory.

Mr. President, I am pleased that so many of my colleagues from the Pacific Northwest have joined me in cosponsoring this important legislation.

This agreement, negotiated and signed by the Governors of the four Pacific Northwest States and their colleagues in Canada, would significantly improve multi-State and binational cooperation during the response phase of natural disasters in the Northwest. In addition, it would provide for region-wide civil defense coordination and guarantee residents of each State emergency services. The agreement does this while protecting the individual sovereignty of each State and Province.

Mr. President, given the impact of recent natural disasters across the Pacific Northwest, my colleagues can easily understand why this measure is so important. I hope the Senate will act quickly in seeing this measure approved without delay.

Mr. President, I ask unanimous consent that a copy of this legislation be printed in the RECORD.

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

S.J. RES. 35

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled.

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the Pacific Northwest Emergency Management Arrangement entered into between the State of Alaska, Idaho, Oregon, and Washington, and the Province of British Columbia and the Yukon Territory. The arrangement is substantially as follows:

"PACIFIC NORTHWEST EMERGENCY MANAGEMENT ARRANGEMENT

"Whereas, Pacific Northwest emergency management arrangement between the government of the States of Alaska, the government of the State of Idaho, the government of the State of Oregon, the government of the State of Washington, the government of the State of the Providence of British Columbia, and the government of Yukon Territory hereinafter referred to collectively as the 'Signatories' and separately as a 'Signatory';

"Whereas, the Signatories recognize the importance of comprehensive and coordinated civil emergency preparedness, response and recovery measures for natural and technological emergencies or disasters, and for declared or undeclared hostilities including enemy attack;

"Whereas, the Signatories further recognize the benefits of coordinating their separate emergency preparedness, response and recovery measures with that of contiguous jurisdictions for those emergencies, disasters, or hostilities affecting or potentially affecting any one or more of the Signatories in the Pacific Northwest; and

"Whereas, the Signatories further recognize that regionally based emergency preparedness, response and recovery measures will benefit all jurisdictions within the Pacific Northwest, and best serve their respective national interests in cooperative and coordinated emergency preparedness as facilitated by the Consultative Group on Comprehensive Civil Emergency and Management established in the Agreement Between the government of the United States of America and the government of Canada on Cooperation and Comprehensive Civil Emergency Planning and Management signed at Ottawa, Ontario, Canada on April 28, 1986:

Now, therefore, be it is hereby agreed by and between each and all of the Signatories hereto as follows:

"ADVISORY COMMITTEE

"(1) An advisory committee named the Western Regional Emergency Management Advisory Committee (W–REMAC) shall be established which will include one member appointed by each Signatory.

"(2) The W–REMAC will be guided by the agreed-upon Terms of Reference-Annex A.

"PRINCIPLES OF COOPERATION

"(3) Subject to the laws of each Signatory, the following cooperative principles are to be used as a guide by the Signatories in civil emergency matters which may affect more than one Signatory:

"(A) The authorities of each Signatory may seek the advice, cooperation, or assistance of any other Signatory in any civil emergency matter.

"(B) Nothing in the arrangement shall derogate from the applicable laws within the jurisdiction of any Signatory. However, the authorities of any Signatory may request from the authorities of any other signatory appropriate alleviation of such laws if their normal application might lead to delay or difficulty in the rapid execution of necessary civil emergency measures.

"(C) Each Signatory will use its best efforts to facilitate the movement of evacuees, refugees, civil emergency personnel, equipment or other resources into or across its territory, or to a designated staging area when it is agreed that such movement or staging will facilitate civil emergency operations by the affected or participating Signatories.

"(D) In times of emergency, each Signatory will use its best efforts to ensure that the citizens or residents of any other Signatory present in its territory are provided emergency health services and emergency social services in a manner no less favorable than that provided to its own citizens.

"(E) Each Signatory will use discretionary power as far as possible to avoid levy of any tax, tariff, business license, or user fees on the services, equipment, and supplies of any other Signatory which is engaged in civil emergency activities in the territory of another Signatory, and will use its best efforts to encourage local governments or other jurisdictions within its territory to do likewise.

"(F) When civil emergency personnel, contracted firms or personnel, vehicles, equipment, or other services from any Signatory are made available to or are employed to assist any other Signatory, all providing Signatories will use best efforts to ensure that charges, levies, or costs for such use or assistance will not exceed those paid for similar use of such resources within their own territory.

"(G) Each Signatory will exchange contact lists, warning and notification plans, and selected emergency plans and will call to the attention of their respective local governments and other jurisdictional authorities in areas adjacent to intersignatory boundaries, the desirability of compatibility of civil emergency plans and the exchange of contact lists, warning and notification plans, and selected emergency plans.

"(H) The authority of any Signatory conducting an exercise will ensure that all other signatories are provided an opportunity to observe, and/or participate in such exercises.

"COMPREHENSIVE NATURE

"(4) This document is a comprehensive arrangement on civil emergency planning and management. To this end and from time to time as necessary, all Signatories shall—

"(A) review and exchange their respective contact lists, warning and notification plans, and selected emergency plans; and

"(B) as appropriate, provide such plans and procedures to local governments, and other emergency agencies within their respective territories.

"ARRANGEMENT NOT EXCLUSIVE

"(5) This is not an exclusive arrangement and shall not prevent or limit other civil emergency arrangements of any nature between Signatories to this arrangement. In the event of any conflicts between the provisions of this arrangement and any other arrangement regarding emergency service entered into by two or more States of the United States who are Signatories to this arrangement, the provisions of that other arrangement shall apply, with respect to the obligations of those States to each other, and not the conflicting provisions of this arrangement.

"AMENDMENTS

"(6) This Arrangement and the Annex may be amended (and additional Annexes may be added) by arrangement of the Signatories.

"CANCELLATION OR SUBSTITUTION

"(7) Any Signatory to this Arrangement may withdraw from or cancel their participation in this Arrangement by giving sixty days, written notice in advance of this effective date to all other Signatories.

"AUTHORITY

"(8) All Signatories to this Arrangement warrant they have the power and capacity to accept, execute, and deliver this Arrangement.

"EFFECTIVE DATE

"(9) Notwithstanding any dates noted elsewhere, this Arrangement shall commence April 1, 1996.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut [Mr. DODD], and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 194

At the request of Mr. CHAFEE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 428

At the request of Mr. KOHL, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 428, a bill to amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

S. 484

At the request of Mr. DEWINE, the names of the Senator from Minnesota [Mr. WELLSTONE], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Washington [Mrs. MURRAY], the Senator from Wyoming [Mr. ENZI], the Senator from Florida [Mr. MACK], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 493

At the request of Mr. KYL, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 766

At the request of Ms. SNOWE, the name of the Senator from New Jersey [Mr. LAUTENBERG] 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. 781

At the request of Mr. HATCH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 810

At the request of Mr. ABRAHAM, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 810, a bill to impose certain sanctions on the People's Republic of China, and for other purposes.

S. 980

At the request of Mr. DURBIN, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 980, a bill to require the Secretary of the Army to close the

United States Army School of the Americas.

S. 1020

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of 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.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Concurrent Resolution 30, a concurrent resolution expressing the sense of the Congress that the Republic of China should be admitted to multilateral economic institutions, including the International Monetary Fund and the International Bank for Reconstruction and Development.

AMENDMENT NO. 943

At the request of Mrs. HUTCHISON, the names of the Senator from Arizona [Mr. KYL], the Senator from Arizona [Mr. MCCAIN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], and the Senator from Texas [Mr. GRAMM] were added as cosponsors of amendment No. 943 proposed to S. 1023, an original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1998, and for other purposes.

NOTICES 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 an Executive Session of the Senate Committee on Labor and Human Resources will be held on Wednesday, July 23, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered: S. 1020, Arts and Humanities Amendments of 1997; the National Science Foundation Authorization of 1997; the Workforce Investment Partnership Act; and Presidential nominations. For further information, please call the committee, 202/224–5375.

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 24, 1997, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Higher Education Act Reauthorization; Title IV. For further information, please call the committee, 202/224–5375.

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 Subcommittee on Public Health and Safety will be held on Thursday, July 24, 1997, 2:00 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is National Institutes of Health Reauthorization. For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEE TO MEET

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mr. BOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Monday, July 21, 1997, at 2:30 p.m. for a hearing on "The Compliance Review Process and Missile Defense."

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

ADDITIONAL STATEMENTS

TRIBUTE TO BARON GEORG VON TRAPP

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to an American and Austrian hero, Baron Georg von Trapp, on the 50th anniversary of his death. During his lifetime, Baron von Trapp stood for honor and courage. He held a deep devotion for both his country and his family. Baron von Trapp was remembered on the week-end of July 11, in a celebration at the Trapp Family Lodge in Stowe, VT. I regret that I was unable to attend, however I would like to take this opportunity to remember the significance of his life, made famous by the 1965 movie, "The Sound of Music."

It is a reflection of Baron von Trapp's spirit that he is not only an American legend, but he is also considered a hero in Austria, the homeland that he fled 60 years ago. It is a tribute to his excellence that the 89 members of the 1997 graduating class of the Theresianum Military Academy, the Austrian equivalent to West Point, voted Baron von Trapp their class hero, someone whom they all wished to emulate.

Baron von Trapp was a celebrated military commander. He was honored with two medals for courage in battle, including the Maria Theresian Ritter Medal, Austria's highest, for sinking a French submarine in 1915. He was also influential in the development of submarine warfare and torpedoes. However, his love and devotion for his country never underscored the importance of his family. He made an intense connection with his children through music. Out of this connection came the famous Trapp Family Singers. When the Nazis invaded and were pressuring Baron von Trapp to join Hitler's ranks, he asked his family if they wanted to leave for America, saying that if anyone wanted to stay, they would all stay. Everyone wanted to leave.

Although nothing could replace the love he had for his homeland, Baron von Trapp did grow to love his new home in Vermont. He found new passions in maple sugaring and farming. Because they spent most of the year touring, they rented out rooms in their lodge to skiers, starting what would eventually become a landmark in Vermont, the Trapp Family Lodge.

Once again, I would like to express my admiration for Baron von Trapp and his entire family on the anniversary of his death.•

USDA REORGANIZATION

• Mr. KERREY. Mr. President, I rise today to talk briefly about the recent consolidation of administrative functions at the U.S. Department of Agriculture, recently announced by Secretary Dan Glickman.

In my contact with Secretary Glickman he has said that the changes are being aimed at the national headquarters and State offices, but that there will be no additional field office closings or cut in services as a result of this directive.

Secretary Glickman has also informed me that an outside study is being commissioned to assess the workload of parts of the agency, in light of current and anticipated program activity, and will report on recommendations on the county delivery systems.

The recent administrative convergence by the Secretary is an effort to make the USDA a more efficient and cost-effective agency. No doubt, to streamline the agency and improve efficiency, there is a need to eliminate any duplication of administrative services. However, there is also a need to maintain a vital local field staff with the necessary resources available to them so that they can deliver services to our producers.

As the USDA continues to make adjustments to its operations, I will continue to work with the Secretary and solicit feedback from our local Nebraska offices.

The Freedom to Farm Act of 1996, for better or worse, has brought us into a new era of our farm program. To some extent producers, Members of Congress, and USDA staff are entering unchartered waters. I will be diligent in my efforts in making sure the USDA, and Congress, is up to the navigational task.•

TRIBUTE TO ROLAND AND CLAIRE JUTRAS, NATIONAL 1997 PARENTS OF THE YEAR

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Roland and Claire Jutras of Peterborough, NH, the National 1997 Parents of the Year. The National Parents' Day Foundation bestowed the honor on the Jutrases after searching the Nation for the parents of the year.

Roland Jutras came to town in 1972 to run the town of Peterborough's Recreation Department. His 25 years of service to the town's children has earned him much praise and esteem from the community around. Roland met Claire playing at the co-ed evening volleyball league in 1972. They were later married in 1975.

Roland and Claire are active members of their community. Roland received the Peterborough Rotary Club Paul Harris Award in 1989, Peterborough Citizen of the Year in 1987, and he was VFW Man of the Year in 1981. Roland also served on the ConVal District School Board for 2 years and he taught at St. Peter's Church. Claire is involved in many community activities as well. She has been a Brownie leader for 3 years, a St. Peter's religious education teacher for 4 years, preschool teacher, recreation volunteer, and a member of a local sorority organization. Claire is also a full-time special education aide at Peterborough Elementary School and is known for her warm smile and generous heart to all of those people she has touched.

Roland and Claire have strengthened their family with pride, dedication, and love, always first. The Jutras' four daughters have earned as much community recognition as their parents. Christine and Michelle are seniors at Norwich University, Veronica will be a sophomore at Holy Cross in Worcester, MA, in the fall, while Natalie will be a junior at St. Anselem College in Manchester, NH.

The National Parents' Day Foundation was founded in 1994 after President Bill Clinton signed into law the creation of National Parents Day on the fourth Sunday of July each year. Every year the foundation looks for parents who are intact married couples with children, people of good reputation, couples who mirror in their lives behavior the ideals we want to see replicated, and people with strong religiously based moral values.

Roland and Claire will join 13 other U.S. couples who were finalists for the award this week in a reception here on Capitol Hill. Mr. President, on Wednesday evening, I look forward to meeting the Jutrases here in a reception to honor this wonderful Granite State couple.

Roland and Claire represent the very best in parenting and embody the finest in sacrificial and caring love for children. New Hampshire is fortunate to be blessed by their leadership and dedication. I applaud Roland and Claire Jutras for their outstanding and caring spirit for their community and family. I am proud to represent them in the U.S. Senate. Congratulations Roland and Claire.•

HANLEY JAMES NORMENT

• Mr. HOLLINGS. Mr. President, I rise today to salute Mr. Hanley Norment, a great civil rights leader and dedicated family man who died Thursday, July 10, 1997.

In 1966, Hanley James Norment came to Washington and a year later, he became a civil rights officer with the U.S. Commission on Civil Rights. About that time, he started volunteering on the local level, rising from director of media relations to president of the Montgomery County branch of the NAACP. Mr. Norment's political and professional successes were a direct measure of his character. He was an unselfish man, one who put aside the personal for the common good. As his son, Julian, commented, Regardless of philosophical differences, he got along with you, he respected your opinions.

Throughout the course of his career as a civil rights leader, Hanley Norment relentlessly championed educational causes, pushing for higher standards and equal opportunities for all children, regardless of race. He knew firsthand the value of a good education. Born in Marianna, AR on January 16, 1932, to Ruby and Samuel Norment, Hanley received his early education in the Arkansas public school system in the Jim Crow era. Undaunted by the circumstances of time and place, Norment earned two B.A. degrees and nearly finished a doctoral degree in political science at the University of Michigan. He used his talents and knowledge generously. For more than 20 years, he tutored individual students through various organizations such as the Alpha Phi Alpha fraternity and the NAACP.

Mr. Norment was extremely proud of the contributions of his wife, Christa, former principal of Montgomery Knolls Elementary School in Silver Spring, MD, to the field of education. Their children, Camille and Julian, continue the family tradition of academic achievement and public service. Camille is pursuing her second master's degree at New York University and I am proud to have Julian working on my Washington staff. The fruit does not fall far from the tree.

Mr. Norment retired in September as director of the Office of Civil Rights at the U.S. Department of Transportation. At the time of his tragic death, he was president of the Maryland State Conference NAACP branches. Hanley James Norment fought the good fight, finished the course, and kept the faith. We all feel his loss.•

SUBMITTING CHANGES TO THE BUDGET RESOLUTION DISCRETIONARY SPENDING LIMITS, APPROPRIATE BUDGETARY AGGREGATES, AND APPROPRIATIONS COMMITTEE ALLOCATION

• Mr. DOMENICI. Section 203 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, allows the chairman of the Senate Budget Committee to adjust the Appropriations Committee's allocation contained in the most recently adopted budget resolution—in this case, House Concurrent Resolution 84—to reflect an appropriation for the renewal of expiring contracts for tenant- and project-based housing assistance under section 8 of the U.S. Housing Act of 1937.

Section 206 of House Concurrent Resolution 84, the concurrent resolution on the budget for fiscal year 1998, requires the chairman of the Senate Budget Committee to adjust the discretionary spending limits, the appropriate budgetary aggregates and the Appropriations Committee's allocation contained in the most recently adopted budget resolution—in this case, House Concurrent Resolution 84—to reflect additional new budget authority and outlays for an appropriation for arrearages for international organizations, international peacekeeping, and multilateral development banks.

I hereby submit revisions to the nondefense discretionary spending limits for fiscal year 1998 contained in section 201 of House Concurrent Resolution 84 in the following amounts:

Budget Authority	*1998*
Current nondefense discretionary spending limit ...	$261,598,000,000
Adjustment	100,000,000
Revised nondefense discretionary spending limit ...	261,698,000,000
Outlays	*1998*
Current nondefense discretionary spending limit ...	$286,458,000,000
Adjustment	98,000,000
Revised nondefense discretionary spending limit ...	286,556,000,000

I hereby submit revisions to the budget authority, outlays, and deficit aggregates for fiscal year 1998 contained in section 101 of House Concurrent Resolution 84 in the following amounts:

Budget Authority	*1998*
Current aggregate	$1,390,441,000,000
Adjustment	100,000,000
Revised aggregate	1,390,541,000,000
Outlays	*1998*
Current aggregate	$1,372,013,000,000
Adjustment	98,000,000
Revised aggregate	1,372,111,000,000
Deficit	*1998*
Current aggregate	$173,013,000,000
Adjustment	98,000,000
Revised aggregate	173,111,000,000

I hereby submit revisions to the 1998 Senate Appropriations Committee budget authority and outlay allocations, pursuant to section 302 of the Congressional Budget Act, in the following amounts:

Budget Authority	*1998*
Current Appropriations	
Committee allocation	$792,510,000,000
Adjustment	3,766,000,000
Revised Appropriations	
Committee allocation	796,276,000,000
Outlays	*1998*
Current Appropriations	
Committee allocation	$824,678,000,000
Adjustment	3,505,000,000
Revised Appropriations	
Committee allocation	828,183,000,000•

THE CLOSING OF WOOLWORTH'S

• Mr. MOYNIHAN. Mr. President, I noted in Friday's New York Times the demise of Woolworth's, one of the Nation's best known retailers and one with its origins in upstate New York. The Times article quotes Hofstra professor Robert Sobel; "Woolworth was 100 years ago what Walmart is today." Perhaps in a century Walmart will similarly be remembered as an icon of a by-gone era, but the mercantile comparison is apt. With over 8,000 stores worldwide, and with an emphasis on volume purchases and discount prices, Woolworth's was a retailing giant.

The early efforts of Frank Winfield Woolworth did not portend such success. Born on a farm in Jefferson County in 1852, his favorite boyhood game was playing store but initially he was not very good at it. At 19 he began working in a village grocery store at no pay, and did so for 2 years. After a similar 3-month internship at Moore & Smith in Watertown, he finally secured gainful employment as a store clerk at $3.50 a week.

Dollar stores might seem to be a late 20th century development, but in 1875 there was a profitable 99 cent store in Watertown. Mr. A. Bushnell hired Woolworth as a $10-dollar-a-week clerk in a 99 cent store he was opening in Port Huron, MI. Woolworth's lack of salesmanship led to a $1.50 cut in his salary. Still, he saw the possibilities of a store with all merchandise priced the same. In 1877 Woolworth returned to Moore & Smith. The next year he persuaded his employers to try a counter at a county fair on which all items sold for five cents. It was a great success.

Woolworth persuaded Mr. Moore to back him with $300 for a five cent store on Bleeker Street in Utica, but it failed after 3 months. Woolworth realized that he had not had enough variety in his stock so in 1879 he opened a new store in Lancaster, PA with a line of 10-cent items as well. This one succeeded. Woolworth soon perfected the combination of inexpensive items you occasionally needed with inexpensive items you occasionally wanted. He opened his second store in Reading in 1884 and continued to expand. By 1909 Woolworth was in a position to commission the tallest building in the world, which the Woolworth Building was when it was completed in 1913.

Woolworth's early partners had opened their own chains of five and tens. In 1912 they all were absorbed by the F.W. Woolworth Co., giving Woolworth control over 596 stores. He constantly strived to expand his line of five and ten cent merchandise, and was able to keep costs down by having goods manufactured especially for his chain, sometimes buying an entire year's output from a factory.

Frank Woolworth died in 1919. His empire continued to grow. By 1954, 75 years after his first sale, Woolworth's had 2,850 stores and $700 million in annual sales. Six years later sales topped $1 billion. But changes on the American landscape and in the retail world were underway, and they would eventually lead to Friday's announcement. The emigration to the suburbs and competition from drug stores, specialty stores, malls, and large retailers along the highways finally wore down one of the pillars of Main Street.

Woolworth's will be fondly remembered by millions of its customers who dined at the lunch counter and purchased some of life's little necessities there. The company also stands as a testament to the possibilities when one person has one good idea and endless determination.•

TRIBUTE TO THE VERMONT STATE POLICE FOR 50 YEARS OF EXEMPLARY SERVICE

• Mr. JEFFORDS. Mr. President, it gives me great pleasure to extend my heartfelt congratulations to the Vermont State Police on the occasion of their 50th anniversary.

It all started on July 1, 1947, when the Department of Public Safety, home of the Vermont State Police, was established by the Vermont General Assembly. Although Vermont was one of the last in the Nation to create a State police force, it is widely regarded as one of the country's best. At its inception, it was comprised of 55 State troopers and 7 civilians.

During the department's 50 years of service, Vermont's population has increased by over 50 percent. As Vermont changed, so did the department. Today, it also includes a larger civilian force to assist with laboratory procedures and other non-law enforcement related work. Technological advances such as the introduction of radar as a speed enforcement tool, the purchase of the first polygraph instrument, and the creation of a mobile crime lab unit all increased the department's ability to deal with the rising challenges facing law enforcement today.

The changing societal and family dynamics have greatly impacted our police force. Today, our troopers must be trained differently to meet these challenges. What remains the same, however, is the dedication, professionalism, and exemplary service we have been accustomed to—in spite of the ever present dangers of the job. On any given day, a trooper's job might range from assisting a stranded motorist on Interstate 89 to a homicide call in the northeast kingdom.

For 50 years the department has helped improve our communities and given our citizens a sense of security. On behalf of all Vermonters I would like to thank the Department of Public Safety, and wish them continued success.•

MONTANA WORLD TRADE CENTER

• Mr. BAUCUS. Mr. President, in today's world, trade doesn't stop at the borders. Whatever business you're in, and whether you operate a Fortune 500 company or a small family farm, every day you have more opportunities and more competitors overseas.

That's why an organization like the Montana World Trade Center is so valuable to our State. We are a small business State. We have small timber mills, environmental technology firms, Indian manufacturing companies, and family farms.

And, Mr. President, our Fortune 500 companies may well have all the information and all the connections they need to succeed in world trade. More power to them. But a small Montana farmer, or a specialized high-techology business, simply doesn't have the money and manpower to keep up with overseas opportunities.

Even at the most basic logistical level, the paperwork and customs forms associated with imports and exports can be too much for a small business to handle. Additional burdens include finding foreign partners in faraway countries—and while Canada makes up about half our exports, other Montana markets range around the world, from Kuwait to the Philippines to Bangladesh.

So our Montana farms, ranches, and businesses can gain a lot from the world marketplace. But they often need expert assistance in finding likely markets and partners abroad. And they need early warning when foreign competitors try to take advantage of them—as one firm found a Chinese company pirating its hunting decoy designs and advertising them in sportsmens' magazines.

That is what the Montana World Trade Center provides. And the $2.5 million grant included in this bill will help the center meet that goal. It will help Montanans compete in the world marketplace and export more effectively. That is critical to our State's economic future. So this grant is a good investment that will pay off in new exports and more jobs.

I hope the Senate will approve it.•

FRANK AND MARION HAWKINS' 50TH WEDDING ANNIVERSARY

• Mr. CHAFEE. Mr. President, I rise today to offer my hearty congratulations to Frank and Marion Hawkins on

their 50th wedding anniversary. Frank and Marion took their vows at St. Raymond's Church in Providence, RI, in 1947. So, on October 2, they will have spent 50 years together, living their dreams, raising their family, and sharing their successes and setbacks.

The Hawkins are blessed with four children: Robert, Charles, Mary-Ellen, and Stephen. They are also the proud grandparents of five grandchildren.

After graduating from Providence College in 1942, Frank served in the Army Air Force during World War II. Marion graduated from Edgewood Secretarial School. Frank retired in 1986 after working for the Carey & Celotex Corp.

I am pleased to announce that the family will gather on July 27, 1997, for a mass and festive meal to celebrate the Hawkins' 50th wedding anniversary. In closing, Mr. President, I want to extend my best wishes to the entire Hawkins family as they come together to celebrate this wonderful event.•

TRIBUTE TO GEOFFEREY WARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Geofferey Ward, a Portsmouth High School senior, for attending the 50th annual American Legion Boys Nation. Geofferey was chosen to represent the Granite State at the national program. He was also one of several boys to attend American Legion Boys State at the New Hampshire Technical Institute in Concord this summer. These are certainly accomplishments of which he should be very proud, and I applaud him for his achievements.

Boys State and Boys Nation are week-long programs that aim to teach young men to be responsible citizens by teaching them how the Government works. The students set up a legislature where they introduce and debate bills in order to learn the complexities of democracy. While learning about the ins and outs of the Government, he will also learn interpersonal skills and the importance of listening, understanding and working together.

Geofferey enjoys politics and may pursue a career in a related field. I congratulate Geofferey on his outstanding accomplishments. I commend his hard work and perseverance and wish him luck at Boys Nation.•

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. BOND. I ask unanimous consent that the Chair lay before the Senate a message from the House of Represenatives on S. 858 entitled, "An Act to Authorize Appropriations for Fiscal Year 1998 for Intelligence and Intelligence-related Activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 858) entitled "An Act to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes", do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1998".

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1998 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.

(2) The Department of Defense.

(3) The Defense Intelligence Agency.

(4) The National Security Agency.

(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(6) The Department of State.

(7) The Department of the Treasury.

(8) The Department of Energy.

(9) The Federal Bureau of Investigation.

(10) The Drug Enforcement Administration.

(11) The National Reconnaissance Office.

(12) The National Imagery and Mapping Agency.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1998, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 1775 of the 105th Congress.

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

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1998 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.

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

SEC. 104. COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Community Management Account of the Director of Central Intelligence for fiscal year 1998 the sum of $147,588,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee and the Environmental Intelligence and Applications Program shall remain available until September 30, 1999.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Community Management Account of the Director of Central Intelligence are authorized a total of 313 full-time personnel as of September 30, 1998. Such personnel may be permanent employees of the Community Management Account elements or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—In addition to amounts authorized to be appropriated by subsection (a) and the personnel authorized by subsection (b)—

(1) there is authorized to be appropriated for fiscal year 1998 such amounts, and

(2) there is authorized such personnel as of September 30, 1998,

for the Community Management Account, as are specified in the classified Schedule of Authorizations referred to in section 102(a).

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (as added by section 304 of this Act), during fiscal year 1998 any officer or employee of the United States or member of the Armed Forces who is detailed to an element of the Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis; except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

(e) NATIONAL DRUG INTELLIGENCE CENTER.—

(1) IN GENERAL.—Of the amount authorized to be appropriated in subsection (a), the amount of $27,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and engineering purposes shall remain available until September 30, 1999, and funds provided for procurement purposes shall remain available until September 30, 2000.

(2) TRANSFER OF FUNDS.—The Director of Central Intelligence shall transfer to the Attorney General of the United States funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the Center.

(3) LIMITATION.—Amounts available for the Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).

(4) AUTHORITY.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the Center.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1998 the sum of $196,900,000.

TITLE III—GENERAL PROVISIONS

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

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

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

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

SEC. 303. ADMINISTRATION OF THE OFFICE OF THE DIRECTOR OF CENTRAL INTELLIGENCE.

Subsection (e) of section 102 of the National Security Act of 1947 (50 U.S.C. 403) is amended by adding at the end the following new paragraph:

"(4) The Office of the Director of Central Intelligence shall, for administrative purposes, be within the Central Intelligence Agency.".

SEC. 304. DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding at the end the following new section:

"DETAIL OF INTELLIGENCE COMMUNITY PERSONNEL—INTELLIGENCE COMMUNITY ASSIGNMENT PROGRAM

"SEC. 113. (a) DETAIL.—(1) Notwithstanding any other provision of law, the head of a department with an element in the intelligence community or the head of an intelligence community agency or element may detail any employee within that department, agency, or element to serve in any position in the Intelligence Community Assignment Program on a reimbursable or a nonreimbursable basis.

"(2) Nonreimbursable details may be for such periods as are agreed to between the heads of the parent and host agencies, up to a maximum of three years, except that such details may be extended for a period not to exceed 1 year when the heads of the parent and host agencies determine that such extension is in the public interest.

"(b) BENEFITS, ALLOWANCES, TRAVEL, INCENTIVES.—An employee detailed under subsection (a) may be authorized any benefit, allowance, travel, or incentive otherwise provided to enhance staffing by the organization from which they are being detailed.

"(c) ANNUAL REPORT.—(1) Not later than March 1 of each year, the Director of the Central Intelligence Agency shall submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate a report describing the detail of intelligence community personnel pursuant to subsection (a) for the previous 12-month period, including the number of employees detailed, the identity of parent and host agencies or elements, and an analysis of the benefits of the program.

"(2) The Director shall submit the first of such reports not later than March 1, 1999.

"(d) TERMINATION.—The authority to make details under this section terminates on September 30, 2002.".

(b) TECHNICAL AMENDMENT.—Sections 120, 121, and 110 of the National Security Act of 1947 are hereby redesignated as sections 110, 111, and 112, respectively.

(c) CLERICAL AMENDMENT.—The table of contents contained in the first section of such Act is amended by striking the items relating to sections 120, 121, and 110 and inserting the following:

"Sec. 110. National mission of National Imagery and Mapping Agency.
"Sec. 111. Collection tasking authority.
"Sec. 112. Restrictions on intelligence sharing with the United Nations.
"Sec. 113. Detail of intelligence community personnel—intelligence community assignment program.".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to an employee on detail on or after January 1, 1997.

SEC. 305. APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES.

Section 905 of the National Security Act of 1947 (50 U.S.C. 441d) is amended by striking "1998" and inserting "1999".

SEC. 306. COMPLIANCE WITH BUY AMERICAN ACT.

No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 307. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the head of the appropriate element of the Intelligence Community shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 308. PROHIBITION OF CONTRACTS.

If it has been finally determined by a court or Federal agency that any person intentionally affixed a fraudulent 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 was not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 309. REPORT ON INTELLIGENCE ACTIVITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, in consultation with the heads of other appropriate Federal agencies, including the National Security Agency, and the Departments of Defense, Justice, Treasury, and State, shall prepare and transmit to the Congress a report on intelligence activities of the People's Republic of China, directed against or affecting the interests of the United States.

(b) DELIVERY OF REPORT.—The Director of Central Intelligence and the Director of the Federal Bureau of Investigation, jointly, shall transmit classified and unclassified versions of the report to the Speaker and minority leader of the House of Representatives, the majority and minority leaders of the Senate, the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, and the Chairman and Vice-Chairman of the Select Committee on Intelligence of the Senate.

(c) CONTENTS OF REPORT.—Each report under subsection (a) shall include information concerning the following:

(1) Political, military, and economic espionage.

(2) Intelligence activities designed to gain political influence, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

(3) Efforts to gain direct or indirect influence through commercial or noncommercial intermediaries subject to control by the People's Republic of China, including enterprises controlled by the People's Liberation Army.

(4) Disinformation and press manipulation by the People's Republic of China with respect to the United States, including activities undertaken or coordinated by the United Front Works Department of the Chinese Communist Party.

SEC. 310. REVIEW OF THE PRESENCE OF CHEMICAL WEAPONS IN THE PERSIAN GULF THEATER.

The Inspector General of the Central Intelligence Agency shall conduct a review to determine what knowledge the Central Intelligence Agency had about the presence or use of chemical weapons in the Persian Gulf Theater during the course of the Persian Gulf War. The Inspector General shall submit a report of his findings to the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, no later than August 15, 1998 in both classified and unclassified form. The unclassified form shall also be made available to the public.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. MULTIYEAR LEASING AUTHORITY.

(a) IN GENERAL.—Section 5 of the Central Intelligence Agency Act of 1949 is amended—

(1) by redesignating paragraphs (a) through (f) as paragraphs (1) through (6), respectively;

(2) by inserting "(a)" after "SEC. 5.";

(3) by striking "and" at the end of paragraph (5), as so redesignated;

(4) by striking the period at the end of paragraph (6), as so redesignated, and inserting "; and";

(5) by inserting after paragraph (6) the following new paragraph:

"(7) Notwithstanding section 1341(a)(1) of title 31, United States Code, enter into multiyear leases for up to 15 years that are not otherwise authorized pursuant to section 8 of this Act."; and

(6) by inserting at the end the following new subsection:

"(b)(1) The authority to enter into a multiyear lease under subsection (a)(7) shall be subject to appropriations provided in advance for (A) the entire lease, or (B) the first 12 months of the lease and the Government's estimated termination liability.

"(2) In the case of any such lease entered into under clause (B) of paragraph (1)—

"(A) such lease shall include a clause that provides that the contract shall be terminated if budget authority (as defined by section 3(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(2))) is not provided specifically for that project in an appropriations Act in advance of an obligation of funds in respect thereto;

"(B) notwithstanding section 1552 of title 31, United States Code, amounts obligated for paying termination costs in respect of such lease shall remain available until the costs associated with termination of such lease are paid;

"(C) funds available for termination liability shall remain available to satisfy rental obligations in respect of such lease in subsequent fiscal years in the event such lease is not terminated early, but only to the extent those funds

are in excess of the amount of termination liability in that subsequent year; and

"(D) annual funds made available in any fiscal year may be used to make payments on such lease for a maximum of 12 months beginning any time during the fiscal year.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to multiyear leases entered into pursuant to section 5 of the Central Intelligence Agency Act of 1949, as amended by subsection (a), on or after October 1, 1997.

SEC. 402. CIA CENTRAL SERVICES PROGRAM.

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

"CENTRAL SERVICES PROGRAM

"SEC. 21. (a) ESTABLISHMENT.—The Director may—

"(1) establish a program to provide the central services described in subsection (b)(2); and

"(2) make transfers to and expenditures from the working capital fund established under subsection (b)(1).

"(b) ESTABLISHMENT AND PURPOSES OF CENTRAL SERVICES WORKING CAPITAL FUND.—(1) There is established a central services working capital fund. The Fund shall be available until expended for the purposes described in paragraph (2), subject to subsection (j).

"(2) The purposes of the Fund are to pay for equipment, salaries, maintenance, operation and other expenses for such services as the Director, subject to paragraph (3), determines to be central services that are appropriate and advantageous to provide to the Agency or to other Federal agencies on a reimbursable basis.

"(3) The determination and provision of central services by the Director of Central Intelligence under paragraph (2) shall be subject to the prior approval of the Director of the Office of Management and Budget.

"(c) ASSETS IN FUND.—The Fund shall consist of money and assets, as follows:

"(1) Amounts appropriated to the Fund for its initial monetary capitalization.

"(2) Appropriations available to the Agency under law for the purpose of supplementing the Fund.

"(3) Such inventories, equipment, and other assets, including inventories and equipment on order, pertaining to the services to be carried on by the central services program.

"(4) Such other funds as the Director is authorized to transfer to the Fund.

"(d) LIMITATIONS.—(1) The total value of orders for services described in subsection (b)(2) from the central services program at any time shall not exceed an annual amount approved in advance by the Director of the Office of Management and Budget.

"(2) No goods or services may be provided to any non-Federal entity by the central services program.

"(e) REIMBURSEMENTS TO FUND.—Notwithstanding any other provision of law, the Fund shall be—

"(1) reimbursed, or credited with advance payments, from applicable appropriations and funds of the Agency, other Intelligence Community agencies, or other Federal agencies, for the central services performed by the central services program, at rates that will recover the full cost of operations paid for from the Fund, including accrual of annual leave, workers' compensation, depreciation of capitalized plant and equipment, and amortization of automated data processing software; and

"(2) if applicable credited with the receipts from sale or exchange of property, including any real property, or in payment for loss or damage to property, held by the central services program as assets of the Fund.

"(f) RETENTION OF PORTION OF FUND INCOME.—(1) The Director may impose a fee for central services provided from the Fund. The fee for any item or service provided under the central services program may not exceed four percent of the cost of such item or service.

"(2) As needed for the continued self-sustaining operation of the Fund, an amount not to exceed four percent of the net receipts of the Fund in fiscal year 1998 and each fiscal year thereafter may be retained, subject to subsection (j), for the acquisition of capital equipment and for the improvement and implementation of the Agency's information management systems (including financial management, payroll, and personnel information systems). Any proposed use of the retained income in fiscal years 1998, 1999, and 2000, shall only be made with the approval of the Director of the Office of Management and Budget and after notification to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(3) Not later than 30 days after the close of each fiscal year, amounts in excess of the amount retained under paragraph (2) shall be transferred to the United States Treasury.

"(g) AUDIT.—(1) The Inspector General of the Central Intelligence Agency shall conduct and complete an audit of the Fund within three months after the close of each fiscal year. The Director of the Office of Management and Budget shall determine the form and content of the audit, which shall include at least an itemized accounting of the central services provided, the cost of each service, the total receipts received, the agencies or departments serviced, and the amount returned to the United States Treasury.

"(2) Not later than 30 days after the completion of the audit, the Inspector General shall submit a copy of the audit to the Director of the Office of Management and Budget, the Director of Central Intelligence, the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'central services program' means the program established under subsection (a); and

"(2) the term 'Fund' means the central services working capital fund established under subsection (b)(1).

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for the purposes specified in subsection (b)(2).

"(j) TERMINATION.—(1) The Fund shall terminate on March 31, 2000, unless otherwise reauthorized by an Act of Congress prior to that date.

"(2) Subject to paragraph (1) and after providing notice to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, the Director of Central Intelligence and the Director of the Office of Management and Budget—

"(A) may terminate the central services program and the Fund at any time; and

"(B) upon any such termination, shall provide for dispositions of personnel, assets, liabilities, grants, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with such Fund, as may be necessary.".

SEC. 403. PROTECTION OF CIA FACILITIES.

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking "powers only within Agency installations," and all that follows through the end, and inserting the following: "powers—

"(A) within the Agency Headquarters Compound and the property controlled and occupied by the Federal Highway Administration located immediately adjacent to such Compound and in the streets, sidewalks, and the open areas within the zone beginning at the outside boundary of such Compound and property and extending outward 500 feet; and

"(B) within any other Agency installation and in the streets, sidewalks, and open areas within the zone beginning at the outside boundary of any such installation and extending outward 500 feet."; and

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

"(2) The performance of functions and exercise of powers under paragraph (1) shall be limited to those circumstances where such personnel can identify specific and articulable facts giving such personnel reason to believe that their performance of such functions and exercise of such powers is reasonable to protect against physical attack or threats of attack upon the Agency installations, property, or employees.

"(3) Nothing in this subsection shall be construed to preclude, or limit in any way, the authority of any Federal, State, or local law enforcement agency or of any other Federal police or Federal protective service.

"(4) The rules and regulations enforced by such personnel shall be the rules and regulations promulgated by the Director and shall only be applicable to the areas referred to in paragraph (1).

"(5) On December 1, 1998, and annually thereafter, the Director shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that describes in detail the exercise of the authority granted by this subsection, and the underlying facts supporting the exercise of such authority, during the preceding fiscal year. The Director shall make such report available to the Inspector General of the Agency.".

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. AUTHORITY TO AWARD ACADEMIC DEGREE OF BACHELOR OF SCIENCE IN INTELLIGENCE.

(a) AUTHORITY FOR NEW BACHELOR'S DEGREE.—Section 2161 of title 10, United States Code, is amended to read as follows:

"§2161. Joint Military Intelligence College: academic degrees

"Under regulations prescribed by the Secretary of Defense, the president of the Joint Military Intelligence College may, upon recommendation by the faculty of the college, confer upon a graduate of the college who has fulfilled the requirements for the degree the following:

"(1) The degree of Master of Science of Strategic Intelligence (MSSI).

"(2) The degree of Bachelor of Science in Intelligence (BSI).".

(b) CLERICAL AMENDMENT.—The item relating to that section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Joint Military Intelligence College: academic degrees.".

SEC. 502. UNAUTHORIZED USE OF NAME, INITIALS, OR SEAL OF NATIONAL RECONNAISSANCE OFFICE.

(a) EXTENSION, REORGANIZATION, AND CONSOLIDATION OF AUTHORITIES.—Subchapter I of chapter 21 of title 10, United States Code, is amended by adding at the end the following new section:

"§425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies

"(a) PROHIBITION.—Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following (or any colorable imitation thereof):

"(1) The words 'Defense Intelligence Agency', the initials 'DIA', or the seal of the Defense Intelligence Agency.

"(2) The words 'National Reconnaissance Office', the initials 'NRO', or the seal of the National Reconnaissance Office.

"(3) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

"(4) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.".

(b) TRANSFER OF ENFORCEMENT AUTHORITY.—Subsection (b) of section 202 of title 10, United States Code, is transferred to the end of section 425 of such title, as added by subsection (a), and is amended by inserting "AUTHORITY TO ENJOIN VIOLATIONS.—" after "(b)".

(c) REPEAL OF REORGANIZED PROVISIONS.—Sections 202 and 445 of title 10, United States Code, are repealed.

(d) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of subchapter II of chapter 8 of title 10, United States Code, is amended by striking out the item relating to section 202.

(2) The table of sections at the beginning of subchapter I of chapter 21 of title 10, United States Code, is amended by striking out the items relating to sections 424 and 425 and inserting in lieu thereof the following:

"424. Disclosure of organizational and personnel information: exemption for Defense Intelligence Agency, National Reconnaissance Office, and National Imagery and Mapping Agency.

"425. Prohibition of unauthorized use of name, initials, or seal: specified intelligence agencies.".

(3) The table of sections at the beginning of subchapter I of chapter 22 of title 10, United States Code, is amended by striking out the item relating to section 445.

SEC. 503. EXTENSION OF AUTHORITY FOR ENHANCEMENT OF CAPABILITIES OF CERTAIN ARMY FACILITIES.

Effective October 1, 1997, section 506(b) of the Intelligence Authorization Act for Fiscal Year 1996 (Public Law 104-93; 109 Stat. 974) is amended by striking out "fiscal years 1996 and 1997" and inserting in lieu thereof "fiscal years 1998 and 1999".

TITLE VI—MISCELLANEOUS COMMUNITY PROGRAM ADJUSTMENTS

SEC. 601. COORDINATION OF ARMED FORCES INFORMATION SECURITY PROGRAMS.

(a) PROGRAM EXECUTION COORDINATION.—The Secretary of a military department or the head of a defense agency may not obligate or expend funds for any information security program of that military department without the concurrence of the Director of the National Security Agency.

(b) EFFECTIVE DATE.—This section takes effect on October 1, 1997.

SEC. 602. AUTHORITY OF EXECUTIVE AGENT OF INTEGRATED BROADCAST SERVICE.

All amounts appropriated for any fiscal year for intelligence information data broadcast systems may be obligated or expended by an intelligence element of the Department of Defense only with the concurrence of the official in the Department of Defense designated as the executive agent of the Integrated Broadcast Service.

SEC. 603. PREDATOR UNMANNED AERIAL VEHICLE.

(a) TRANSFER OF FUNCTIONS.—Effective October 1, 1997, the functions described in subsection (b) with respect to the Predator Unmanned Aerial Vehicle are transferred to the Secretary of the Air Force.

(b) FUNCTIONS TO BE TRANSFERRED.—Subsection (a) applies to those functions performed as of June 1, 1997, by the organization within the Department of Defense known as the Unmanned Aerial Joint Program Office with respect to the Predator Unmanned Aerial Vehicle.

(c) TRANSFER OF FUNDS.—Effective October 1, 1997, all unexpended funds appropriated for the Predator Unmanned Aerial Vehicle that are within the Defense-Wide Program Element number 0305205D are transferred to Air Force Program Element number 0305154F.

SEC. 604. U-2 SENSOR PROGRAM.

(a) REQUIREMENT FOR MINIMUM NUMBER OF AIRCRAFT.—The Secretary of Defense shall ensure—

(1) that not less than 11 U-2 reconnaissance aircraft are equipped with RAS-1 sensor suites; and

(2) that each such aircraft that is so equipped is maintained in a manner necessary to counter available threat technologies until the aircraft is retired or until a successor sensor suite is developed and fielded.

(b) EFFECTIVE DATE.—Subsection (a) takes effect on October 1, 1997.

SEC. 605. REQUIREMENTS RELATING TO CONGRESSIONAL BUDGET JUSTIFICATION BOOKS.

(a) IN GENERAL.—The congressional budget justification books for any element of the intelligence community submitted to Congress in support of the budget of the President for any fiscal year shall include, at a minimum, the following:

(1) For each program for which appropriations are requested for that element of the intelligence community in that budget—

(A) specification of the program, including the program element number for the program;

(B) the specific dollar amount requested for the program;

(C) the appropriation account within which funding for the program is placed;

(D) the budget line item that applies to the program;

(E) specification of whether the program is a research and development program or otherwise involves research and development;

(F) identification of the total cost for the program; and

(G) information relating to all direct and associated costs in each appropriations account for the program.

(2) A detailed accounting of all reprogramming or reallocation actions and the status of those actions at the time of submission of those materials.

(3) Information relating to any unallocated cuts or taxes.

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

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

(2) The term "congressional budget justification books" means the budget justification materials submitted to Congress for any fiscal year in support of the budget for that fiscal year for any element of the intelligence community (as contained in the budget of the President submitted to Congress for that fiscal year pursuant to section 1105 of title 31, United States Code).

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to fiscal year 1999.

SEC. 606. COORDINATION OF AIR FORCE JOINT SIGINT PROGRAM OFFICE ACTIVITIES WITH OTHER MILITARY DEPARTMENTS.

(a) CONTRACTS.—The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not modify, amend, or alter a JSAF program contract without coordinating with the Secretary of any other military department that would be affected by the modification, amendment, or alteration.

(b) NEW DEVELOPMENTS AFFECTING OPERATIONAL MILITARY REQUIREMENTS.—(1) The Secretary of the Air Force, acting through the Air Force Joint Airborne Signals Intelligence Program Office, may not enter into a contract described in paragraph (2) without coordinating with the Secretary of the military department concerned.

(2) Paragraph (1) applies to a contract for development relating to a JSAF program that may directly affect the operational requirements of one of the Armed Forces (other than the Air Force) for the satisfaction of intelligence requirements.

(c) JSAF PROGRAM DEFINED.—For purposes of this section, the term "JSAF program" means a program within the Joint Signals Intelligence Avionics Family of programs administered by the Air Force Joint Airborne Signals Intelligence Program Office.

(d) EFFECTIVE DATE.—This section takes effect on October 1, 1997.

SEC. 607. DISCONTINUATION OF THE DEFENSE SPACE RECONNAISSANCE PROGRAM.

Not later than October 1, 1999, the Secretary of Defense shall—

(1) discontinue the Defense Space Reconnaissance Program (a program within the Joint Military Intelligence Program); and

(2) close the organization within the Department of Defense known as the Defense Space Program Office (the management office for that program).

SEC. 608. TERMINATION OF DEFENSE AIRBORNE RECONNAISSANCE OFFICE.

(a) TERMINATION OF OFFICE.—The organization within the Department of Defense known as the Defense Airborne Reconnaissance Office is terminated. No funds available for the Department of Defense may be used for the operation of that Office after the date specified in subsection (d).

(b) TRANSFER OF FUNCTIONS.—(1) Subject to paragraphs (3) and (4), the Secretary of Defense shall transfer to the Defense Intelligence Agency those functions performed on the day before the date of the enactment this Act by the Defense Airborne Reconnaissance Office that are specified in paragraph (2).

(2) The functions transferred by the Secretary to the Defense Intelligence Agency under paragraph (1) shall include functions of the Defense Airborne Reconnaissance Office relating to its responsibilities for management oversight and coordination of defense airborne reconnaissance capabilities (other than any responsibilities for acquisition of systems).

(3) The Secretary shall determine which specific functions are appropriate for transfer under paragraph (1). In making that determination, the Secretary shall ensure that responsibility for individual airborne reconnaissance programs with respect to program management, for research, development, test, and evaluation, for acquisition, and for operations and related line management remain with the respective Secretaries of the military departments.

(4) Any function transferred to the Defense Intelligence Agency under this subsection is subject to the authority, direction, and control of the Secretary of Defense.

(c) REPORT.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the committees

named in paragraph (2) a report containing the Secretary's plan for terminating the Defense Airborne Reconnaissance Office and transferring the functions of that office.

(2) The committees referred to in paragraph (1) are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on National Security of the House of Representatives.

(d) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

Mr. BOND. Madam President, I ask unanimous consent that the Senate disagree with the amendment of the House, agree to the request for a conference, and, further, that the Chair be authorized to appoint conferees on the part of the Senate.

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

The PRESIDING OFFICER (Mrs. HUTCHISON) appointed Mr. SHELBY, Mr. CHAFEE, Mr. LUGAR, Mr. DEWINE, Mr. KYL, Mr. INHOFE, Mr. HATCH, Mr. ROBERTS, Mr. ALLARD, Mr. COATS, Mr. KERREY, Mr. GLENN, Mr. BRYAN, Mr. GRAHAM, Mr. KERRY, Mr. BAUCUS, Mr. ROBB, Mr. LAUTENBERG, and Mr. LEVIN; and from the Committee on Armed Services, Mr. THURMOND, conferees on the part of the Senate.

ORDERS FOR TUESDAY, JULY 22, 1997

Mr. BOND. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:45 a.m. on Tuesday, July 22. I further ask that on Tuesday, immediately following the prayer, the routine requests through the morning business hour be granted, and at 9:50 a.m. the Senate resume consideration of S. 1023, the Treasury, general governmental appropriations bill with 10 minutes of debate equally divided in the usual form between Senator CAMPBELL and Senator KOHL.

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

Mr. BOND. I also ask unanimous consent that from 12:30 p.m. to 2:15 p.m. the Senate recess for the weekly policy luncheons to meet.

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

PROGRAM

Mr. BOND. Madam President, for the information of all Members, tomorrow the Senate will resume consideration of S. 1023, the Treasury, general governmental appropriations bill with 10 minutes of debate, and at 10 a.m. a series of votes, possibly three, will occur on the remaining pending amendments to the Treasury, general government appropriations bill, including a vote on final passage of S. 1023. Following disposition of S. 1023, the Senate will resume consideration of the VA–HUD appropriations bill. Therefore, additional votes will occur during Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. BOND. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:53 p.m., adjourned until Tuesday, July 22, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1997:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT H. FOGLESONG, [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. PICKLER, [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL J. BYRON, [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. CHARLES E. WILHELM, [redacted]

DEPARTMENT OF JUSTICE

RAYMOND C. FISHER, OF CALIFORNIA, TO BE ASSOCIATE ATTORNEY GENERAL, VICE JOHN R. SCHMIDT, RESIGNED.

BILL LANN LEE, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEVAL L. PATRICK, RESIGNED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

HAROLD C. PACHIOS, OF MAINE, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1999. (REAPPOINTMENT)

EXTENSIONS OF REMARKS

GOVERNMENT OFFICIALS AWARENESS DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 1997

Mr. BONIOR. Mr. Speaker, in the Tenth Congressional District of Michigan, which I have the privilege to represent, the personnel at Selfridge Air National Guard Base have served in the defense of the United States for over 80 years.

Selfridge is one of the Nation's oldest and most historic military installations. It is named after Lt. Thomas Etholen Selfridge. Lieutenant Selfridge was the first military officer to pilot a heavier-than-air, engine-driven aircraft. While flying with Orville Wright on September 17, 1908, Lieutenant Selfridge, unfortunately, became the first officer to meet his death in powered flight. Wright survived only after a lengthy stay in the hospital.

Pilots began training at Selfridge Field only 2 weeks after it was activated as a military installation in 1917. This was just 3 months after the United States entered World War I. In 1947, when the Air Force became a separate service, Selfridge Field became Selfridge Air Force Base. It had grown from a 640-acre leased parcel of land to a permanent 3,600-acre base.

In 1971 the base was transferred to the Michigan Air National Guard and received its current name. It is the home of many diversified units. Team Selfridge takes pride in being the only Reserve forces base to have permanently assigned units from all five of the uniformed services: Air Force (Air National Guard & Air Force Reserve), Army, Navy, Marine Corps, and Coast Guard.

The Team Selfridge community paid tribute to the Government officials who support Selfridge Air National Guard base. Selfridge had depended on the flexibility and support of Government officials since 1917.

Reserve forces comprise more than half of our Nation's defense capability and are essential to national security. These citizen-soldiers train vigorously and stand shoulder-to-shoulder with their active duty counterparts in order to be ready to meet the Nation's call at a moments notice.

Our Reserve forces will play an even greater and more diverse role in the times ahead. It is through the vital support of America's Government officials that the Reserves will be able to bolster the Nation's security.

August 8, 1997, should be remembered as Michigan Government Officials Day. I urge my colleagues to continue their support and express their gratitude to the men and women of our Michigan Reserve forces.

A TRIBUTE TO CAROLYN SHERMAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 1997

Mr. SOLOMON. Mr. Speaker, every now and then in my position as a Congressman, I have the privilege of honoring those people out there whose performance day in and day out improves the quality of life for an entire neighborhood or school or community. I call these people our "silent heroes." That's because they do their job without remiss and all too often without the accolades they deserve.

Mr. Speaker, I'd like to bring your attention to one such hero today, Mrs. Carolyn Sherman of Nassau, NY, in my congressional district. She has been a faithful employee of the Nassau Free Library for 40 years now and has done more than her share in making the Nassau area of New York a great place to live and raise a family.

I say that because what could be more critical to any community and especially its young people, than a library. And there's something even more special about a public library that just seems so American. It embodies the free exchange of ideas and intellectual freedom that has allowed this country to thrive and has been the beacon drawing millions from distant lands throughout our history.

Now, how does Mrs. Sherman fit into all this? Easy. For 40 years now, she has played an active role in helping others to expand their minds, be it a child forming his or her sentences, or a business owner researching the latest trends and technologies that might allow their business to expand and put someone else to work.

During her tenure, Carolyn has guided the library through many changes. She expanded the hours from 12 to the present 22 hours per week. She founded the book selection committee, a version of which remains today for the selection of children's books. She instituted Children's Story Hour in 1959, soon followed by a special children's corner of the library. In 1961, under her leadership, the library joined the Upper Hudson Library System, a State-sponsored service for small libraries which allows for interlibrary loans and a variety of other services. Carolyn founded the Friends of the Library, a volunteer auxiliary group which supports library events including fund raising activities.

In the 1970's, after several years of planning and labor, Carolyn coordinated the expansion of the physical facility. Through outstanding community support, the project was completed without encumbering debt.

In 1982, Carolyn received the Marian Mosher Award for Library of the Year in New York State. This award is given to an outstanding small community librarian. As you know, Mr. Speaker, organizing and directing such a rapid and enormous change can be both exhilarating and frustrating. But she had a vision of a facility that would better serve all aspects of her community and the persistence to carry it through. Now that's what it takes to get the job done.

Mr. Speaker, I have always been one to judge people based on what they return to their community. By that measure, Carolyn Sherman is a truly great American. I ask you Mr. Speaker, and all Members of the House to rise with me now in tribute to her and her outstanding record of public service. She has certainly earned it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 22, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Catherine E. Woteki, of the District of Columbia, to be Under Secretary of Agriculture for Food Safety, and Shirley Robinson Watkins, of Arkansas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

SR–332

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business; to be followed by hearings to examine natural gas issues, focusing on the world energy supply and demand to the year 2015, the role of government in large scale gas projects in foreign countries, and emerging technologies in gas field development that are making natural gas more economical to market.

SD–366

Labor and Human Resources
Business meeting, to mark up S. 1020, proposed Arts and Humanities Amendments of 1997, proposed National Science Foundation Authorization of 1997, proposed Workforce Improvement Partnership Act, and to consider pending nominations.
SD–430

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1998 for the government of the District of Columbia, focusing on the Departments of Health, Human Services, and Public Works.
SD–192

Banking, Housing, and Urban Affairs
To hold oversight hearings on the Federal Reserve's monetary policy report to Congress pursuant to the Full Employment and Balanced Growth Act of 1978.
SD–538

Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Judiciary
To hold hearings on proposed legislation to authorize funds for the Office of National Drug Control Policy.
SD–226

2:00 p.m.
Judiciary
Business meeting,
To resume markup of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, and to mark up S. 53, to require the general application of the antitrust laws to major league baseball.
SD–226

4:00 p.m.
Conferees on H.R. 1757, to consolidate international affairs agencies and to authorize appropriations for the Department of State and related agencies for the fiscal years 1998 and 1999. H-140, Capitol

JULY 24

9:00 a.m.
Judiciary
Business meeting, to resume markup of S. 10, to reduce violent juvenile crime, promote accountability by juvenile criminals, and punish and deter violent gang crime, and to mark up S. 53, to require the general application of the antitrust laws to major league baseball.
SD–226

9:30 a.m.
Appropriations
Business meeting, to mark up proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998.
SD–106

Armed Services
To hold hearings on the nomination of John J. Hamre, of South Dakota, to be Deputy Secretary of Defense.
SR–222

Commerce, Science, and Transportation
To hold hearings to review a General Accounting Office report relating to program efficiencies at the National Aeronautics and Space Administration (NASA) and the National Science Foundation (NSF).
SR–253

Environment and Public Works
Business meeting, to consider the nomination of Jamie Rappaport Clark, of Maryland, to be Director of the United States Fish and Wildlife Service.
SD–406

9:45 a.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings to examine ozone and particulate matter standards promulgated by the Environmental Protection Agency.
SD–406

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine securities litigation abuses.
SD–538

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1028 and H.R. 858, bills to direct the Secretary of Agriculture to conduct a pilot project on designated lands within Plumas, Lassen, and Tahoe National Forests in 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.
SD–366

Foreign Relations
To hold hearings on the nominations of David Andrews, of California, to be Legal Adviser, Bonnie R. Cohen, of the District of Columbia, to be Under Secretary for Management, Edward William Gnehm, Jr., of Georgia, to be Director General of the Foreign Service, and James P. Rubin, of New York, to be Assistant Secretary for Public Affairs, all of the Department of State.
SD–419

Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for programs of the Higher Education Act, focusing on title IV.
SD–430

11:00 a.m.
Foreign Relations
To hold hearings on the nomination of George Munoz, of Illinois, to be President of the Overseas Private Investment Corporation, United States International Development Cooperation Agency.
SD–419

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to review the process by which the National Park Service determines the suitability and feasibility of new areas to be added to the National Park System, and to examine the criteria used to determine national significance.
SD–366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine proposals on defense consolidation, focusing on antitrust and competitions issues.
SD–226

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institutes of Health, Department of Health and Human Services.
SD–430

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

JULY 25

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

Veterans' Affairs
To hold hearings on pending legislation.
SR–418

JULY 28

1:00 p.m.
Special on Aging
To hold hearings to examine the amount of fraud in the home health care system and ways to identify and deter fraud, waste and abuse in health care.
SD–562

2:00 p.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine gambling on the Internet.
SD–226

JULY 29

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effect of the Federal Agriculture Improvement and Reform Act (P.L. 104-127) on price and income volatility, and the properrole of the Federal government to manage volatility and protect the integrity of agricultural markets.
SR–332

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. 967, to amend the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act to benefit Alaska natives and rural residents, and S. 1015, to provide for the exchange of lands within Admiralty Island National Monument.
SD–366

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings on S. 268, to regulate flights over national parks.
SR–253

JULY 30

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Indian Affairs
Business meeting, to mark up S. 569, to amend the Indian Child Welfare Act of 1978 to provide for retention by an Indian tribe of exclusive jurisdiction over child custody proceedings involing Indian children and other related requirements; to be followed by an oversight hearing on the Bureau of Indian Affairs Special Trustee's strategic plan to reform the management of Indian trust funds.
SD–106

10:00 a.m.
Governmental Affairs
To resume hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings to review the management and operations of concession programs within the National Park System.
SD–366

JULY 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how trade opportunities and international agricultural research can stimulate economic growth in Africa, thereby enhancing African food security and increasing U.S. exports.
SR–332

10:00 a.m.
Governmental Affairs
To continue hearings to examine certain matters with regard to the committee's special investigation on campaign financing.
SH–216

CANCELLATIONS

JULY 23

2:00 p.m.
Judiciary
To resume hearings to review the FBI crime laboratory.
SD–226

POSTPONEMENTS

JULY 22

10:00 a.m.
Judiciary
To hold hearings to examine federal antitrust policy in the healthcare marketplace.
SD–226