SENATE—*Tuesday, September 2, 1997*

The Senate met at 11 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Eternal God, Creator of heaven and Earth, and Lord of our lives, our hearts are profoundly moved by the recent and acute reminder of the shortness of time and the length of eternity. We have been stunned by the untimely and tragic death of Diana, Princess of Wales. We join with all Americans in expressing profound sympathy to the British people, and the royal family, and poignant empathy for her sons, Prince William and Prince Harry. Comfort and strengthen them in their grief. We thank you for the all too brief life of Princess Diana, for her humanitarian efforts to care for crucial causes and human suffering.

And so Lord, we begin the next phase of the work of this Senate with a sense of our own mortality and the urgency of living life to Your glory each day. Help us to come to know You and love You so that we may serve You to the fullest and do those things which will have a lasting impact on our Nation and the world. We pray with the psalmist, "So teach us to number our days, that we may gain a heart with wisdom"—Psalm 90:12. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President, and welcome back. I am glad that the Senate is back in session, and I am pleased to see you back in the chair, as is always the case.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will be returning from the August recess and will begin immediate consideration of S. 1061, the Labor-HHS appropriations bill. The chairman of the subcommittee, Senator SPECTER, is here and is ready to go with the opening debate. As announced prior to the recess, there will be no rollcall votes during today's session. Members will be offering amendments, hopefully, to the bill. Today, however, any votes ordered on those amendments will occur during Wednesday's session.

Also under the order, at 2:15 p.m. today, the Senate will resume consideration of the Agriculture appropriations bill to allow Senator HARKIN to offer an amendment regarding the FDA. A rollcall vote will occur on or in relation to Senator HARKIN's amendment at approximately 9:50 on Wednesday morning, tomorrow morning.

I remind my colleagues, in addition to the Labor-HHS appropriations bill this week the Senate needs to consider and complete action on the Interior appropriations bill as well as the Food and Drug Administration reform bill. If there is difficulty continuing with the FDA reform, it would be my intent to file a cloture motion tomorrow, which would then ripen on Friday morning, and unless some agreement can be worked out we would have to have that vote on Friday morning.

Therefore, after today's session, votes will be occurring each day. The chairman just indicated to me he would hope to finish the Labor-HHS bill tomorrow night, but we will stay on the bill and get it completed except for the one vote at 9:50 on Wednesday, and of course, if we have to go to FDA reform—we can complete the bill, although I hope it can be completed by the time we get to FDA.

I urge Senators that are back in town that have amendments to the Labor-HHS appropriations bill to please come to the floor, offer those amendments today, so that you can have them debated now and not get under a time pressure late tomorrow afternoon or tomorrow night or whenever we get to the close of the debate. I think you get a lot better consideration of amendments if you come and offer them early rather than later.

I want to thank all Senators for their past and hopefully continued cooperation during the remainder of the first session of the 105th Congress. As all Members are aware, as we approach adjournment at the end of this legislative session it will be very busy and will necessitate everyone working with the leaders as we try to complete the remaining schedules. We have not had an opportunity to meet with the leadership and to talk with the leadership on the Democratic side of the aisle about exactly when our target adjournment will be, but during the remainder of the week we will be doing so. Later on this week, to early next week, we will give Senators some idea of our hoped for adjournment.

I do want to say again how much I appreciate the cooperation that we have had this year. We did complete the Balanced Budget Act and the tax relief package. We also have already passed 10 of our 13 appropriations bills, with only 3 remaining, this bill, the Labor-HHS appropriations bill, Interior, and the District of Columbia. We would like to finish, in fact, we plan to finish, all three of those bills by the end of next week. Then we will begin to take up conference reports and other bills that are necessary before we end the session for this year. It did take cooperation from all Senators and it took cooperation of the leadership on both sides of the aisle. I hope we can continue that and do the people's business in a way that produces results that will help the quality of life of all Americans.

Mr. President, I yield the floor. I see Senator HARKIN is here. Therefore, the managers of the bill are now ready. I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER (Mr. ALLARD). The Senate will now proceed to the consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

Mr. SPECTER. Mr. President, we are prepared now to proceed with consideration of the legislation on appropriations for the Departments of Labor, Health and Human Services, and Education.

I have just conferred with my distinguished colleague, Senator HARKIN, the ranking Democrat, after having conferred with the majority leader, and it is our plan to complete action on this bill by tomorrow evening, Wednesday evening. That is not to say that the plan will conclusively be fulfilled as of that time, but it is our plan to proceed in that manner.

It would be our hope that we would have a firm idea of all the amendments which would be offered by the end of business today or if not, no later than noon tomorrow, since we are scheduled to have a vote tomorrow morning at 9:30, and as is the custom, Senators will be arriving today. Some are obviously present now, but as our practice has demonstrated in the past, when the rollcall vote is taken, Senators will be present.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

We have had some substantial period of time—obviously, slightly more than a month—to prepare for this bill, because the majority leader announced at the conclusion of our session on July 31–August 1, that this would be the first order of business taken up.

I recall the comment of then majority leader Howard Baker on some legislation back in 1982, when we had a tax bill on the floor of the Senate and the question was whether we were going to proceed all night, which Senator Baker was wont to do, or whether we would go into the next morning. I recall Senator Baker said that amendments, like mushrooms, grew overnight, and it was his determination to proceed that evening. I remember there were about 70 amendments pending. Senator Dole was the manager of the bill. It was a tax bill. We proceeded all night and finished action about 6:30 in the morning.

Well, there has been more time than overnight for these amendments, like mushrooms, to grow, but we have a bill here which is very important.

There is a lot of business in the Senate, and speaking from a personal note, we will be moving ahead with hearings on the Governmental Affairs Committee on campaign finance reform, and I serve on that committee. I hope to be finished with this bill by tomorrow night, whatever time it takes to proceed with the other work of the Governmental Affairs Committee.

Mr. HARKIN. Will the Senator yield?

Mr. SPECTER. My colleague asks me to yield for unanimous consent. I am willing to do that.

Mr. HARKIN. I thank the chairman.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Ellen Murray, Peter Reinecke, and Bev Schroeder be permitted privileges of the floor for the duration of the debate.

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

Mr. SPECTER. Mr. President, moving now to consideration of the pending bill, the pending committee report, we have legislation before the Senate for the three departments, the Department of Labor, the Department of Health and Human Services, and the Department of Education for fiscal year 1998, which totals $79.7 billion in discretionary budget authority. That is a large sum of money. Mandatory spending under this totals $189.3 billion, which is a decrease of $15.2 billion from the fiscal year 1997 levels.

We have gone through the budget with great care. We have been fortunate enough to have outstanding staffs, both on the Republican side of the aisle and the Democratic side of the aisle, and we have come forward with these proposals here today. It is my view, Mr. President, that when we have a total Federal budget of $1.7 trillion, that should provide for the needs of the American people through the Federal Governmental operations, if we assess our priorities in a proper way. We have just seen landmark legislation with the balanced budget legislation, and the tax reduction legislation passed by the Congress before we adjourned on August 1, and signed by the President into law on August 5. It is very important that we do reach that balanced budget. We should not, as a nation, spend beyond our means. I believe it is possible to achieve that goal if we work with a scalpel and not a meat ax and take care of the important needs for all of America.

We deal here with the subjects of health and education and there are no priorities higher than those two items. The people of America, the people of the United States, should be healthy and there should be educational opportunities so people should have an opportunity to climb the ladder in America.

When I talk of education, I talk from a very keen sense personally of education as an opportunity which I have seen. Both of my parents were immigrants. My father literally walked across Europe from Russia, barely a ruble in his pocket, at the age of 18 in 1911 to make a new life for himself and the family which he hoped to have and did have. My mother, coming with her parents to the United States from a small town on the Russian-Polish border at the age of 5, education was heavily emphasized in the Specter household because our parents had so little of it. My brother, my two sisters, and I have been able to share in the American dream because of that educational opportunity.

As Senator HARKIN and I and our staffs have crafted this legislation, we have done our utmost to provide for that educational opportunity. We have provided for increases in the maximum Pell grant to $3,000 per year. We have provided for guaranteed student loans. It would be preferable if we could provide scholarships for all young people, and older people who want additional education, but that is not possible in a practical sense, so we have a revolving sum where at least the education can be obtained, even if there are obligations that would have to be paid at a later time.

We have come to this budget with very deep concerns over the issue of health. Regrettably, when the budget resolution was presented to us, there was a cut of some $100 million on discretionary health spending which required a considerable reallocation of priorities, which Senator HARKIN and I and our subcommittee and then the full committee and our staffs have undertaken. That was especially problemsome when it came to the issue of the National Institutes of Health where it was our desire to continue to increase the funding on medical research which has been so marvelous for America and our advances benefiting the entire world.

Early in the 105th session, we passed a sense-of-the-Senate resolution, or a sense-of-the-Senate resolution was introduced and, I believe, passed—we will check the RECORD on that to be sure—to double NIH funding over 5 years. If it wasn't passed, the sense-of-the-Senate resolutions pass pretty easily around here because they talk about our druthers as opposed to our dollars. Then, when we took up the budget resolution, and a sense-of-the-Senate resolution passed to increase NIH funding by some $2 billion. Then Senator HARKIN and I offered an amendment to increase it—not a sense-of-the-Senate resolution, but hard dollars of $1.1 billion. That would have left us with a net of about $950 million to achieve the 7.5-percent increase Senator HARKIN and I committed to early in the session for the NIH.

When we brought that amendment to the floor, it was roundly defeated 63–37, which was somewhat disappointing. But it was an illustration of what happens in the Senate when you have a sense of the Senate, which is an expression of what you would like to see, or druthers, as opposed to a hard amendment which puts up money. And when we balance the budget, if we put up 7.5 percent, which is $952 million, we have to have someplace to take it from. When that choice is made, it isn't too easy to get the votes. That amendment went down to defeat, as I said, 63–37. But then we went back to the drawing boards with our sharp pencils—mainly staff's sharp pencils—and figured out a way on the allocation of priorities to find that 7.5 percent, or $952 million, and we did find it. It was not easy to do, but we thought that that was what ought to be done.

In the United States, it is my view that we have the best health care system in the world, but it continues to need improvement. I personally was the beneficiary of that health care system about 4 years ago when an MRI detected a life-threatening problem that I had, and I was able to get my medical situation corrected. There is nothing like having a problem and using the MRI personally to do a little research to find out about its development. I was surprised to find that it had only been developed in 1984, less than a decade before I found the need to use it.

Within the course of the past week, I had occasion to return to my home State of Kansas for my 50th high school reunion. I probably should not have given the date. I may get leave to amend and revise the CONGRESSIONAL RECORD on that. Just kidding. It was my 50th high school reunion. My Aunt Rose Isemberg, in Wichita, who is 85, was the beneficiary of a serious operation and is well on her way to recovery. I focused on that factor and mentioned to my Aunt Rose that in some

countries you can't get an operation when you are that old. In some countries you can't get one if you are past 60. So we have a marvelous health system in the United States, but, again, one which needs improvement.

When I returned to my hometown of Russell, KS, to my high school reunion, I was reminiscing with my sister-in-law, Joyce Specter, about the medical care in Russell, KS. My brother had some serious ailments several years ago, and I was with him. Unfortunately, he passed away. Back then, I wanted to talk to Dr. Merkel, and it was 6:45 on a Saturday night. I asked for his home number and I was told, "You can't call Dr. Merkel at home at 6:45 on a Saturday. You will find him in the office."

Notwithstanding our graduations of doctors and medical experts, rural America still doesn't have as much by way of health care providers as rural America needs. So we do have significant improvements to be made in our health system in America. This is something which we have focused on as we have moved ahead in this bill and our efforts to provide health care coverage for all Americans.

Again, on a personal note, I was fascinated to hear of the health coverage offered by Israel, without regard for preexisting conditions or without regard for age—a factor called to my attention by my sister, Hilda Morgenstern, and my brother-in-law, Arthur Morgenstern, who have dual citizenship in the United States and in Israel. There are examples around the world as we try to extend health coverage and services to the 37 to 41 million Americans who are not now covered. It is appropriate to note that in the reconciliation bill we passed, the Balanced Budget Act, we have taken action to provide some $24 billion to cover America's uninsured children, numbering about 10 million. There is a question, as we work through the program, as to how many of those children we will be able to cover.

Mr. President, during the course of our deliberations, Senator HARKIN and I received requests from Members, totaling more than 700 such requests, for expanded funding for programs within the subcommittee's jurisdiction, and, to the maximum extent possible, we tried to honor those requests. We had very substantial support for increasing the funding for the National Institutes of Health and, as noted, we have done that with an increase of 7.5 percent, some $952 million. So that now we have nearly $13.7 billion for the National Institutes of Health, and their achievements have been near miraculous as they have moved ahead with research on breast cancer, ovarian cancer—very serious ailments for women—and prostate cancer for men, Alzheimer's disease—very substantial advances in research there—mental health research, research on heart conditions, and virtually every known ailment that has come within the scope of the National Institutes of Health.

One of the really educational experiences that I personally have had on the job as chairman of the subcommittee is we have received so many requests from so many people around the United States who have ailments that I had never heard about. I do believe that we have a budget which can accommodate research along those lines. If this recommendation is insufficient, I believe the Congress of the United States is prepared, on a priority basis, to allocate whatever it takes on medical research in the United States to do the job. Even with that kind of a funding, there are many applications which are not granted. We have moved ahead very substantially in the time that I have been in the Senate, whether the chairman was Senator Weicker, later Governor Weicker, or Senator Chiles, later Governor Chiles, or whether Senator HARKIN was chairman, or during my chairmanship.

The committee has placed a very high priority on women's health. The bill provides for increased funding. There will be funding for expanded programs to develop mental health care services for women, to provide moneys for a comprehensive review of the impact of heart disease on women, where in the past less attention was paid to that important item. Women do have different problems, very different from men, when it comes to heart ailments. For so many years, the research had been on men alone. The additional funding will help launch an osteoporosis public education program aimed at teenagers.

In our legislation, we have provided funding for both family planning and for abstinence programs. One of the most controversial issues facing America is the controversy of pro-choice/pro-life. But there is one item that can be generally agreed upon, and that is if we can cut down on premarital sex among teenagers and unintended pregnancies, and the abortions which follow, that is an objective where there is general agreement, and we have produced additional funding here for those programs devoted to abstention.

One of the items on which we continue to increase funding is our program on Healthy Start. That is an initiative to try to give prenatal care to women and avoid having low-birthweight babies. I saw my first 1-pound baby at Alma Illery Medical Facility in Pittsburgh more than a decade ago, and I was shocked to see a child no bigger than my hand, which weighed less than a pound. When you have a child with that low birthweight, there are medical problems that last a lifetime and enormous costs to society. Those children frequently cost as much as $300,000 by the time they are out of the hospital in a few weeks or a few months. Thousands are born each year. It is a multibillion-dollar expense. The program of prenatal care has had great results and is one which we are pushing ahead in the legislation pending.

The issue of AIDS continues to be a matter of overwhelming importance in the United States. Today's front page of the Washington Post is devoted significantly to it. Our bill contains some $3.265 billion for research, education, prevention, and services, including an $81 million increase for the Ryan White CARE Program, named after the young man who developed AIDS on a blood transfusion—nothing at fault even remotely there. This issue continues to be of enormous importance in the United States.

Our legislation provides further assistance in funding for substance abuse, both alcohol and drugs, a major problem in our country.

We have taken the initiative with some $50 million for new programs to assist communities in preventing juvenile crime. That is an issue of great concern in the United States and one which falls partially within the jurisdiction of our subcommittee. It is not inappropriate to note at this time that pending before the Judiciary Committee is extensive legislation on juvenile crime. It is my hope that we will craft a bill, when the issue comes to the floor of the U.S. Senate, which will take into account not only tough measures to try juveniles as adults, where they are, in fact, adults by size or inclination and prior record, but also to work on the literacy training and job training.

Based on the experience I have had on the Judiciary Committee, and before that as district attorney of Philadelphia, it is my view that we can control violent crime in America if we approach it at two levels. One, where we have career criminals, to have life sentences. The armed career criminal bill that I offered, which passed back in 1984, has made a significant effort in that regard. Where you have a career criminal with three or more violent offenses, now, by Federal law, there is a mandatory sentence in the Federal courts of 15 years to life. We have been putting more people in jail, and there has been a decrease in the crime rate. In my judgment, that is attributable to the factor that there are more violent criminals now in prison. The other half of the equation, though, is to provide realistic rehabilitation for those who are not career criminals, where they are going to be released. It is no surprise that if you have a functional illiterate without a trade or skill, a person who goes back onto the street without training, without a job, that person is likely to go through the revolving door and become a recidivist.

That is why one of the first bills I introduced when I came to the Senate,

alongside the armed career criminal bill, was legislation for realistic rehabilitation, for job training and literacy training. As we craft that juvenile crime bill, it is my hope that we will have an appropriate balance on the juveniles, on literacy training and job training, because we know that 1 day they are going to be released from jail. A societal option is either to have them as law-abiding citizens, working their way and contributing to society, or becoming criminals. So it is in the interest of law-abiding citizens, as well as the individuals themselves, that appropriate attention be given to literacy training and job training.

Also included in this bill is our allocation of funding for Head Start. Some $4.3 billion is included here, which is an increase of some $324 million. We increase the number of children by 36,000, to a total of 836,000, on our planned route to having 1 million covered by Head Start by the year 2002.

Also in our budget is funding to protect women against violence when we talk about the categories of battered women's shelters, rape prevention, runaway youth prevention, domestic violence community demonstrations, and the domestic violence hotline.

Another important item—controversial, as many are in this bill—is our program on low-income heat and energy fuel assistance. We have maintained funding of some $1 billion for this winter, and advanced funding of $1.2 billion for next year's winter program. This is a program which is controversial because in some States the needs are not as great as they are in other States. But what we have essentially for many Americans, especially elderly Americans, is a choice on either heating or eating. With many elderly in the program with annual incomes of $8,000 or less, they are totally unable to cope without some assistance on fuel costs.

We also have within this bill important programs for the elderly, including community service employment programs, part-time employment opportunities for low-income elderly, home delivered nutrition services, and the National Senior Volunteer Corps.

We have as well school-to-work where there is a transition moving from school to work, coordinated also with the job training programs and Job Corps which provide educational opportunities and vocational training for those young people in our society who may not prefer that to the college education and may be more appropriately directed in that line.

On education, Mr. President, we have moved ahead with an increase of some $3.1 billion in our discretionary education funds.

I especially commend my distinguished colleague, Senator HARKIN, for his leadership in this very, very important line.

We have had difficulties in bringing this particular bill to the floor in the past. It was not until April 1996 when we were able to—after an amendment offered by Senator HARKIN and myself to increase funding for this subcommittee by $2.6 billion —move ahead.

I commend the President for his initiatives and priority setting on education, which is, as I noted earlier, a priority second to none for the United States.

In this line, we have special education programs funded at some $921 million. And I commend the chairman of the Educational Opportunities Committee in the House, my colleague, Bill Goodling from Pennsylvania, and also our colleague, JUDD GREGG of New Hampshire, for their leadership in this item where we are trying to maintain the Federal commitment to special education. We are coming very close to the high marks set in S. 1. Again, it is a matter of establishing priorities, which we have done here.

On our student aid programs, the bill provides some $8.5 billion, which is an increase of almost $1 billion—$997.3 million over last year's appropriations. The Pell grant is going up by some $300 to a maximum grant of $3,000. The Supplemental Educational Opportunity Grants Program is increased by some $51 million.

I go into some detail for at least two reasons, Mr. President. These are important programs, and we are not taking up anybody's time, Senator HARKIN and I being the only two Senators on the floor. I will yield in a few minutes for Senator HARKIN's opening comments.

On job training, we have provided $5.2 billion for the job training programs, which is more than $500 million over the 1997 level. That includes increases for Job Corps, adult training, and training for dislocated workers, which is a very, very important problem for Americans, especially in my home State of Pennsylvania where we have seen the demise of the steel industry and the coal industry and the glass industry.

So many of the problems of the dislocated workers are caused by imports which are coming into the United States, which really ought not to be coming into the United States, where we are dealing with concerns on defense policy or on foreign policy. And so many American workers are taking it on the chin. The least we can do is to have retraining for the dislocated workers.

Our bill provides very important funding for worker safety programs in the Department of Labor where we are now providing almost $1 billion—just $1 million short; $999 million—for worker safety programs. This is an increase of some $37 million above 1997's level for worker safety activities.

Mr. President, I have gone over, believe it or not, just a few of the highlights of this bill, which totals almost $80 billion. We have in excess of $11 billion for the Department of Labor, almost $32 billion for the Department of Health and Human Services, and almost $30 billion on the Department of Education, coming to a total of almost $80 billion in discretionary funding.

To repeat, Mr. President, on the schedule, which the majority leader and Senator HARKIN and I have discussed earlier, it would be our plan—our optimistic plan, but our plan nonetheless—to conclude action on this bill by tomorrow night. We would like to have all amendments filed by the close of business today and, in any event, no later than noon tomorrow. All the Senators will be here, as we have every expectation for the vote scheduled at 9:30 tomorrow so that we can make our plans and scheduling for any amendments which may be filed.

At this time, I am pleased to yield to my distinguished colleague, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my chairman for his leadership on this plan and for outlining in great detail the various aspects of the bill that he just covered, in our efforts to craft a truly bipartisan bill to bring to the floor of the Senate.

Mr. President, S. 1061, the Labor, Health and Human Services, Education and related agencies for fiscal year 1998, is now before us.

Again, I want to start by commending our chairman for his skill and his craftsmanship in putting this bill together.

Senator SPECTER has ably balanced the many, often competing requests we have received—as he mentioned, over 700 different types of requests from Senators. It is always a very tough job, and I appreciate how closely he has worked with me and my staff in crafting a truly bipartisan plan.

For example, the bill's broad support was reflected in its unanimous approval by the full Appropriations Committee.

I am especially pleased that the bill provides significant increases in funding for key education programs.

Senator SPECTER quite ably went over those. I will not repeat those again. I will just mention what Senator SPECTER had said in terms of the bill grants—the increase in the stipend from $2,700 to $3,000. This will help over 3.6 million low- and moderate-income students in colleges and institutions of higher learning this next year. This is the highest level of Pell grant support.

The bill exceeds the support for education recommended by the bipartisan budget agreement by $164 million. It includes significant increases for special education and education technology and, in particular, funds to support teacher training. Computers in

the classroom are of no value if teachers don't know how to use them effectively.

The mark in the bill puts special emphasis on early intervention. The cornerstone, as we know, for educational success are the first years of a child's life. Recent research on the brain provides irrefutable proof about the dramatic development in children before the age of 3. So we must intensify our efforts to make sure that all children enter school ready to learn. We have begun to lay the foundation in this bill by increasing Head Start funding by $324 million, and we have doubled the set-aside for early Head Start which serves children up to the age of 3.

This bill also provides an 11-percent increase in funding to $350 million for the early intervention program for infants and toddlers with disabilities served by part H of the Individuals With Disabilities Education Act.

Again, Mr. President, as we know, it is vital for children without disabilities to have early educational services. We know that it is doubly vital for kids, infants, and toddlers with disabilities to have those early intervention programs before the age of 3.

I am also very pleased that we are able to make a start—not a big one, but at least a start—on the Education Grant Infrastructure Program. I think we can all agree that the infrastructure needs of our school systems are truly staggering. Most estimates of nationwide school repair and construction costs exceed $100 billion. Again, clearly, school construction and repair will and should remain primarily a State and local responsibility. Nevertheless, I think there is a limited Federal role here, and it is one would that is connected to the longstanding Federal support for the education of disadvantaged children through the title I program.

I am often asked the question, Mr. President, "Where is it indicated in the Constitution of the United States that education funding must come out of property taxes?" I have here a little pocket copy of the Constitution that I try to carry with me at all times. I find it a very good reference. A lot of times I hold it up, and ask people, "Where? Show me where in the Constitution of the United States, as amended, that it says that education in America is to be funded on the basis of property taxes."

You can read every word in the Constitution of the United States and the Bill of Rights, all the amendments thereto, and you will not find one thing in the Constitution that says how education is to be funded. It doesn't say we have to pay for it through property taxes. But that is sort of the system that evolved in our country over the years. So what we have are these anomalies.

I happen to maintain a residence, as many of my colleagues do, in suburban Virginia, in Fairfax County. To be sure, both of my daughters have gone to public schools in Fairfax County, and I can tell you the schools here are wonderful. They are great schools. That is 12 miles from where we are standing right now.

Five blocks from here, in the District of Columbia, are some of the worst schools in our country. Why is it? Why the difference in 12 miles? Well, it is because in Fairfax County, you have a lot of high-income people who pay a lot of property taxes. And they have great schools. Yet, five blocks from the Capitol, you have very low income with very low property taxes, and no ability to fix up and repair their schools. This is true all over our country.

I refer those who are interested to a book, of course, written by a good friend of mine, Jonathan Kozol, called "Savage Inequalities." It is not a new book. It is at least 10 years old, I guess, by now. That problem is very clearly across America—what it means to be a child lucky enough to be born to moderate to well-to-do parents who live in an area where there are high property taxes and high property values. The schools are good. If you live in an inner city, or sometimes in Appalachia, or rural areas of America where you have low property taxes, you have bad schools.

So homeowners who are living in poor school districts have to carry a much heavier tax burden to raise school construction funds. Where they have the worst schools, they need the most repairs. Yet, they have the least ability to do so because they have a low tax base.

Homeowners who live in affluent districts, however, have it much easier. So the homeowners who live in the poor areas have a much harder burden to carry in repairing and constructing new schools. And so I have long felt it is, indeed, at least part of the responsibility of the Federal Government to equalize this, to equalize it somewhat.

Now, in States we have acquisition formulas. In my State of Iowa, for example, yes, property taxes are local, but the State recognizes, as many other States have done, that it provides for a lot of inequalities. So the State has stepped in with equalization formulas to try to equalize funding for schools at least in regard to construction and repair for those who are in poor areas and those who are in rich areas, more affluent areas. But, again, we have anomalies existing throughout the country, and so I think the Federal Government could emulate a little bit of what the States have done and have some kind of equalization where we will provide funds for repair and construction of school facilities to those areas with the greatest needs and the fewest local resources.

Now, again, I would not want this money to replace money that is already being provided by the States. We do not want to do that. We do not want to provide money to a low-income school district and the State will say, well, good, we are getting all those Federal dollars; now we don't have to do anything.

Therefore, there must be an effort at equity by the States to continue to have their equalization programs. And I would envision that the rules developed by the Department would take that into account in providing this money that we have for school construction and repair.

A major concern I have about the bill is our inability to more adequately address our health services and training needs while at the same time simultaneously providing generous increases for health research.

Now, again, I will not go into it at length here. I have talked about it many times in the Chamber, and I will talk about it and keep talking about it until we do something about it. And that is the need to provide more money for biomedical research.

As my friend, the chairman, said earlier, a few months ago the Senate went on record 99 to 0 to double NIH funding over the next 5 years. A few weeks after that, Senator SPECTER and I offered an amendment, very modest, to provide about a $1.1 billion increase out of our pot for increased funding for NIH. And as Senator SPECTER pointed out, that went down almost 2 to 1. We got 37 votes for it.

So it was sort of the will of the Senate. It is our will to provide a doubling of funding for NIH over 5 years, but there is no money there to back it up.

Now, there are some who say, well, we can take it out of our bill. If we did so, Mr. President, under the constraints of the Balanced Budget Act that we have adopted here, under the constraints of that balanced budget agreement, if we doubled funding for NIH out of the pot of money that we have, there would not be one single penny left for any other discretionary health program.

What does that mean? There would be no Centers for Disease Control. We would have no money for that. We would have no community health centers in any States, no substance abuse programs, no family planning money, no mental health program money from the Federal Government. All of that would be wiped out. And we still would not have enough money to double NIH funding over 5 years. So here we have it, on the one hand, 99 Senators saying we want to double NIH funding, biomedical research funding over 5 years, but we don't have the money to do it—not within our bill we don't, unless those 99 Senators, or at least 51 of those Senators want to cut all of the funding for the Centers for Disease Control and wipe it out, cut out all Ryan White funding, cut out every one

of our community health centers in America, and on and on and on. If we do that, we get close. We do not get the double, but we get close.

Obviously, there are not going to be 51 Senators who will vote to cut out the community health centers in America or the Centers for Disease Control. That would be ridiculous. As I have said many times, we have to go outside the discretionary fund that we have for the National Institutes of Health. We have to provide a different source of funding—outside of our appropriations process.

What I have advocated, along with our former colleague, Senator Mark Hatfield—we advocated it at least since 1991, 1992—is setting up a medical research trust fund that would be funded out of the premiums that we pay in for our health insurance coverage.

Again, Mr. President, you and I and all the rest of us here and Americans throughout the country who have insurance programs, we pay in every year and our employer pays in, matches it. It varies how much is matched, but we pay in, both employers and employees pay in for health insurance to the tune of about $700-some billion a year.

I always ask audiences when I talk about this, do you know how much of that money goes for health research, to find the causes and cures for things like diabetes and Alzheimer's and cancer and AIDS and Parkinson's disease and mental health? How much of that money that you put into your premiums goes to pay for medical research?

The answer is zero. Not one single penny. No corporation in America would try to continue to move along without putting some money into research. And yet we sort of stagger along in this country every year putting more and more money into health insurance programs to pay for taking care of people with Alzheimer's or with cancer or with Parkinson's disease or with diabetes, et cetera, et cetera. We pay all that money in to take care of those illnesses once they occur, but not one penny is used to find the causes and cures.

It does not seem to make sense. So what Senator Hatfield and I advocated for several years was that just one penny, just one penny out of every dollar that we put into our health insurance programs go to a trust fund.

Think of it like this. We have a highway trust fund. Every time you buy a gallon of gas, some of that money goes into the highway trust fund. It cannot be used for anything else. It must be used for transportation purposes. We have an airport and airways trust fund. When I buy an airplane ticket, some of that goes into the airports and airways trust fund. So it is not new. Well, we have a Social Security trust fund, obviously, but we have a lot of different trust funds to meet what we have determined to be national priorities that otherwise could not get sufficient funding through the appropriations process. And the American people by and large have supported us. Most everyone I know supports the highway trust fund and airways trust fund.

What they do not support is us using the money for something else. But they support us using that trust fund money for highways and for bridges and for airports and for airways because that is what the money was put in there for. And so we have proposed that we set up that trust fund. That one penny a year would provide us a little over a 50-percent increase in funding for NIH. That would get us a long way toward doubling that funding in 5 years.

Now, Senator Hatfield is no longer in the Senate, but my cosponsor on the bill is now my colleague and our esteemed chairman, Senator SPECTER. We are both pushing very hard again to find another source of funding for biomedical research, and I believe the trust fund concept is the way to go. We have hundreds and hundreds of different entities throughout America supporting that concept.

We had a vote in the Senate a few weeks ago on this concept of having this trust fund. I believe we got—we got over 51 votes, I know that, for it, but we needed 60 votes because of a point of order. So over 50 Senators have, indeed, voted at least in concept for setting up this type of a trust fund and funding it this way. I know I can speak for Senator SPECTER in saying we will continue our efforts to enlist the support of other Senators to set up this form of a trust fund. Otherwise, we are simply never going to have the kind of funding for biomedical research that we need. What we are going to do basically is to keep raising insurance premiums to pay for the illnesses that continue to plague us. But if we put the money into research and find the causes and cures—Mr. President, we all struggle around here trying to figure out what is the long-term solution to the Medicare problem: People living longer, fewer and fewer people paying into the Medicare trust fund. We know we have a problem. We have to do something about it. Every medical expert will tell you, if you want to solve the Medicare problem, find the causes and cures; it is early intervention of illnesses and diseases.

If we, for example, could just delay, delay the onset of Alzheimer's by 5 years, we could have no problem in the Medicare trust fund—just delay it 5 years. That is not to mention actually finding the cure for Alzheimer's. That is not to mention osteoporosis or diabetes that so plagues our culture, or hearing loss or eye loss. All the things that affect us in our older age are now coming back and costing Medicare more and more money because people are living longer.

These are the things we can do to make sure the Medicare trust fund is solvent in the future, but only if we put adequate money into biomedical research.

I said I was not going to talk about it, but once I got on a roll I could not stop myself because I feel so strongly that we really are shortchanging ourselves when we are not putting the money into medical research.

Finally, Mr. President, in our report we have tried to focus the Department of Health and Human Services on the issue of fraud and abuse in Medicare. Speaking of Medicare, a recent inspector general's report found that improper Medicare billing losses could be as high as 17 percent of last year's $194 billion Medicare budget—17 percent.

Now, again, let me digress here a little bit, Mr. President. A few years ago, when I held the position that Senator SPECTER now holds as chairman of this subcommittee, I asked for a study to be done on losses in Medicare due to waste, fraud, and abuse. Well, we did the study. It came back and said it was as high as maybe 10 to 14 percent. Well, some of those in the system challenged those findings. They said, well, your survey wasn't big enough. You only did one area of the country. You did not sample enough items. And so it was a skewed kind of study—the losses surely are not that big.

Well, I said, OK, fair enough criticism. So then, under the leadership of Senator SPECTER, when we changed hands in the Senate, we went back and we asked them to do another study, nationwide. Several thousand were sampled. Every region was sampled. Guess what happened. The first study came up short. It was not 10 to 14 percent. It was as high as 17 percent of Medicare payments were going out for waste and abuse.

Well, we must make this a priority and address this serious problem. We have in this bill; we have focused on it. Senator SPECTER has taken the lead.

Let me sum up once again by complimenting our chairman, Senator SPECTER, and his staff and my staff for their work in putting together this legislation. I look forward to a smooth process, hopefully, as Senator SPECTER said, that will enable us to be done by tomorrow.

And I would again just close by referring, as I did earlier, to the Constitution of the United States. Time and again I have had people question why we do what we are doing here in this subcommittee—in health and in human services and in education, labor, all of the various things that we cover here. The National Institutes of Health, what business is that of the Congress? Why are you getting involved in all those things?

Well, you know, it is interesting, Mr. President, that twice in the Constitution of the United States there is mention made of the general welfare of the

people of this country—first in the preamble when it says, "We the people of the United States," and it lays out why we are developing the Constitution, "in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare"—promote the general welfare—"and secure the blessings of liberty to ourselves and our posterity * * *" Right there in the preamble it says we are doing this because we want to promote the general welfare of the people of this country.

Well, how do you do that? Article I of the Constitution, which lays out the structure of Congress and our responsibility, section 8 of article I lays out what we are supposed to do here, lays out our responsibilities. Congress shall have the power to do all kinds of things—borrow money, regulate commerce, coin money, establish post offices, declare a war, et cetera, et cetera. But, in the first paragraph it says:

> The Congress shall have Power To lay and collect Taxes, Duties, Imports and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States. * * *

Interesting, they put the common defense and the general welfare together. That is our responsibility—article I, section 8. What we are supposed to do in providing for that general welfare obviously changes with times and circumstances. What was providing for the general welfare in the last century certainly is not what we deem to be providing for the general welfare in this century, and certainly it will change in the future. But, nonetheless, I believe that the bill before us meets our constitutional requirement in two ways: First, by promoting the general welfare, and second, by providing for the general welfare through the appropriations process. So, that is our constitutional obligation and I believe that we have done our level best, in a bipartisan manner, to meet that requirement of article I, section 8 of the Constitution.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I understand that there will be a time for general discussion of the spending bill for the Departments of Labor, Health and Human Services, and Education? Am I correct that there is a consent agreement on the time for debate on this legislation before the Senate moves to the Agriculture appropriations bill? Will the Chair clarify that for me?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. When do we move to the Agriculture appropriations bill?

The PRESIDING OFFICER. At 2:15 we take up the agricultural appropriations bill.

Mr. KENNEDY. Mr. President, I support this year's spending bill for the Departments of Labor, Health and Human Services, and Education.

I commend Senator SPECTER and Senator HARKIN for their outstanding job in developing this bipartisan legislation. This bill also reflects President Clinton's priorities in his 1998 budget for strengthening our commitment to education, enhancing the productivity of the Nation's workforce, and improving the health of all Americans.

Clearly there is an urgent need to allocate increased resources to these important investments if the Nation is to maintain its competitive edge in the 21st century.

We need to ensure that millions of children do not fall behind in reading, in math, in science, and technology.

We need to make certain that the rising cost of tuition does not put college education out of the reach for working families.

We need to ensure that the rising demand for job training services is met, as 1.7 million welfare recipients leave the welfare rolls and seek jobs under last year's welfare reform legislation.

We must also recognize the need for increased funding for biomedical research, which holds great promise to cure or prevent so many illnesses and can be an important factor in finding a long-term solution to the fiscal problems facing Medicare.

This year's spending legislation for the Departments of Labor, Health and Human Services, and Education takes an important step toward making these critical investments for our Nation's future.

Most notably, it increases the Pell grant maximum from $2,700 to $3,000, which will increase college aid for over 3.6 million low- and middle-income students.

The bill increases Head Start funding by $324 million over last year's level, which will provide essential preschool services to an additional 36,000 low-income children.

It increases the education technology funding by $275 million to help teachers learn to use technology effectively and help raise student achievement.

It provides $40 million for the construction and repair of schools in needy areas. The General Accounting Office has found that a third of the Nation's schools, with 14 million students, have one or more buildings needing extensive repair. This was an concern that was debated and discussed during the consideration of the budget. Great leadership on this issue has been provided by our friend from Illinois, Senator MOSELEY-BRAUN.

The legislation provides $81 million over last year's level for the Ryan White AIDS Program and $24 million for the Community and Migrant Health Program.

And it provides $1.2 billion in fiscal year 1999 for LIHEAP, which will enable this important program to serve thousands of additional senior citizens, the disabled, and working families by providing them with heating and cooling assistance.

Yet the bill falls short in a number of important areas. It fails to provide the additional $700 million that President Clinton requested to help 218,000 independent students afford a higher education under the Pell Grant Program. We need to make sure that individuals who are moving through the economy are going to be able to upgrade their skills. We know that unlike 30 years ago when an individual had a job and kept that job for his or her entire life, individuals who now enter the job market will probably have seven different jobs over the course of their lives. What we are attempting to do is recognize the importance of making available to these middle-income Americans the opportunities to upgrade their skills and continue their education.

None of us can visit the various community colleges without seeing the dramatic change that has taken place in the ages of many of the students who will be attending. We see the average age increased now to 26 or 27 years of age. These are individuals who are taking advantage of various training programs and educational opportunities to upgrade their skills so they can participate in the new economy. This issue is a high priority of the President, but we have seen the funding for independent students fall short.

No funds were also appropriated this year for the new child literacy program. Low achievement in reading is a national problem that deserves our immediate attention. Children who lack reading skills by the fourth grade are more likely to fall behind and eventually to drop out of school. We have had extensive hearings in the Senate Labor and Human Resources Committee on that particular need. We know the committee has delayed funding for child literacy, and we know that we do not have, at this time, the authorizing legislation needed to ensure that those efforts and those resources would be carefully targeted to get the most meaningful assistance to children. But we also know that the chairman of our authorizing committee, Senator JEFFORDS, and others—a broad, bipartisan group—are strongly committed toward developing that literacy program. This issue is a national priority, and we should not delay action.

As the ranking member of the Labor and Human Resources Committee, I am strongly committed to seeing that legislation authorizing the child literacy initiative is enacted this year. We cannot stand by and delay the $260 million needed to implement this important program.

The Appropriations Committee also eliminated the Supplemental State Incentive Grant Program that helped

over 1 million students attend college last year. Any of us who have had the chance to talk to students who are using this program know what a difference it makes. I think, given the very modest amount of resources we are talking about—some $50 million—we ought to be able to continue the Supplemental State Incentive Grant Program.

Both the National Labor Relations Board and the Health Professions Education Program are seriously underfunded in this spending bill. These shortfalls will adversely affect the investigation of unfair labor practices and the access of minority and low-income Americans to health care services.

There is in the country a sense that we have committed large resources for the development of professional education in the area of health care. You can make a case that in certain areas of our country we do have greater numbers of trained professionals in our health care system than are necessary. But what we do not have is the kind of outreach programs which this Health Professions Education Program was meant to have—to ensure that many low-income individuals and minorities would be able to access the education and be able to go and serve in underserved areas of the Nation.

The initial proposal by the administration in the area of health professions was dramatically even below what has been appropriated—or requested for appropriations in the House or the Senate. Both the House and Senate bills have made improvements on the Clinton administration's proposal, and I think that Health Professions Education programs ought to be strengthened in the final legislation.

Also, the appropriations for the National Labor Relations Board will mean that the opportunity for investigations of various unfair labor practices will be unattended. If we are really interested in the continued fairness in the workplace, and when we recognize that, over the past year, hundreds of thousands of workers were shortchanged in terms of back pay and other types of unfair practices, we want to make sure their interests are going to be adequately protected.

I commend the Appropriations Committee for its 7.8 percent increase for the National Institutes of Health. But much more funding is needed if the Nation is to continue to make progress in the development of new and more effective treatments for cancer, AIDS, heart disease, and many other serious and debilitating conditions.

Both Senator HARKIN, Senator SPECTER, Senator MACK, and many others have worked tirelessly on behalf of the NIH over the years. I have welcomed the opportunity to join with them and others to try to make sure that the opportunities that are out there now, which are unparalleled in terms of our research history, are taken advantage of in order to make an important difference in terms of the health of our fellow citizens and American families; but also in terms of reducing the burden of health care for those families, and also to the States and the Federal Government.

Increased funding for biomedical research will reap other rewards as well. It will encourage more of the best and brightest of America's college graduates to make their careers in scientific research. It will provide benefits to the larger economy as scientific advances move from the laboratory into the private sector, creating new businesses and job opportunities for many individuals.

Equally important is a recent study by researchers at Duke University that indicates expanded funding for NIH can help keep Medicare solvent for the long term. Currently, the very ill account for the overwhelming majority of Medicare costs. If we invest in biomedical research to make senior citizens healthier, we can save enormous sums, protect Medicare for future generations, and prevent many of the illnesses of old age.

Mr. President, yesterday the Nation saluted its working families on Labor Day. This year's spending bill pays tribute to these families by making a downpayment on important education, labor, and health programs.

More still needs to be done. Legislation still can be approved, but it should not be weighted down with poison pill amendments, as was the case in the 104th Congress when language was offered which would have prohibited Medicaid funding of abortions, and it would have barred OSHA from considering new ergonomic rules. The bill represents a careful bipartisan compromise, and I strongly support its adoption.

I mentioned, Mr. President, in my comments, the provisions on the increase in the Pell Grant Program and education technology. We find a number of States are moving ahead in voluntary ways, such as Massachusetts, to make sure that all of their schools are actually going to be tied into the Internet system. A combination of the excellent cooperation between the software council in my State of Massachusetts and the labor unions resulted in every school in the State tied into the Internet system. They have laid 50 miles of cable in Boston alone, which was the result of voluntary contributions of labor in wiring those schools and voluntary contributions from the various industries in providing the software.

What we need to do is make sure we not only have the education technology, but have trained educators who are going to be using technology in various ways that are going to enhance education. There are important resources in this bill for that program.

The Head Start Program, which under the more recent authorization will help expectant mothers in parenting skills as well as reaching down into the early childhood years. Still, there is enormous need for the expansion of that program which is so important.

Years ago, we felt that the principal advantage of Head Start was just to equip children with confidence-building measures, so as they entered education in kindergarten and the first grade, they would be able to move ahead in learning. Now we are finding out that they are in a position in the very early years—2 years old, 3 years old, 4 years old—to actually learn something. That is what the most recent research is showing, and we need to make sure we are going to be able to reach out to many of the disadvantaged children, the poorest children who do not have the opportunities for the development of that kind of early start and give some help and assistance for them.

School construction and repair work has been an issue that has, in recent times, come before us. I can mention in terms of Boston, New Bedford, Fall River, Lowell, Lawrence, and Springfield—and the list goes on—the number of schools that are closed every day in major cities during the wintertime because of poor repairs and temperatures. The need for school repairs are so important.

Local school districts are doing something, and we have a modest Federal program, as has been outlined, to begin to show that such an initiative is enormously important. If children go to schools that are deteriorating and dilapidated, you are sending a message to the children—maybe it is a subliminal message, but a message nonetheless—that even though as political leaders we are making speeches about the importance of children and the importance of education, the children see that education is not the priority of a State, a community, or the Nation as it should be. This is a modest effort to address this important issue.

There is support of the Ryan White bill and community and migrant health, which is important in reaching out to so many people. And the LIHEAP program which is a tried and tested program which is absolutely essential for so many of our elderly who live in the colder climates.

Independent students, as I mentioned, is a key element and needs support. I believe students—young, middle age, and older—who are going back to upgrade their skills at community colleges should be able to get some help and assistance under the various education programs. The importance of this was understood in the budget agreement. I know both Senators SPECTER and HARKIN understand the importance of these programs. Still, this is

an area that we need to give, I think, some attention to as we go on into the conference.

We will have some opportunity to debate child literacy as we move ahead. The real question is in timing. I think all of us here understand the importance of the enhancement of the literacy program. There are many excellent programs that are taking place now, and we want to continue to make progress. We are not making progress nationwide, and this is an area of enormous importance.

Again, with NIH and health professions education, the appropriations exceed what was initially proposed by the administration. The House has a more favorable funding level. This program is very, very important in creating opportunities for people to go into the health professions who will go out and serve in many different parts of our communities.

Mr. President, again, I express strong support for the job that was done, and I commend our committee for those areas where they have, I think, made a very, very important commitment of scarce resources. We understand that there will be at least an expectation that as we move into the conference, there may be additional resources that will be available that could be used for funding some of these areas where there is an important need.

I look forward, as this debate takes place, to try to see if we cannot find either offsets to enhance these programs that are a priority or at least to work with the committee to see if out of the conference we cannot get greater attention.

I thank the Chair and yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

PRIVILEGE OF THE FLOOR

Mr. SPECTER. I thank the Chair. Mr. President, I ask unanimous consent that Mr. Jim Sourwine and Mr. Jack Chow, detailees to this committee, be granted the privilege of the floor during the consideration of this bill.

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

Mr. SPECTER. Mr. President, I had referred earlier to the allocation of funding of the various Departments in fiscal year 1998 for the current bill, and the specific breakdown is as follows: Labor, $11 billion; Health and Human Services, $31.9 billion; Education, $29.3 billion; and related agencies, $7.5 billion; with the total being $79.7 billion.

There is a long list of related agencies made a part of this bill, but illustrative of those agencies are agencies such as the Corporation for Public Broadcasting, Federal Mediation Conciliation Service, the Federal Mine Safety and Health Review Commission, the National Labor Relations Board, the Occupational Safety and Health Review Commission, the Railroad Retirement Board. Those are illustrative of the agencies covered by the bill. I make that delineation to give those watching on C–SPAN 2 a fuller picture of what this bill covers, and for the RECORD.

Earlier I had referred to certain consolidations and eliminations of programs which Senator HARKIN and I have worked on for fiscal year 1994 through fiscal year 1997. There are a total of 134 programs, according to information provided by staff, totaling $1,471,405,000. I ask unanimous consent that the programs in the various departments and the amount of savings be printed in the RECORD, with this information being provided by staff, as I say, totaling 134 programs and almost $1.5 billion.

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

PROGRAM TERMINATIONS

	FY '95 originally enacted	FY '95 post rescission	FY '96	FY '97
LABOR				
Youth Fair Chance	24,785	0	0	0
Rural Concentrated Employment	3,861	0	0	0
JTPA Capacity Building	6,000	0	0	0
Natl Commission Employ. Policy	2,223	0	0	0
Veterans' Homeless Programs	5,011	0	0	0
Natl Center for the Workplace	1,113	0	0	0
Glass Ceiling Commission	738	738	142	0
Office of the American Workplace	7,415	7,082	0	0
HHS				
HRSA:				
HPSL Recap.	8,020	8,020	0	0
Trauma Care	4,793	293	0	0
SAMHSA				
CMHS:				
Clinical Training/AIDS Training	5,394	5,379	0	0
Community Support Demos	24,184	24,147	0	0
Homeless Service Demos	21,227	21,205	0	0
AIDS Demos	1,487	1,485	0	0
CSAT:				
Target Cities	35,520	35,520	0	0
Pregnant/Postpartum Women	54,228	54,228	0	0
Campus Program	0	0	0	0
Criminal Justice Programs	37,502	37,502	0	0
Critical Populations	23,561	23,561	0	0
Comprehensive Comm. Treatment	27,277	27,073	0	0
Training	5,590	5,590	0	0
AIDS Training	2,787	2,787	0	0
AIDS Linkage	7,739	7,739	0	0
AIDS Outreach	7,500	7,500	0	0
Treatment Capacity Expansion	6,701	6,701	0	0
CSAP:				
Pregnant Women & Infants	22,501	22,501	0	0
Other Programs	6,643	6,318	0	0
Community Partnerships	114,741	114,741	0	0
Prevention/Ed Dissemination	13,465	13,465	0	0
Training	16,049	16,049	0	0
B and F	0	0	0	0
Assistant Secretary:				
Natl. Vaccine Program	1,000	988	0	0
Health Care Reform Data	2,760	1,344	0	0
Streamlining Costs	1,500	1,500	0	0
Health Service Management	17,801	18,432	0	0
Natl. AIDS Program Office	1,750	1,730	0	0
HCFA:				
Essential Access Comm. Hosp.	3,500	2,000	0	0
New Rural Health Grants	1,737	0	0	0
Rural Hosp. Transition Demos	17,621	17,621	13,089	0
ACF:				
Civics & English Ed Grants	6,000	4,000	0	0
Children & Families Services:.				
Comp. Child Develop. Cntrs	0	0	0	0
Child Devel. Assoc. Scholarship	1,372	1,372	0	0
Runaway Youth-Drugs	14,466	14,466	0	0
Youth Gang Substance Abuse	10,520	10,520	0	0
Child Abuse Challenge Grants	0	0	0	0
ABCAN	288	288	0	0
Dependent Care Plan. & Dev.	12,823	12,823	0	0
Emerg. Protection Grants	0	0	0	0
Child Welfare Rsch	6,395	6,395	0	0
Family Support Centers	7,371	7,371	0	0
Community Services:.				
Homeless Service Grants	19,752	19,752	0	0
Rural Housing	2,927	0	0	0
Farmworker Assistance	3,084	0	0	0

PROGRAM TERMINATIONS—Continued

	FY '95 originally enacted	FY '95 post rescission	FY '96	FY '97
Demonstration Partnerships	7,977	601	0	0
Violent Crime Reduction Progs:.				
Youth Education Demo	0	0	400	0
Administration on Aging:				
Federal Council on Aging	176	176	0	0
White House Conf. on Aging	3,000	3,000	0	0
SSA Notch Commission	0	0	0	0
ED				
Education Reform:				
Goals 2000, National Programs	21,530	0	0	0
School to Work, National Progs	6,875	6,875	0	0
Ed for the Disadvantaged: State				
School Improvement	27,560	27,560	0	0
School Improvement:				
Safe/Drug Free-Postsecondary	0	0	0	0
Safe/Drug Free-National Progs	25,000	25,000	0	0
Safe/Drug Free-Safe Schools	0	0	0	0
Law Related Education	5,899	0	0	0
Christa McAuliffe	1,946	1,946	0	0
Women's Ed Equity	3,967	3,967	0	0
Dropout Prevention Demos	28,000	0	0	0
Genl Assist-Virgin Islands	0	0	0	0
Territorial Teacher Training	0	0	0	0
Follow Through	0	0	0	0
Training Early Child Ed Violence	13,875	0	0	0
Family/Comm. Endeavor Schls	11,100	0	0	0
Indian Education:				
Special Progs Indian Children	14,342	12,342	0	0
Special Progs Adult Indians	5,420	5,420	0	0
Indian Ed Natl Activities	125	125	0	0
Bilingual/Immigrant Ed:				
Bilingual Ed Support Services	14,330	14,330	0	0
Bilingual Ed Prof Development	24,866	25,180	0	0
Special Institutions:				
NTID-Endowment Grants	336	336	0	0
NTID-Construction	150	150	0	0
Gallaudet Endowment grants	1,000	1,000	0	0
Gallaudet Construction	0	0	0	0
Voc Ed:				
Comm. Based Orgs	9,479	0	0	0
Consumer Homemaking Ed	34,409	0	0	0
State Councils	8,848	8,848	0	0
Natl Programs, Demos	20,684	0	0	0
Natl Programs, Data systems	6,000	4,250	0	0
Bilingual Vocational Training	0	0	0	0
Adult Ed Evaluation/Tech Assist	3,900	3,900	0	0
State Lit Resource Cntrs	7,787	0	0	0
Workplace Lit Partnerships	18,736	12,736	0	0
Lit Training for Homeless Adults	9,498	0	0	0
Student Financial Assist: State				
Postsec. Review	20,000	0	0	0
HIGHER ED				
Aid for Institutional Develop:				
Endowment Grants	6,045	6,045	0	0
HBCU-Set Aside	2,015	2,015	0	0
Evaluation	1,000	1,000	0	0
Endowment Challenge Grants	8,060	8,060	0	0
Native Hawaiian/Alaska Arts	1,000	0	0	0
Eisenhower Leadership	4,000	1,080	0	0
Innovative Proj. Comm. Serv/	1,423	1,423	0	0
Cooperative Ed	6,927	6,927	0	0
Law School Clinical Experience	14,920	0	0	0
Financial Aid Database	496	0	0	0
Assistance to Guam	0	0	0	0
Natl Science Scholars	6,424	3,303	0	0
Natl Acad Science-Space/Tech	2,000	0	0	0
Douglas Teacher Scholarships	14,599	299	0	0
Olympic Scholarships	1,000	0	0	0
Teacher Corps	1,875	0	0	0
Women/Minority Graduate Ed	0	0	0	0
Harris Fellowships	20,244	10,144	0	0
Javits Fellowships	7,787	0	0	0
Faculty Develop. Fellowships	3,732	0	0	0
School, Coll, Univ Partnerships	3,893	3,893	0	0
Legal Training for Disadvantage	2,964	2,964	0	0
Howard University:				
Howard U Research	4,614	4,614	0	0
Howard U Construction	5,000	5,000	0	0
Regular Program	3,530	3,530	0	0
Clinical Law Center	5,500	5,500	0	0
College Housing Acad. Fac. Loans:.				
National Diffusion Network	14,480	11,780	0	0
Ed Tech-Natl Activities	13,000	13,000	0	0
Loan Subsidies	168	0	0	0
OERI:				
Natl Brd Prof. Teach. Standards	0	0	0	0
Fund for Improve of Schools	0	0	0	0
Blue Ribbon Schools	0	0	0	0
Libraries:				
College Library Tech	0	0	0	0
Research Libraries	0	0	0	0
Literacy	8,026	8,026	0	0
Departmental Management.				
HBCU Capital Financing Brd	74	74	0	0
Natl Brd-FIPSE	128	128	0	0
RELATED AGENCIES				
CNCS:				
Vista Literacy	5,024	5,024	0	0
Senior Demo Program	1,000	1,000	0	0
Natl Ed Standards/Improvement	2,000	2,000	0	0
RRB Special Management Fund	659	659	659	0

OPEN HOUSE TOWN MEETINGS

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor at the present time, I will utilize this occasion to discuss the open house town meetings which I held during the course of the past recess in August to share with my colleagues and those who may be watching on C–SPAN 2 some of the observations that I found in traveling in my State of Pennsylvania and in meeting with my citizens.

I make it a point to have meetings in every one of the Pennsylvania counties as often as I can, and by the end of September, by the end of this month, I will have covered all of my 67 counties, something that I find very, very valuable.

What I do as a matter of format—and I think this is similar to what many Senators do—is I make a very brief statement, as to what we have done, and then I throw the floor open for questions. Usually I get somewhere in the range of 15 to 20 questions. Regrettably, our mail allocation has been cut down. In prior years, it had been possible to send mail to our entire counties. That mail allocation has been reduced so that it is not possible to send mail to all of the counties. This is something which I think the Senate ought to give serious consideration to revising. I believe that we ought to be frugal when it comes to mailings which do have some political import, but where a Senator himself or herself goes out into a community to appear to make a presentation and respond to questions, I think that is the very essence of our democratic process. To the extent that the mail notifies people in a very direct way of the presence of a Senator coming into the community, my sense is that is well worth doing.

The dominant theme that I found in traveling through Pennsylvania, Mr. President, was a dissatisfaction or a distrust of government. There is great cynicism in America today about what is going on in Washington, DC. It is my sense that unless you go out and actually talk to the people—and not just in shopping centers and not just casually, as we have our social contacts during the course of a recess period—that there is not a full understanding as to how much apathy, cynicism and outright distrust of our Government there is. I noted the Washington Post, on the 29th of August, just a few days ago, had on its front page a survey which noted "three out of four say they do not trust the Government or its leaders to do what is right."

My own findings would confirm that, as I have been in many open house town meetings during the course of the past month and throughout the past year. At one of my open house town meetings, one of the citizens was wearing a cap that had the word "militia" printed on it. There are many people in the militia in the United States today. How many exactly, we do not know.

In my capacity as chairman of the Judiciary Subcommittee on Terrorism, we had hearings concerning militias during the 104th Congress. We had Colonel Olson from the Michigan militia come in and speak in very unflattering terms about the Congress of the United States.

There have been estimates into the millions as to how many militia members there are.

And in one of my open house town meetings, the word "revolution" was used in expressing very grave disagreement with what the Government was doing, on this occasion the importation of sludge from New York and New Jersey to fill abandoned mines in Pennsylvania. And there is great concern in my State, as there is I think in this country generally, about limitations on so-called second amendment rights, and great distrust as to what the Government is doing.

During the course of the past month, Ruby Ridge was again in the news with a report by the Department of Justice. The report stated that there would not be any prosecutions as to the investigation which had been conducted by the Department of Justice. This investigation lasted almost 2 years after it was initiated in the fall of 1995, a period of time which I think is unwarranted on the facts as I know them.

I have had discussions with both the Attorney General and the U.S. attorney in charge of that investigation and will talk about that in some greater detail. After the Department of Justice report was issued, the prosecuting attorney in Boundary County, ID, returned an indictment against Special Agent Lon Horiuchi of the FBI on the charge of involuntary manslaughter on the killing of Mrs. Vicki Weaver which occurred in that confrontation back on August 21, 1992.

The DA for Boundary County returned the indictment of murder in the first degree against Mr. Kevin Harris for the killing of Deputy Marshal William Degan. The incidents which we have seen in Waco and in Ruby Ridge have fanned, I think, really great distrust for the Government, something which we are going to have to address in greater detail.

In my personal opinion, the Congress has not yet had appropriate oversight hearings on Waco, notwithstanding the fact that we have done something there. I think we have made a start on Ruby Ridge when the subcommittee which I chaired back in September and October of 1995, with 14 days of hearings, heard from about 60 witnesses and published a 150-page report. I intend to talk about that in greater detail on the floor of the Senate when we have some time, perhaps yet this afternoon.

But I do want to comment about the grave concerns which I have found in my State about distrusting the Government and how the Ruby Ridge subject came up because it was very much in the news during the weeks of mid-August, August 13, 14, and 15, Wednesday, Thursday, and Friday. And I was in western and central Pennsylvania, August 20, 21, and 22 when I was again doing open house town meetings.

I also found great concern in the open house town meetings I conducted about the way campaigns are financed. And I believe that the hearings we have had before the Governmental Affairs Committee during the month of July have resonated more in America than many people believed. It is unfortunate, I think, that there has not been more television coverage because that is the way the American people get most of their information these days.

Only Fox has carried them live, the Fox cable channel. And CNN has covered to a slight extent, and C–SPAN has not covered them live but has replayed them. And there are many people who watch C–SPAN. Insomniacs are people who watch during the late hours of the night. You can probably catch the Governmental Affairs hearings if you watch at about 3 a.m. to see what is going on. But I found that many people have been watching them and were very concerned about what is going on.

My view is that we ought to have campaign finance reform. And I voted for cloture last year to bring the legislation offered by Senator MCCAIN and Senator FEINGOLD to the floor. I believe that there is a difficulty with that particular piece of legislation on calling for television stations to give free time because I think that is a taking of property without compensation required by the fifth amendment of the U.S. Constitution.

But I have been working on legislation, some of which has been motivated by what I have seen in the Governmental Affairs hearing. I intend to talk about that as well, perhaps later this afternoon if there are no other Senators on the floor who come to offer amendments.

I have also heard, Mr. President, considerable concern about what is happening with Social Security and Medicare. And regrettably there has been a practice of using those issues for campaign purposes, something done by both political parties. I do not suggest blame in what has been done in the campaign sense. But I think we would be better advised if we tailored our representations a little closer to what the facts are.

But these open house town meetings are populated very significantly by our senior citizens who have more time to come to the open house town meetings. And perhaps there is greater interest among senior citizens in what is going on in Government because of Social Security and Medicare.

But people are questioning whether Social Security is really secure. And my view is that it is. They are questioning about what is happening with

Medicare. And I think the American people have not understood that when we have considered changes in Medicare that we have not sought to cut Medicare but instead to restrain the growth of Medicare. We have looked at an increase in funding for Medicare in excess of 10 percent a year. We have sought to reach compromise between Democrats and Republicans to restrain the growth somewhere in the 7-percent range, give or take a little. And that is two or three times the rate of inflation. But if we are to maintain Medicare, we are going to have to be able to pay for it and to contain the rate of growth on Medicare.

I am pleased that we have established in the recent legislation a commission which will take up Medicare in some detail on a bipartisan basis to try to give assurance to the public that what we are doing here is sound governmentally and sound financially. It is not for political scare tactics. We had the Commission for Social Security back in 1983 which put Social Security on a solid basis.

We had then Senator Pepper as a Member of the House, a very distinguished representative of senior citizens, someone the senior citizens had a lot of confidence in. We had a slight increase in the tax on Social Security and a slight delay in receiving benefits and put Social Security on a sound basis back in 1983. And it is my hope that we will be able to do that again.

People want to know about a trust fund, why we do not have Social Security off budget. That I believe, Mr. President, is something we ought to be doing. It is currently part of the unified budget so that it makes the deficit appear smaller. But it really ought to be segregated in a trust fund.

Similar concerns were expressed about the highway trust fund. Across Pennsylvania, and I think reflective of America, people want the moneys used for the gasoline tax to be used for the highway trust fund or mass transit. Across my State, I hear enormous concerns about Continental 1, a major highway, transcontinental highway, which will start in Toronto, Canada, and go all the way to Florida. It picks up a stretch of highway known as U.S. 219 in Pennsylvania where people are very anxious to have that on the books. And we would have the money, if we use the highway trust fund, for that purpose.

We had amendments narrowly defeated in both the Senate and the House by 2 votes, I recollect, 216 to 214 in the House, and I know it was 51 to 49 here in the Senate where we attempted to allocate more funds for highways. I hear concerns all over my State about the need for more transportation funding. And the Mon Valley Expressway linking Fayette County, Uniontown to Pittsburgh would be a bonanza to develop that section of southwestern Pennsylvania which has been hit so hard by the losses of the steel industry, the coal industry, and the glass industry.

And all over the State there is this interest in highways. I can personally attest, traveling around the back roads of my State, how tough it is to travel, to get behind a big truck. It happens all the time on a two-lane highway, and what had been planned as a 45-minute trip takes an hour and 10 minutes. The infrastructure is so very, very vital. We ought to be taking a much closer look there.

There are similar concerns on airports, as I traveled through the State, where airports ought to be improved. Infrastructure would improve job opportunities. Major corporations, companies want to settle in communities which have access to air service.

I also heard grave concern about what is going on with the managed care and with HMO's and with the issue of the so-called gag rule where family doctors are not permitted to have a referral to a specialist. We legislated on what was called the drive-by deliveries, requiring that women giving birth spend at least 48 hours in the hospital. Further, we have pending legislation on so-called drive-by mastectomies, where women who undergo that very difficult operative procedure are not ousted from the hospital. These complicated issues are obviously matters which are better left without congressional micromanagement, but something which we may have to get into, to some extent. But there is grave concern as managed care move across America, that there be fair access for the people who are insured and concern about HMO's paying their fair share on medical education and the so-called DSH proposals of disproportionate share for care for the indigent.

These are some of the items which I heard a great deal about as I traveled through my State.

RUBY RIDGE

Mr. SPECTER. Mr. President, I see no other Senator on the floor seeking recognition, so I will amplify my remarks at this time about the concerns which I have on the congressional oversight and the need for additional congressional oversight on the incidents arising out of Ruby Ridge.

Mr. President, the incident at Ruby Ridge has been very heavily publicized. And there have been a number of investigations on this subject. And investigations are continuing at the present time.

This incident occurred back on August 21, 1992, which is more than 5 years ago. With the possible exception of the incident at Waco, this incident at Ruby Ridge has caused tremendous consternation with respect to action by the Federal Government.

The essential events at Ruby Ridge were that a man named Randy Weaver had been arrested for selling two sawed-off shotguns and had not made his court appearances. A large contingent of Federal law enforcement officers went to his home at Ruby Ridge in Idaho to take Mr. Randy Weaver into custody. It is a very complex matter, a very lengthy matter. I will only summarize the essential factors. A firefight broke out on August 21, 1992. In the course of that firefight, a Federal marshall, deputy marshall, Mr. William Degan, was killed, 14-year-old Sammy Weaver, son of Mr. Randy Weaver and Mrs. Vicki Weaver, was killed, and Mrs. Vicki Weaver was killed.

The large force which had assembled there to take Mr. Randy Weaver into custody did so because of reports by the Alcohol, Tobacco and Firearms agency, which were false, that there had been prior convictions as to Mr. Randy Weaver—and he had not been convicted of anything—and that Mr. Weaver was a suspect in bank robbery cases, which is untrue.

The essential findings, the essential overstatements, were summarized by FBI Director Louis Freeh, who testified at our Judiciary subcommittee hearings on October 19, 1995, as follows: "One misstatement of fact exaggerated to another one, into a huge pile of information that was just dead wrong." As a result of those erroneous statements, this firefight occurred and these deaths occurred.

There have been a number of investigations conducted. Most recently, a brief report was filed by the Department of Justice on Ruby Ridge, which is only a small part of the full report which was filed. This one is eight pages. It was issued back on August 15. In the course of this report, there is a notation of some six prior investigations on this matter. There had been an exhaustive report by the Department of Justice task force that was issued on June 10, 1994. There was an investigation conducted by the FBI Inspection Division. There was an investigation initiated by the Department of Justice Office of Professional Responsibility, following a letter from special agent Eugene Glenn, who was the on-scene commander in Idaho. He was an FBI agent in charge in Idaho. Then the Judiciary subcommittee conducted its inquiry, and then there was an investigation conducted by U.S. attorney Michael Stiles, who is the U.S. attorney for the eastern district of Pennsylvania. He took over for the U.S. Attorney for the District of Columbia. Mr. Eric Holder had recused himself because he knew some of the agents who were involved.

I had expressed my own concern on a number of occasions about the length of time that the Department of Justice investigation was taking because there were a number of FBI officials who had

been suspended, with pay, and were simply sitting dormant. Based upon the knowledge that I had of this incident, because of the hearings which we had through the Judiciary subcommittee, it seems to me that the matter should have been concluded a long time ago.

Our subcommittee held 14 days of hearings from September 6 to October 19, 1995, heard testimony from 62 witnesses, interviewed many others, reviewed thousands of documents, including the entire transcripts and exhibits from the trial of Mr. Randy Weaver and Mr. Kevin Harris and various internal reports prepared by the Department of the Treasury, the Department of Justice, and the Federal Bureau of Investigation. Based upon that detailed knowledge of this incident, it seemed to me, and also based on the experience I have had as district of attorney in Philadelphia in some background investigations, this is a matter that should have been concluded a long time ago. I took this matter up on many occasions with the Attorney General and, in fact, back on November 25, 1996, I called for a meeting and had one in my office with Attorney General Reno, then Deputy Attorney General Gorelick and U.S. Attorney Michael Stiles on November 25, 1996. I continued to discuss this on many occasions to Attorney General Reno and Deputy Attorney General Gorelick and U.S. Attorney Stiles, and as illustrative of my ongoing concern, wrote to them on February 26, 1997, as follows:

> Dear Attorney General Reno: I again express to you my deep concern about the long delay of the Department of Justice in completing the investigation of certain FBI officials arising out of the incidents of Ruby Ridge. As you know, the Judiciary Subcommittee on Terrorism completed exhaustive hearings in September and October of 1995 and published a voluminous 154-page report in December 1995.
>
> I expressed my concern to you on the Department of Justice delay months ago and met on this subject with you and Deputy Attorney General Gorelick and Michael Stiles on November 25, 1996. I would appreciate your prompt response on when you expect this investigation to be completed.

I had a response from the Attorney General that it would be completed soon. I then brought it up again with her in Department of Justice oversight hearings on April 30, 1997, and again was told that it would be completed soon. Then this Department of Justice abbreviated report was, as I say, submitted on August 22, but it is not the conclusion of the matter because there has been a referral here to the Department of Justice Management Division which will propose what, if any, disciplinary sanctions should be imposed on the individuals under investigation and also to the Justice Department Office of Professional Responsibility, which had been investigating this matter back in August of 1995.

So the matter is still ongoing and incomplete so far as the Department of Justice is concerned.

When I sought to have subcommittee hearings back in the summer of 1995, that was opposed in a number of quarters, including the Department of Justice. We finally moved ahead, but because of the August recess, we scheduled for immediately after Labor Day, and then in late August, we proceeded with our subcommittee hearings. It is not an easy thing to do when there is a public statement by the Deputy Attorney General that Senate action will impede the ongoing investigation. That has a certain political overtone which is very difficult to move against. But we did, and I think our investigation has spurred more activity by the Department of Justice because it was our inquiry on the so-called rules of engagement which led to further the Department of Justice investigation.

I should say, Mr. President, that it is not possible to outline all of the things which have happened in this matter, but in the Federal trial which was completed against Mr. Randy Weaver and Mr. Kevin Harris, both were acquitted. One of the issues which was an outgrowth of that Federal trial was the activity of one of the key FBI agents to destroy a record which had been ordered to be produced by the Federal judge. That individual is now awaiting sentencing. In October of 1996, Special Agent E. Michael Kahoe, of the FBI's Violent Crimes and Major Offenders Section, was charged with and later pleaded guilty to obstruction of justice relating to his destruction of an FBI after-action critique on the Ruby Ridge matter. He is scheduled for sentencing on September 11.

The FBI has had an extraordinary record for law enforcement in this country and abroad, and I think it has been a very, very important law enforcement agency. From time to time there are problems with the FBI, as there are with any agency, but it certainly is a matter of overwhelming concern for someone who has the responsibility of being the chief of the Violent Crimes and Major Offenders Section who destroys a report ordered to be produced by a Federal judge. That is the case here.

There are other major matters which our subcommittee looked into and which have been investigated by the Department of Justice where they concluded they did not have sufficient evidence to charge two other senior FBI officials with criminal conduct on falsifying the so-called rules of engagement which were a part of the controversy at Ruby Ridge. The rules of engagement provided that if any adult is observed with a weapon prior to surrender announcement, deadly force can and should be employed if the shot can be taken without endangering any children. The second aspect: if any adult in the compound is observed with a weapon after the surrender announcement is made and is not attempting to surrender, deadly force can and should be employed to neutralize the individual. Mr. President, those rules of engagement, simply stated, violate the U.S. Constitution. That was the judgment of the Department of Justice task force. That was the judgment of the Judiciary subcommittee, and that was the judgment of the FBI Director, Louis Freeh, that those rules did violate the constitutional standard for use of deadly force. You just cannot do that in America.

To the credit of FBI Director Louis Freeh, those rules of engagement were changed and the procedures of the hostage rescue team were changed. We have yet to see an acknowledgment by the Alcohol, Tobacco and Firearms unit of their inappropriate conduct in this matter, either from the Secretary of the Treasury, Robert Rubin, or the director of the Alcohol, Tobacco and Firearms unit, John Magaw. I know that is a strong statement, but that happens to be the fact. I have met personally with Mr. Rubin and Mr. Magaw, and they have not taken responsibility for what the Alcohol, Tobacco and Firearms agency did in this matter, which was spread false information about Mr. Weaver with respect to saying he had prior convictions, which he had not, and saying he was a suspect in a bank robbery case, which he was not.

In any event, Mr. President, the matter goes on in the eight-page report which has been filed by the Department of Justice. As the saying goes, more questions are raised than are answered. I have made a request to see the entire report and am told that will not be made available until the Office of Professional Responsibility finishes its work, and that may occur at some point in the future, which is very, very difficult to predict. At any rate, we have this eight-page report, and as I say, it raised a good many new questions.

The scope of the investigation conducted by the Department of Justice, headed by U.S. Attorney Stiles, has this to say under the section of Scope of the Criminal Investigation:

> The investigative team used a variety of techniques to collect all available evidence in this matter. They gathered large amounts of documented material that had never come to light during prior internal inquiries into the events at Ruby Ridge.

Now, the question was raised in my mind, if these documents had not come to light on prior internal inquiries into the events at Ruby Ridge, why not? The question is raised in my mind as to whether the FBI made available to the Senate Judiciary subcommittee all of the documents which we had requested. This report goes on to say, "The FBI offices were searched, and more than

half a million pages of documents were obtained and analyzed, including previously unreviewed files containing the bulk of the FBI headquarters' records, including files of the FBI's Strategic Information and Operations Section and the Violent Crimes and Major Offenders Section."

So a question is raised immediately as to whether the Department of Justice task force which worked back in 1994 and whether the FBI Inspections Division and whether the prior investigation by the Office of Professional Responsibility and whether the Senate hearings which called for all of these documents, whether those documents were produced at that time.

This is just a brief thumbnail description as to some of the questions that we have and that are pending yet. My sense is that it is indispensable that the Judiciary Committee move ahead with the inquiry that was conducted back in 1995 to find out specifically why it took the Department of Justice approximately 2 years to come to this stage of their inquiry and take a look at the findings that led to a declination of prosecution as to some individuals in the face of what appears to be significant evidence on a falsification of the rules of engagement.

We do know that at the hearings conducted in 1995, there was another set of rules of engagement which discussed a permissive use of force, specifically noting where deadly force may be used. During the course of our subcommittee hearings, we could never determine precisely who issued the rules of engagement because no one would take responsibility for them. But the way this investigation has been conducted by the Department of Justice, certainly in my judgment, urgently requires congressional oversight. We know that the prosecuting attorney of Boundary County has now issued an indictment against a special agent sharpshooter, whose firing resulted in the death of Mrs. Vicki Weaver, on charges of involuntary manslaughter.

Had I been the prosecuting attorney there, I would not have brought that prosecution, under all the facts of the case. I have been a district attorney and have made judgments that involve when a prosecution ought to be brought. But I can understand why the district attorney of Boundary County brought the charges in light of the bad bungling that the Department of Justice has made of this case. And there are many, many collateral matters that have not yet been answered satisfactorily. The Attorney General approved the promotion of Mr. Potts to be Deputy Director of the FBI, in a context where red flags were present about Mr. Potts' qualifications for that job, being a very close personal friend of FBI Director Freeh. That was inquired into at some length during the Judiciary subcommittee hearings, but we did not have the benefit of the Attorney General's testimony in that matter. She took the position that she does not testify before subcommittees because there are so many subcommittees. The point the subcommittee raised at that time was that we were not asking her opinion on a variety of legislative issues where there are so many issues and subcommittees, but we asked for her testimony as a fact witness as to why she personally approved the promotion of Mr. Potts. But she declined to appear. We declined to issue a subpoena or have a confrontation on the issue.

When I discussed this personally with the Attorney General, she restated her position and said maybe she should have appeared. I told her at that time, months ago, she might have occasion to appear yet. I hope that she does have occasion to appear on the questions relating to many issues in this very complex matter, because as stated in the statement issued by U.S. Attorney Stiles, this was approved by the Department of Justice and, inferentially, by the Attorney General herself. These are matters that have to be inquired into.

On the subject of having this matter now taken to the Office of Professional Responsibility, I have grave questions about what will happen there and what the time sequence will be, and their explanation as to why they took so long is there are many statutory requirements that may be reviewed by the Congress. The incident involving William Jewel in Atlanta occurred back in July 1996, and it took a full year to get oversight hearings before the subcommittee on that matter. Those hearings did not do any credit to the Office of Professional Responsibility, where Mr. Shaheen, the director of that unit, testified. Mr. Shaheen testified that Mr. Jewel's constitutional rights were violated, but it was nowhere in the report. I asked the very fundamental question, "Why doesn't the report say so?" It is one thing to testify before a subcommittee that the constitutional rights of a suspect were violated. But to fail to do so in the report does not give guidance to other agents in the field. It was in the context that Mr. Jewel was told he was being questioned for a training film purpose, and he was misled by the FBI agents under those circumstances. It was later concluded that his Miranda rights had been violated. In a repeated line of questioning, Mr. Shaheen could not cite any part of the report that said that. He cited sections of the report that did not say what he said he said, and he admitted that. Then, after the hearing was over, on the same day, Mr. Shaheen sent me a two-page letter saying that he had misspoken, that the Office of Professional Responsibility had not in fact found that Mr. Jewel's constitutional rights had been violated—a conclusion which is a little hard to understand in light of his extensive testimony on this subject.

Madam President, this is a very important matter. As I have said earlier, it is a matter which is still resonating in America. I was in Pennsylvania, at my open house town meetings on the 13th, 14th and 15th, when the report came out that the Department of Justice would not bring any prosecutions and a week later when the prosecuting attorney of Boundary County, ID, brought the indictments against Kevin Harris for murder in the first degree against Deputy Marshal William Degan and involuntary manslaughter against Special Agent Horiuchi. It is my hope that we will continue this inquiry with congressional oversight, because only the Congress can really undertake the kind of questioning of department heads, the Attorney General, the Director of the FBI, or the Director of Alcohol, Tobacco and Firearms, or the Secretary of Treasury, of that rank, to find out what has happened, so that we can tell the American people what the facts are. There is tremendous unrest on this subject, which is part of the unrest and distrust of Government that I have referred to earlier, confirmed by the earlier public opinion poll.

Madam President, in the absence of any Senator seeking recognition, 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. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DEPARTMENT OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. SPECTER. Madam President, we are currently on the legislation of the appropriation bill for the Department of Labor, Health, Human Services, and Education. I, again, repeat the earlier request that anyone who has an amendment to offer, come and do so at this time. There is plenty of time available right now. Earlier the majority leader had been on the floor, and Senator HARKIN and I and Senator LOTT, our majority leader, had discussed the timing. It was our hope that we might complete action on this bill by tomorrow evening. We request that anybody who has amendments to file do so by the close of business today or, in any event, not later than noon tomorrow. We have a vote scheduled for 9:30 tomorrow morning. It is the practice that Senators will be present at that

time to vote, so we can move ahead if there are amendments to be considered on this bill.

CAMPAIGN FINANCE REFORM

Mr. SPECTER. Madam President, in the absence of any other Senator on the floor, I will utilize this time to comment on the subject of campaign finance reform. I stated earlier that in my travels through Pennsylvania during part of the month of August, I heard considerable concern about the necessity for campaign finance reform, and I had commented about the overtone throughout my open house town meetings about people of my State being very suspicious of Government, very distrustful of Government. One of those items was Ruby Ridge, and I spoke at some length about that. Another item was the subject of campaign finance reform, where I have found very considerable interest, disagreeing with some of the pundits and some of the public comments.

It is my hope, Madam President, that the hearings before the Governmental Affairs Committee, on which you and I sit, will stimulate an interest in campaign finance reform. I have said with some frequency in the past that I do not believe we will have campaign finance reform until the American people demand it. It is contrary to the interests of incumbents to have campaign finance reform. This is a matter of considerable disagreement within this body, and I respect the views of our colleagues who have disagreed. But I do believe that we are awash in money. After 6 months of investigation and after 4 weeks of hearings by our Governmental Affairs Committee during the month of July, it confirms my conclusion and the view of most Americans that campaign finance reform is necessary.

Politics is awash in money, corrupting some, appearing to corrupt others, and making almost everybody in or out of the system uneasy about the way political campaigns are financed. I compliment our colleagues, JOHN MCCAIN and RUSS FEINGOLD, for providing leadership on campaign finance reform in Senate bill 25. I believe that the key provision there, which would give candidates free television advertising time, does not measure up to the constitutional standard of the fifth amendment on taking property without due process of law. I recognize the contention that the airwaves belong to the American people. But in the context where television stations and networks have operated, I do not see how you can square, constitutionally, the taking of that property without compensation.

I voted last year for cloture, to bring the issue to the floor so we can debate it, consider it, and it would be my hope that it would be brought to the floor in the month of September. I am aware of the public statements made by Senator MCCAIN and others that it may be brought and attached to other bills. So we will wait to see if that does occur.

My intention is to offer my own bill on campaign finance. I am in the final stages of the drafting of the bill and the floor statement. It would target some of the specific abuses and would expand upon what any other legislation has done in terms of what we have found from our Governmental Affairs investigation.

My own sense is that the evidence is conclusive that soft money ought to be eliminated. When you take a look at the millions of dollars which have been poured into the American electoral system, including corporate contributions on soft money, it has just totally distorted the Presidential campaigns—and also congressional campaigns—as that money moves in and out in a variety of contours. But we have public financing of Presidential elections. That public financing has been undertaken on the basis that there will not be private financing. But somehow soft money is not deemed to be a contribution, so says the Department of Justice of the United States in an inexplicable interpretation—inexplicable, in my opinion. And then according to the reports of both Dick Morris and former chief of staff Leon Panetta, the President of the United States edited and wrote Democratic National Committee campaign commercials. That, obviously, is coordination.

There is a constitutional rule that an independent expenditure, constitutionally may not be limited by a statute. But here you have the President taking money from the Democratic National Committee that was raised as soft. And, when I talk about the President, the same thing is done on the Republican side. So that I think there is bipartisan blame here.

The specific evidence has been forwarded as to what President Clinton's personal involvement was. And there are these commercials. They extol the virtues of one candidate, and they criticize the other candidate. And for some reason they are not classified as being advocacy commercials but only issue commercials.

I ask unanimous consent to include illustrations of these commercials on a letter that I wrote to Attorney General Reno dated May 1, 1997, her response, and also the response of the Federal Election Commission on this subject.

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

U.S., SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 1, 1997.

Hon. JANET RENO,
Attorney General,
Department of Justice, Washington, DC.

DEAR ATTORNEY GENERAL RENO: Following up on yesterday's hearing, please respond for the record whether, in your legal judgment, the text of the television commercials, set forth below, constitutes "issue advocacy" or "express advocacy."

The Federal Election Commission defines "express advocacy" as follows:

"Communications using phrases such as 'vote for President,' 'reelect your Congressman,' 'Smith for Congress,' or language which, when taken as a whole and with limited reference to external events, can have no other reasonable meaning than to urge the election or defeat of a clearly identified federal candidate." 11 CFR 100.22

The text of the television commercials follows:

"American values. Do our duty to our parents. President Clinton protects Medicare. The Dole/Gingrich budget tried to cut Medicare $270 billion. Protect families. President Clinton cut taxes for millions of working families. The Dole/Gingrich budget tried to raise taxes on eight million of them. Opportunity. President Clinton proposes tax breaks for tuition. The Dole/Gingrich budget tried to slash college scholarships. Only President Clinton's plan meets our challenges, protects our values.

"60,000 felons and fugitives tried to buy handguns—but couldn't—because President Clinton passed the Brady Bill—five-day waits, background checks. But Dole and Gingrich voted no. One hundred thousand new police—because President Clinton delivered. Dole and Gingrich? Vote no, want to repeal 'em. Strengthen school anti-drug programs. President Clinton did it. Dole and Gingrich? No again. Their old ways don't work. President Clinton's plan. The new way. Meeting our challenges, protecting our values.

"America's values. Head Start. Student loans. Toxic cleanup. Extra police. Protected in the budget agreement; the president stood firm. Dole, Gingrich's latest plan includes tax hikes on working families. Up to 18 million children face healthcare cuts. Medicare slashed $167 billion. Then Dole resigns, leaving behind gridlock he and Gingrich created. The president's plan: Politics must wait. Balance the budget, reform welfare, protect our values.

"Head Start. Student loans. Toxic cleanup. Extra police. Anti-drug programs. Dole, Gingrich wanted them cut. Now they're safe. Protected in the '96 budget—because the President stood firm. Dole, Gingrich? Deadlock. Gridlock. Shutdowns. The president's plan? Finish the job, balance the budget. Reform welfare. Cut taxes. Protect Medicare. President Clinton says get it done. Meet our challenges. Protect our values.

"The president says give every child a chance for college with a tax cut that gives $1,500 a year for two years, making most community colleges free, all colleges more affordable . . . And for adults, a chance to learn, find a better job. The president's tuition tax cut plan.

"Protecting families. For millions of working families, President Clinton cut taxes. The Dole-Gingrich budget tried to raise taxes on eight million. The Dole-Gingrich budget would have slashed Medicare $270 billion. Cut college scholarships. The president defended our values. Protected Medicare. And now, a tax cut of $1,500 a year for the first two years of college. Most community colleges free. Help adults go back to school. The president's plan protects our values."

Sincerely,

ARLEN SPECTER.

OFFICE OF THE ATTORNEY GENERAL,
Washington, DC, June 19, 1997.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER: I have received your letter of May 1, 1997, asking that I offer you my legal opinion as to whether the text of certain television commercials constitutes "express advocacy" within the meaning of regulations of the Federal Election Commission ("FEC"). For the reasons set forth below, I have referred your request to the FEC for its consideration and response.

Under the Federal Election Campaign Act, the FEC has statutory authority to "administer, seek to obtain compliance with, and formulate policy with respect to" FECA, and exclusive jurisdiction with respect to civil enforcement to FECA. 2 U.S.C. §437c(b)(1); *see* 2 U.S.C. §437d(e) (FEC civil action is "exclusive civil remedy" for enforcing FECA). The FEC has the power to issue rules and advisory opinions interpreting the provisions of FECA. 2 U.S.C. §§437f, 438. The FEC may penalize violations of FECA administratively or through bringing civil actions. 2 U.S.C. §437g. In short, "Congress has vested the Commission with 'primary and substantial responsibility for administering and enforcing the Act.'" *FEC* v. *Democratic Senatorial Campaign Comm.*, 454 U.S. 27, 37 (1981), quoting *Buckley* v. *Valeo*, 424 U.S. 1, 109 (1976).

The legal opinion that you seek is one that is particularly within the competence of the FEC, and not one which has historically been made by the Department of Justice. Determining whether these advertisements constitute "express advocacy" under the FEC's rules will require consideration not only of their content but also of the timing and circumstances under which they were distributed. The FEC has considerably more experience than the Department in making such evaluations. Moreover, your request involves interpretation of a rule promulgated by the FEC itself. Indeed, it is the standard practice of the Department to defer to the FEC in interpreting its regulations.

There is particular reason to defer to the expertise of the FEC in this matter, because the issue is not as clear-cut as you suggest. In *FEC* v. *Colorado Republican Federal Campaign Comm.*, 839 F. Supp. 1448 (D. Colo. 1993), *rev'd on other grounds*, 59 F.3d 1015 (10th Cir. 1995), *vacated*, 116 S.Ct. 2309 (1996), the United States District Court held that the following advertisement, run in Colorado by the state Republican Federal Campaign Committee, did *not* constitute "express advocacy":

"Here in Colorado we're used to politicians who let you know where they stand, and I thought we could count on Tim Wirth to do the same. But the last few weeks have been a real eye-opener. I just saw some ads where Tim Wirth said he's for a strong defense and a balanced budget. But according to his record, Tim Wirth voted against every new weapon system in the last five years. And he voted against the balanced budget amendment.

"Tim Wirth has a right to run for the Senate, but he doesn't have a right to change the facts."

839 F. Supp. at 1451, 1455–56. The court held that the "express advocacy" test requires that an advertisement "in express terms advocate the election or defeat of a candidate." *Id.* at 1456. The Court of Appeals reversed the District Court on other grounds, holding that "express advocacy" was not the appropriate test, and the Supreme Court did not reach the issue.

Furthermore, a pending matter before the Supreme Court may assist in the legal resolution of some of these issues; the Solicitor General has recently filed a petition for certiorari on behalf of the FEC in the case of *Federal Election Commission* v. *Maine Right to Life Committee, Inc.*, No. 96–1818, filed May 15, 1997. I have enclosed a copy of the petition for your information. It discusses at some length the current state of the law with respect to the definition and application of the "express advocacy" standard in the course of petitioning the Court to review the restrictive definition of the standard adopted by the lower courts in that case.

It appears, therefore, that the proper legal status of these advertisements under the regulations issued by the FEC is a question that is most appropriate for initial review by the FEC.

Accordingly, I have referred your letter to the FEC for its consideration. Thank you for your inquiry on this important matter, and do not hesitate to contact me if I can be of any further assistance.

Sincerely,

JANET RENO.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, DC, June 19, 1997.

Hon. JOHN WARREN MCGARRY,
Chairman, Federal Election Commission,
Washington, DC.

DEAR MR. CHAIRMAN: Enclosed for the attention and whatever further reply the Federal Election Commission (FEC) finds to be appropriate is a copy of an exchange of correspondence between the Attorney General and Senator Arlen Specter of Pennsylvania concerning the application of the Commission's rules governing issue advocacy by political parties to a specific advertisement. The Department of Justice regards the subject matter of this inquiry as properly within the primary jurisdiction of the FEC.

If we can assist the Commission in any way in this matter, please let me know.

Sincerely,

MARK M. RICHARD,
Acting Assistant Attorney General.

Mr. SPECTER. Madam President, that subject came up in Judiciary Committee oversight with the Attorney General testifying the day before, on April 30, where the commercials extol one candidate, criticize another, and, yet, are not considered to be advocacy commercials.

The first point of the legislation which I am preparing would end soft money.

The second point would define express advocacy to enforce the intent of the Federal election laws to prevent coordinated campaigns and to say where a commercial praises a named candidate or criticizes a named candidate, that that does constitute express advocacy.

The third provision on legislation that I am preparing would require affidavits on so-called independent expenditures. In Buckley versus Valeo, the Supreme Court of the United States said that as a matter of constitutional law Congress could not limit what an individual wanted to spend on the campaign—for example, Senator X or Presidential candidate Y—if they were truly independent. But the reality of many of these independent expenditures, if not most, is that they are not independent at all.

After surveying the scene and thinking about it, my legislation would require an affidavit to be taken by the individual who is making the independent expenditure, or the head of the committee making independent expenditure, that the expenditure is truly independent. If someone sits down and reads an affidavit, takes an oath and understands that person is subject to the penalties of perjury, there may be a little more credibility or more attention paid to what is said. If you go to jail for 5 years, that may make someone pause on a representation that an expenditure is independent.

Then my legislation would provide 48 hours after that affidavit is filed, the individual making the independent expenditure would have 24 hours to file the affidavit, and then within 48 hours file the affidavit with the Federal Election Commission. And then within 48 hours the Federal Election Commission would give that affidavit to the campaign on whose behalf the expenditure was made. And then the candidate and the campaign treasury would have to take an affidavit that the expenditure in question is truly independent. If people are prepared to take affidavits, both the person making the expenditure and the person committing on whose behalf the expenditure is made, we might see some independent expenditures which are truly independent.

The fourth provision in the bill, which I intend to offer and hopefully becomes statute, would eliminate foreign transactions which funnel money into the U.S. campaigns. This would be along the line of—we heard the testimony as to what happened in the famous transaction where the former Republican National Chairman, Mr. Haley Barbour, testified. There, if you collapse the transaction, money did come from a foreign source into the Republican National Committee. I think that Mr. Barbour got bad advice as to what was going on there, and details of that evidence show that when advice of counsel was obtained that the transaction was lawful. It was on the condition that the money not go to a political committee. But, in fact, that is what happened. The attorney who received that letter, saying that the legitimacy of the transaction would depend upon the money not going to a political committee, testified at our Governmental Affairs Committee that he didn't notice that provision, even though a letter was to him, or read that provision. The letter was, in fact, going to someone else. So that, if we tighten up on that provision so that the transaction is viewed as a whole, those kinds of foreign contributions would be eliminated.

A fifth provision of the legislation which I will propose would seek to

deter massive spending of personal wealth which adopts a new standby financing framework similar to the one recently enacted in Maine, the State represented by our distinguished Presiding Officer at the moment.

Buckley versus Valeo provides as a constitutional matter that an individual may spend as much of his or her money as he or she chooses. For many years, Senator HOLLINGS and I have sought to have a constitutional amendment. That split decision by the Supreme Court of the United States, in my opinion, does not accurately state what is meant by "freedom of speech." Freedom of speech does not give, in my judgment, the right of an individual to spend as much of his or her money as he or she may choose when the Supreme Court acknowledges at the same time that any other individual may be limited by what that individual may give to a Senator's campaign—$1,000 in the primary, or $1,000 in a general election.

I personally was running against Senator Heinz for the U.S. Senate seat in 1976 on a campaign which started with a limitation as to how much money an individual could spend. For a State the size of Pennsylvania it was $35,000, which was close to my amassed wealth. I was prepared to spend it. In the middle of that campaign, on the end of January 1976, the Supreme Court of the United States said that an individual could spend as much of his or her money as he or she chose but that my brother, Morton Specter, who could have financed my campaign rather generously had he chosen to do so, and I think was prepared to do so, was limited to $1,000. Where were Morton Specter's constitutional rights for freedom of speech contrasted with the rights of a candidate? But that is the constitutional law.

But Maine has a very interesting way of handling excessive spending by providing matching funds to candidates when an opponent exceeds certain spending limits. I personally oppose public financing of Federal elections. But I think in a situation where a wealthy individual knew that a multimillion-dollar expenditure would be matched by the State, it would be a deterrence, and, in fact, the State would not have to put up that money. I think that provision is well worth considering.

The final provision of the statute which I have in mind would subject contributions for legal defense funds to be reported. And our Governmental Affairs Committee has heard incredible testimony about moneys brought in by Mr. Yah Lin "Charlie" Trie, something in the neighborhood of $639,000. He brought it in to the trustees of the President's legal campaign fund. Those moneys were not subject to any reporting requirements. And an article, which appeared in yesterday's Philadelphia Inquirer, points out how these suspect funds were known, and that reporting was delayed.

I ask unanimous consent that the text of this article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

[From the Philadelphia, Inquirer, Sept. 1, 1997]

CLINTON AND WIFE REPORTEDLY KNEW OF SUSPECT FUNDS

QUESTIONABLE DONATIONS TO THE CLINTON DEFENSE FUND WERE HIDDEN UNTIL AFTER THE ELECTION, A PAPER SAYS

LOS ANGELES.—Trustees of President Clinton's legal defense fund acted with the knowledge of the President and Hillary Rodham Clinton in hiding $639,000 in contributions funneled through Democratic fund-raiser Yah Lin "Charlie" Trie, the Los Angeles Times reported yesterday.

The trustees of the Presidential Legal Expense Trust in June 1996 used accounting measures that would allow them to refund the money from a Taiwan-based religious sect Suma Ching Hai, without reporting the transactions until after the November election, the newspaper reported.

A month earlier, the Times said, the trustees met to discuss the contributions with six administration officials including presidential aides Bruce Lindsey and Harold Ickes and White House attorneys.

The Clintons were informed last spring about the delivery of Trie's checks, as well as the decision not to inform the public, the Times reported.

The trust—which was established in 1994 to raise money for the Clinton's legal bills from Whitewater investigations and a sexual harassment suit brought by Paula Corbin Jones—is supported to operate independent of political influence.

When the donations and refunds were revealed in December, the defense funds and the White House said trustees needed nine months to scrutinize the contributions.

However, confidential congressional records, defense-fund papers and meeting notes show an effort by the White House to deal with the issue months earlier, the Times reported.

White House special counsel Lanny Davis said there was no attempt to withhold information about Trie's activities. And the executive director of the trust, Michael Cardozo, said its decisions were never influence by the White House or steered by political motivations.

Although the private trust is not subject to federal laws governing political contributions, the Clintons imposed their own rules, Individuals were limited to contributing $1,000 a year, and foreigners, corporations, labor unions, political organizations, lobbyists, and federal employees were prohibited from making donations.

Between March and May of last year, Trie made three trips to the trust to deliver a total of $789,000 mostly in $1,000 and $500 checks and money orders. Some money was rejected after some of the money orders were found to be in sequential order and written in the same handwriting, the Times said, and many contributors who appeared to be of Asian descent shared the same surname.

In May, a trust official told White House aides that the Trie-related donors appeared to belong to Suma Ching Hai.

Officials at the meeting were concerned about media coverage of the origin of the donations, the Times reported. Still, Davis insisted "there was no discussion about whether to disclose return of the checks or the effect of disclosure on the election."

Trustees decided to return the money in June, settling on two steps to keep the donations out of the public eye.

First, the trust eliminated the line "Less Ineligible Contributions" on the fund's public disclosure form released last August. Notes taken by Ickes show a reference to "Less ineligibles," indicating the accounting procedure may have been discussed as early as April 4.

Second, if any sect members wanted to redonate to the legal fund, their names would not be disclosed until the next reporting period—in early 1997, the Times reported.

Mr. SPECTER. I thank the Chair.

That, in a fairly abbreviated statement, Madam President, is the substance of legislation which I propose to offer.

It is my hope that the hearings of the Governmental Affairs Committee will bring substantial public interest to this subject. I know that the Presiding Officer has cosponsored the McCain legislation, is very much in favor of campaign finance reform, and perhaps, if our hearings generate enough public interest, that kind of public demand will be created.

It is worth noting that at an early stage in the Watergate hearings people were disinterested in campaign finance reform at that time. But as those hearings progressed more public interest was stimulated, and campaign finance reform was enacted in 1974. But I believe that this is very, very important if we are to bring back public confidence with what is done in Washington, DC.

Madam President, in the absence of anyone on the floor seeking recognition, I again suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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 LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

Mr. KYL. Madam President, I at this point ask if the pending business would permit me to offer an amendment.

The PRESIDING OFFICER. Amendments are in order.

AMENDMENT NO. 1056

(Purpose: To increase funding for Federal Pell Grants, with an offset from fiscal year 1998 funding for low-income home energy assistance)

Mr. KYL. Madam President, I have sent an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 1056.

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

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

The amendment is as follows:

On page 41, between lines 17 and 18, insert the following:

Of the funds made available under this heading in Public Law 104–208, to be available for obligation in the period October 1, 1997 through September 30, 1998, $527,666,000 are rescinded.

On page 56, line 21, strike "$8,557,741,000" and insert "$9,085,407,000".

On page 56, line 22, before the period insert ": *Provided*, That $7,438,000,000 shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a)".

Mr. KYL. Madam President, let me simply indicate generally what this amendment does.

This amendment will provide an additional $528 million for the Pell Grant Program, boosting that level to the amount recommended by the Appropriations Committee. And that money will come from the LIHEAP program. It would be a direct offset. So that the $528 million would come from LIHEAP and would go to fund Pell grants.

Madam President, this amendment is very simple. It will provide an additional $528 million for the Pell Grant Program, boosting the amount in the bill to the level recommended by the House of Representatives. Pell grant funding would go from $6.910 billion to $7.438 billion. The offset is from the Low Income Home Energy Assistance Program [LIHEAP].

The additional Pell grant funding is intended to finance changes in eligibility—that is, to correct problems that have arisen as a result of the current law phaseout of certain independent students at income levels that are lower than those for dependent students. Like the House bill, the funding is contingent upon the authorizing committees acting on the proposal. I am not attempting an end run around the normal committee process, just attempting to ensure that the funds will be available should the Education Committee concur in the change.

The Clinton administration originally estimated the cost of the proposal at $725 million in fiscal year 1998, but it is my understanding that administration officials are now satisfied with the House numbers. In any event, I believe we ought to put as high a priority on Pell grants as the House did in its version of the Labor-HHS bill.

Madam President, it was the Higher Education Amendments of 1992 that established a separate allowance for independent students without dependents. The income protection allowance, which is a fixed amount of a family's income that is excluded from need determination, is based on the family's household size and the number in the household attending college. The problem is that the separate allowance established by the 1992 act creates a substantial disparity among groups of students.

For example, when compared with other students with the same number of family members in the household and one member in college, the allowance for 1997–1998 is $5,750 less in the case of married students without dependents. It is $5,940 less in the case of single students without dependents, according to the Department of Education. And because the income protection allowance for independent students without dependents is not indexed for inflation, the gap can only be expected to widen each year.

The proposed change in eligibility, which the funding in my amendment is intended to finance, would bring the proportion of students in this group who would be eligible for Pell grants closer to the proportion that existed prior to the establishment of the separate allowance in the 1992 act. Students in this group are typically older students with annual family incomes of between $10,000 and $20,000.

Madam President, here is a State-by-State breakdown of the number of students who lost eligibility under the separate allowance. The numbers, which were supplied by the Education Department, compare the period 1992–1993 before the 1992 reauthorization with the period 1993–1994 after reauthorization:

Alabama	4,399
Alaska	548
Arizona	6,417
Arkansas	2,525
California	24,314
Colorado	5,204
Connecticut	2,645
Delaware	472
District of Columbia	426
Florida	17,792
Georgia	5,196
Hawaii	561
Idaho	1,402
Illinois	10,848
Indiana	5,467
Iowa	4,247
Kansas	4,434
Kentucky	3,754
Louisiana	5,765
Maine	1,364
Maryland	4,047
Massachusetts	5,778
Michigan	15,254
Minnesota	7,432
Mississippi	2,751
Missouri	7,963
Montana	1,561
Nebraska	2,792
Nevada	1,891
New Hampshire	1,098
New Jersey	5,920
New Mexico	2,002
New York	19,477
North Carolina	4,231
North Dakota	1,335
Ohio	12,864
Oklahoma	4,621
Oregon	4,031
Pennsylvania	9,535
Rhode Island	1,314
South Carolina	2,087
South Dakota	1,324
Tennessee	4,972
Texas	15,126
Utah	4,074
Vermont	353
Virginia	5,168
Washington	5,636
West Virginia	1,011
Wisconsin	6,258
Wyoming	730
Puerto Rico, other	3,347

The figures I just cited will give Senators a rough idea of the number of additional students that would benefit from the added funding in my amendment.

Madam President, Professor David Breneman, the dean of the Curry School of Education at the University of Virginia, testified before the Senate Finance Committee back in April about the effectiveness of various forms of Federal aid. He concluded that "the Pell Grant program has the merit of targeting aid to students who would be unable to attend college without the grant." In other words, Pell grants are probably the most efficient and effective way of targeting Federal aid to those students who need it most. And unlike other forms of assistance, which might reach those who have the means and determination to attend college with or without the Government's help, it does less to fuel tuition inflation.

Now I know the offset for the additional Pell grant funding will be controversial for some. It would come from the Low Income Home Energy Assistance Program [LIHEAP], a program that was set up nearly 16 years ago to temporarily—temporarily—supplement existing cash assistance programs and help low-income individuals pay for home fuel costs that were escalating at the time.

But the world is a very different place than it was in 1981. Gone are the long lines at the gas pumps and skyrocketing energy prices. As we prepare to cross a bridge to the 21st century, we should look beyond programs designed to cope with an energy crisis of 20 years ago—a crisis that has come and gone—and focus instead on how to prepare young people for the high technology, more competitive economy of the future.

Madam President, fuel costs have not only stabilized since 1981, they have declined significantly in real terms. Figures provided to me by one of Arizona's majority utilities, Arizona Public Service, indicate that average residential rates for electricity have declined 15 percent in real terms since 1980. And that does not take into account a 1.2-percent rate decrease that just became effective on July 1.

It is no secret that I have been skeptical of the continued need for

LIHEAP. I have offered amendments on the subject several times in recent years. But I would point out that in its fiscal year 1995 budget submission, the Clinton administration, too, recommended substantial reductions in the program.

As noted in the President's fiscal year 95 budget,

> * * * fuel prices have decreased by 40 percent in real terms; the cost of electricity has dropped by about 13 percent in real terms; and the percent of income spent for home heating for households at or below 150 percent of poverty guidelines has dropped by about one-third.

He went on to propose a 50-percent reduction in funding for the program that year.

Last year, President Clinton proposed outyear cuts in LIHEAP—a $90 million reduction in 1999, and a $181 million reduction in 2000. The Office of Management and Budget advised my office that the declining figures were due to standard percentage reductions applied to programs that were not considered a top priority.

Last December, it was widely reported that the Clinton administration would recommend a 25-percent reduction in the program this year. So there has been skepticism about the continuing need for the program, even at the White House.

Madam President, the States themselves have already shown remarkable ability to meet the energy needs of those requiring assistance, refusing to allow public utilities to shut off power to delinquent customers and setting up payment plans and other options. It seems to me that, given the States' track records and the stable or declining price of energy, this is a good time to begin cutting back on LIHEAP spending so that we can target the resources to other pressing needs.

In closing, the bipartisan budget agreement that we passed in July was intended to extend new opportunities in education to middle- and upper middle-income families, and it will through a variety of new tax credits. But we have the chance today to target additional Pell grant assistance to more lower- and middle-income people, so that all American families have the same opportunity to secure a brighter future. I hope my colleagues will join me in supporting this amendment to put more money into the Pell Grant Program.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, when the time comes to discuss the matter, there will be very vigorous objection from the managers, both Senator HARKIN and myself, on this amendment. We think that low-income energy assistance is very, very important. But we will await the event after our distinguished colleague from Arizona has had a chance to make his presentation.

In the absence of any other Senator seeking recognition, 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

FAST TRACK TRADE AUTHORITY

Mr. DORGAN. Madam President, I noted in a news report recently something which I have heard previously. The news reported that President Clinton and his administration will in just a matter of days from now, on September 10, send a legislative proposal to give President Clinton and this administration something called fast track trade authority.

Now, that might sound like a foreign language to a lot of folks, but the notion of fast track trade authority is relatively simple. It is that trade negotiators shall negotiate trade agreements between the United States and other countries, then bring these trade agreements to the Congress, and they shall be considered in Congress under something called fast track procedures. That means no one here in the Congress is allowed to or will be able to offer amendments to alter that proposed trade agreement.

That is what fast track means. It is a special deal for a trade agreement brought back to Congress so that all Members of Congress are prevented from offering amendments. Members of Congress will be allowed only to vote yes or no on the entire agreement.

The Constitution of the United States in article I, section 8 says, "The Congress shall have the power to regulate Commerce with foreign Nations."

Yet, in recent decades we have developed this notion of fast track trade authority that has given both Republican and Democrat Presidents the opportunity to bring trade agreements to the Congress under a procedure that handcuffs Members of Congress and prevents them from offering any amendments at any time.

I want to share why I think this is important and why I believe it is inappropriate to grant fast track trade authority to this administration. I should say that when I was in the House of Representatives, I led an effort in the Chamber of the House to prevent fast track trade authority being given to a previous administration as well.

The Washington Post, in an article written by Ann Devroy, titled "Battle Lines Forming Over Clinton's Bid for Fast Track Trade Powers," states the Business Roundtable, among others, will work to help President Clinton get these fast track procedures in place by getting Congress to pass a proposal to give the President fast track powers. "The job won't be easy," it says.

It reports that the Business Roundtable has written in a letter to its members, "The political climate for new trade agreements is not good. Organized labor, human rights groups, protectionists, isolationists and environmentalists are questioning the benefits of trade."

Now, I guess I don't fit any of these descriptions. I am not an isolationist. I am not a member of organized labor. I am not a member of a human rights group. I am not a protectionist. I am not a member of some environmental organization. I am not some xenophobe, and I am not someone from a small town who cannot see over the horizon. I studied a little economics. I even taught a little economics in college. I understand something about the trade issue.

I understand that in international trade this country is not moving forward; it is falling back. We are not winning; we are losing. We ought not proceed to develop new trade agreements until we solve the problems of the old trade agreements. And I want to recite a few of those problems.

This was an interesting article written by a journalist who is a very good journalist. But nowhere in this article in talking about trade authority—and this is the difficulty we have in this Chamber—does it point out that we will have the largest merchandise trade deficit in the history of this country. Nowhere does it point that out. How can you have a discussion of trade and fail to mention in the context of that discussion that we now suffer the largest trade deficit in the history of our country?

I don't understand that. This is not theory. It is not some academic discussion. It is a discussion about whether we are going to proceed to give this administration the ability to have fast track authority for a new trade agreement they or trade agreements they will negotiate, and bring them to Congress and tie our hands so that no amendments may be offered.

Some do not mind, I suppose, that we have the largest merchandise trade deficit in history. They say trade is trade. In fact, this article quotes the Business Roundtable as saying, "Those who oppose this question the benefit of trade."

What a lot of nonsense that is. I don't question the benefit of trade. In fact, much of what we produce in my State, an agricultural State, must find a foreign home. I understand the benefits of

trade. I also understand the benefits of trade that is fair and the benefits of trade relationships with other countries that are fair trade relationships. I also understand about being taken advantage of. I also understand about trade policies that have been more foreign policy than trade policy over the last half century.

For the first 25 years following the Second World War, our trade policy was foreign policy. It had very little to do with trade. The fact was that this country was bigger, better, stronger and could outtrade and outproduce almost any other country in the world with one hand tied behind its back. So we could afford to exercise a foreign policy disguised as trade policy with dozens of our trading allies and still prevail. And it was just fine, at least in the first 25 years following the Second World War.

During those first 25 years, incomes in this country continued to rise. However, in the second 25 years, we ran into some very shrewd, tough international competitors and it has not been as easy for us to compete unless the trade rules are fair. Unfortunately, the trade rules have not been fair because we have continued to negotiate trade agreements that are more foreign policy than trade policy. As a result we have trade agreements that are fundamentally unfair to American workers and American producers. I want to go through a few of these in this discussion.

The first chart that I want to show is a chart about the merchandise trade deficit in our country. Nobody seems to care much about it here in the Congress. You don't hear people talking about it. There is always this angst about the budget deficit, and we have worked on that and finally have our fiscal house in some order. But there is no discussion at all about the other deficit, the merchandise trade deficit, which is a sea of red ink and growing every single year. In fact, we had the largest merchandise trade deficit in American history last year, and we are most likely going to exceed that this year. We have had deficit after deficit after deficit. There have been 21 straight years of merchandise trade deficits.

Let me just describe what has happened following our trade agreements. We rush off and send our best negotiators to negotiate trade agreements. When they finish negotiating some agreement with some country, whether it be Japan or the GATT agreement or NAFTA or some other agreement, they have a huge celebration or giant feast at which they all declare they have won.

But, what have our negotiators actually won? We had a $28 billion merchandise trade deficit in 1981 when the trade agreement took effect from the Tokyo round of trade talks. By 1989, this Congress passed—without my vote, I might add—a United States-Canada Free-Trade Agreement, at which time we now had a $115 billion merchandise trade deficit.

In 1994, a trade agreement, negotiated under fast track with Mexico and Canada, called NAFTA or the North American Free-Trade Agreement came into effect. By that time, we had amassed a $166 billion merchandise trade deficit. Then there was the Uruguay round of talks under the General Agreement on Tariffs and Trade or GATT, and the trade agreement enacted by Congress which took effect January 1, 1995. By that time, we had a $173 billion merchandise trade deficit. That has now grown to a $191 billion merchandise trade deficit, and is continuing to grow again this year.

DRI and McGraw-Hill, which is a company that does econometric projections, suggests our merchandise trade deficit will likely double in a 10-year period. We are headed in the wrong direction, not the right direction. So the question is, Do we continue doing this? Or does somebody stand up and say, "Wait a second, this doesn't make any sense. You are asking us to give fast track trade authority to negotiate another trade agreement when all we have seen is an ocean of merchandise trade deficits."

With this discussion, I am not suggesting that we ought not trade. Of course we should trade. But we ought to say to our trading allies that the conditions under which we trade with them must represent fair trade. If you get your products into our marketplace, that's fine. But, then we expect our products to get into your marketplace. If we have standards that will not allow our producers to pollute our air and water, then we expect you to produce under the same standards.

If we have standards that say we can't hire a 14-year-old and have him work 14 hours a day and pay him 14 cents an hour to produce a product that we then ship to Pittsburgh or Los Angeles and Denver, then we expect you not to employ a 14-year-old and pay him 14 cents an hour, producing something you ship to those same cities. Those are the conditions under which our workers, our citizens, and our businesses ought to expect trade to be handled under our trade agreements.

Now, when you look at this ocean of red ink which no one writes about and no one talks about, it seems to me it is time to stop to evaluate where we are. Daniel Webster said, on the floor of this Senate about 160 years ago, "When the mariner has been tossed for many days in thick weather and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance at the Sun, to take his latitude and ascertain how far the elements have driven him from his true course." That might be a good suggestion for this Congress on the issue of trade.

Instead, what this Congress will debate, without even talking about this choking trade debt, will be fast track.

There is fast food, fast lane, fast living, fast talk, and fast break. I remember when I played high school basketball the notion of a fast break was to move quickly and rush and get ahead of the defenders before they could get set up and make the basket. That's what a fast break is all about. You go ahead, before anybody notices you, and score your points.

Everything that says fast somehow connotes lack of preparation. That certainly has been the case with fast track in trade. Anyone, I say, anybody who believes that we have been successful in representing the economic interests of this country in pursuing the kind of process we pursued in recent years in trade just is not looking at the same set of facts that exists for this presentation I am giving today.

Madam President, the instant you discuss these issues there are those in this town who categorize you in one of two camps. You are described as a free trader, period, end of story. This connotes, by the way, that you support all of these negotiations and fast track and so on. You are either a free trader, or you are some kind of xenophobic, isolationist stooge who doesn't get it and are called a basic protectionist. Those are the two camps. You are one or the other, and you can't be in between because there is no thoughtfulness in between, we are told.

I stand right square in the middle of this issue, saying that this country has a problem and we ought to deal with it. We ought not be talking about negotiating new trade agreements as long as we have vexing, difficult problems with old trade agreements that we refuse to deal with. Fast track—if we are going to fast track anything, let's fast track the efforts to solve old trade problems.

We negotiated a trade agreement with Mexico. At the time, we had a nearly $2 billion trade surplus with Mexico. Guess what? It has not been very long—only 3 years later—and we have ended up with nearly a $16 billion trade deficit with Mexico. We go from a small surplus, to a big deficit.

We negotiate a trade agreement with Mexico and we are told what is going to come into this country from Mexico will be the product of low-skill and low-wage work.

What is actually coming in from Mexico? Automobiles, automobile parts, and electronics parts. Do you know we now import more cars from Mexico into the United States than the United States exports to the rest of the entire world? Think of that.

Has the United States-Mexico, has the NAFTA agreement worked out the way we expected? I would like one person to come to this Senate and say,

"Boy, this really worked out well. What we wanted was to have an agreement with Canada and Mexico positioned such that at end of it, we would have a combined trade deficit of nearly $40 billion." Is that what we wanted? I don't think so.

At the root of all of this, whether it's with Mexico or Canada is our past agreements and the fast track process that wouldn't allow the agreements to be changed and corrected. As a result we have a severe problem with Canadian grain flooding across our border in a fundamentally unfair way.

And by the way, we can't resolve these issues now because we pulled the teeth of our own trade laws in all these trade agreements. We have pulled the teeth of those provisions which could have been effective in representing us and in remedying these problems. And now that the teeth are pulled, we wonder why we can't chew on these issues. You can't chew because there is no effective remedy left.

Does anybody think that this represents progress? Is it progress to have Mexico and Canada have a huge trade surplus with the United States? Is it progress that we have this deficit with them?

China has a large and growing trade deficit, which has been growing exponentially. In a dozen years it has grown from $10 million up to over $40 billion. How about Japan? Every single year, we have had a recurring trade deficit of $48 billion to over $50 billion a year.

What does all of that represent? It represents jobs. And it represents, by and large, a diminution of our manufacturing sector. No economy will long remain a strong economy if it doesn't retain a strong manufacturing base.

There are those who believe it doesn't matter where you produce. Get in your Lear jet or get in your Gulfstream and travel around the world. Look out the window and find out where on this Earth, what patch of ground can you find where you can build a plant and have people come in the front door of that plant and pay them a quarter an hour, a half a dollar an hour, or 75 cents an hour. Pay them no benefits, no pensions, no insurance, and pollute the air and water as you produce because that represents profit and that represents progress. Not to me it doesn't. Not to this country it doesn't.

The consideration of fast-track trade authority by this Congress ought, it seems to me, to persuade us finally to ask ourselves, what truly is progress in international trade? Do we really think that a trade picture that looks like this is progress?

Six countries have 92 percent of our record level merchandise trade deficit. Nearly 30 percent of the trade deficit is with Japan. It is 24 percent and growing with China. Canada and Mexico together, have another 24 percent. The latest figures show that NAFTA, the crown jewel of trade agreements has produced a record nearly $40 billion combined trade deficit. Do we really think that those kinds of numbers represent progress?

This is not working. It is not a case of this country saying we want to close our borders and shut off imports; it's a case of this country saying we expect the trade rules to be fair. We expect our negotiators who negotiate trade agreements to win from time to time. Should we expect that every time our trade negotiators run off someplace that they lose? I don't think so. Yet, that is what happened.

We have a beef agreement with Japan. Nobody knows much about these things, because all this is like a foreign language. We have an avalanche of Japanese goods coming into America. I do not object to that. All I ask is that American goods get into Japan on a fair basis.

We couldn't get much American beef into Japan, so we had a huge negotiation with the Japanese. It must have been 8, 10 years ago, by now, that they announced this breakthrough. You would have thought there was a national day of fiesta and rejoicing. It was a major breakthrough; a big beef agreement with Japan. Guess what the agreement was. We have such a low expectation of our trade negotiations.

The agreement with Japan was the following: When the agreement is fully phased in, there will remain only a 50-percent tariff on American beef going into Japan. That tariff will be reduced, except if the quantity increases, it snaps back to 50 percent. Under any other set of circumstances, that would be defined as failure, but it was defined in our negotiations with Japan as a success. That is true with virtually every single set of negotiations this country has been involved in the last two decades.

This is not a complaint about Republicans or Democrats. It's a complaint against both and all. I have not yet met anyone who is willing to look me in the eye and talk about the facts about the merchandise trade deficits in this country and have them tell me that this is a record they want to stand on.

My hope is that in the coming couple of weeks, as we discuss the issue of fast-track trade authority, we might finally have the debate we really need. We don't want a thoughtless debate about "this person is a protectionist" and "this person is a free trader." Rather we need a thoughtful debate about precisely what kind of trade agreements represent this country's real interests, what kind of trade agreements require us to compete internationally and compete effectively and fairly, and what kind of trade agreements make certain that this country, when it does compete in the international marketplace, is able to do so on an even and fair basis.

Madam President, it is obvious, I suppose, that I will be aggressively opposing the fast-track authority that this President will request. If he, on September 10, makes a formal request, he will no doubt have substantial support for it. I have had several people come up to me in my State who said to me, "Oh, by the way, Byron, I was supposed to tell you to vote for fast track because my company sent out a memo to all the employees saying, 'We want you all to contact your Senator to vote for fast track.' I don't know about fast track," they said, "but that is something my company wants you to vote for."

I am not going to support fast track. I will be on the floor of the Senate often to talk about what I think are the problems in international trade and what I think are our priorities.

We have massive problems with Canada, for example, on grain trade. The responsibility that we have is not to create some fast-track procedure for new agreements, but to create a fast-track determination to solve old trade problems from previous agreements that do not work.

Until trade negotiators demonstrate a willingness to do that, and until this administration demonstrates a willingness to do that, I do not think it ought to get the vote of the U.S. Senate or the U.S. House for a peculiar and unique authority called fasttrack that, in my judgment, undercuts the constitutional requirement of Congress, to regulate commerce.

Madam President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just say to my colleague from North Dakota that I appreciate his analysis. I look forward to joining him in this debate. I think he is really one of the most eloquent Senators, or for that matter Congressmen, in Washington on a set of issues that are so important to working people, so important to producers, and I thank him.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1056

Mr. WELLSTONE. Mr. President, I ask whether or not the amendment we are on right now is the Kyl amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I do not know whether or not my colleague, Senator KYL from

Arizona, will be back today or whether we will come back to his amendment tomorrow, but I want to just very briefly comment on his amendment.

The Kyl amendment, as I understand it—I have the amendment before me—amounts essentially to over a $500 million rescission, if you will, in funding for what is called LIHEAP, the low-income energy assistance program. We have seen cuts over the years in this low-income energy assistance program. It is really now under a billion dollars total. So in many ways we would essentially, if this amendment passes, be dealing with the end of the program.

Mr. President, I actually would come to the floor and have an amendment which would call for an increase in funding for low-income energy assistance. And the reason I do not is that we have been sort of going through the same drill every year, which is that come the cold winter months—this happens in Minnesota; it happens in many of our cold-weather States—what happens is, because we do not have enough by way of appropriations, because the vast majority of these families are families with incomes under $7,000 or $8,000 a year, because about half the people helped are children, because close to 50 percent of these families are working poor families, they work 52 weeks a year, 40 hours a week, and because, Mr. President, these grants, this assistance, represents a kind of lifeline for people so they are not faced with the choice of "Do I pay for my heat? Then I can't afford prescription drugs or I can't afford food," we have been supportive of this.

What happens, though not as supportive as we should be, the administration provides additional emergency funds because, you know, whether it be in Minnesota or Indiana, I suppose, as well, what happens is that at the county level where the people live, at the grassroots level, we get calls. And these are desperation calls. So we actually provide a supplement to what we have in the bill by way of emergency funding. But for a State like Minnesota or Indiana it is a bit of a nightmare to plan. People never know. They never know.

So now we have an amendment which would really just make this situation, which is not great—we do not have the funding that we should have for a program that helps people so they do not go cold. That is a kind of minimal standard of decency. It certainly is important to a cold-weather State like Minnesota. But now if this amendment was to pass—I do not think it will; I hope we will have a strong vote against it—it would be a nightmare.

I just want to say to my colleague, whom I enjoy, that the part of the amendment which deals with expanding funding for the Pell grant I am all for. I think one of the things that was overlooked in the budget agreement—I think there was a bit too much exaggeration about how we were going to make sure that higher education was affordable for all our students because, to repeat one more time, the tax credit which goes to the HOPE scholarship program is not refundable. So if you come from a family below $27,000 a year, you may not be eligible, and many of the community college students in Minnesota are not.

We also expanded the Pell grant a little bit, but if you talk to the financial aid officers around the country, I think all of them will tell you that the most effective, efficient way of providing the necessary support for young or not such young students—many of our students are older—to be able to afford higher education is the Pell grants.

So I say to my colleague, it is a laudable goal. I will have an amendment on the floor to provide some additional funding for the Pell grants in this country. But you cannot do that on the backs of some of the poorest, most vulnerable citizens in the United States of America. I mean, you cannot take away energy assistance from people who, if they do not receive this emergency assistance during cold winters, could very well go cold or maybe pay for heat but then not have enough to eat. This is just an unacceptable tradeoff.

I am disappointed we have to go through this whole fight again, but, you know, all of us do what we think is right. I know my colleague from Arizona is doing this because he thinks it is the right thing to do. But we have had very strong bipartisan support over the LIHEAP Program. I think we all know already that it is minimum funding. We all know already it is not enough. We all know already that we end up every winter having to provide additional emergency funding. So the last thing we want to do is essentially gut this program.

So, again, I share part of the goal of this because indeed I will have an amendment that will talk about expanding Pell grant funding. But you do not take the funding from some of the poorest, most vulnerable families in America.

I am speaking as a Senator from a cold-weather State, Minnesota, but I think the vast majority of my colleagues share this sentiment as well. So when we come back to this, there will be a pretty strong debate. I hope we will have an overwhelmingly strong vote in opposition to this amendment.

I also want to say, Mr. President—I will say it very briefly—that I look forward to starting tomorrow. I do intend to introduce an amendment to expand funding for Head Start. I have been doing some really interesting traveling and learned so much from people when I was in eastern Kentucky.

I, by the way, would like to say to the Chair, not in sort of a syrupy, senatorial courtesy, if you will, but at my wife's family reunion, the Isom family in eastern Kentucky, about half the people were from Indiana. I had an opportunity to tell them I really enjoyed working with Senator COATS from Indiana. It was kind of nice. Most of them are Republicans. I did not change their view, but they are wonderful people. They think a great deal of the Chair. I think they are disappointed he is in fact not going to be continuing in the Senate. I say that to the Chair.

One of the things you learn, especially as you visit Head Start, is that now that we are talking more about the very early years, I mean the funding, when it comes to really trying to help with families where children are 1 or 2, under the age of 3, we have practically no funding at all.

I tell you, I met some wonderful people in eastern Kentucky. One woman who has been with Head Start, I don't know, from the very beginning, her husband died of black lung, and she has not had a high school degree. With the help of Head Start, she went back and got her high school degree, went on and got a college education and has been a Head Start teacher for 30 years. I asked her, "Why do you do this? You can't get wealthy. You don't make very much money at all." She talked about her love of children. You could just feel it.

So I want to have an amendment that talks about expanding some funding for Head Start. I certainly want to have an amendment that deals with the Pell grant program. I will have one other amendment that will deal with this whole issue of what are we going to do about rebuilding crumbling schools.

I heard my colleague, Senator KENNEDY from Massachusetts, in a very eloquent way say there is agreement on this except we do not seem to match our words with resources. I am seeing, as I travel around the country, some of these crumbling schools. It is sort of like when we talk about family values. We have to make "values" a verb. It cannot just be a noun. We have to sort of live it, do it.

If we value these children, we just cannot have children going to schools that are crumbling. You cannot have children walking into schools where the ceilings are falling—I have seen these conditions—or when the stench of urine is in the hallway or toilets are decrepit and you cannot even wash your hands after you go to the bathroom.

As Senator KENNEDY said earlier, we are saying to these kids —no matter what we think we are saying—what we are saying is that we do not value you much. We have to figure out a way as a nation to do something about this.

I was at a gathering with a top urban educator. I so appreciated her remarks because what she said is: Look, you all

can debate whether there should be tests or standards or how you measure accountability and all the rest of it, and it is all debatable, but, she said, some things are simple. Just invest some money in infrastructure. Help rebuild these crumbling schools.

She is right. I will have another amendment that will deal with that. But I do hope when we come back—I want my colleague from Arizona to know there will be a very fierce debate about this. I mean, for the last several years I have come out here. Senator KENNEDY has joined me. Senator HARKIN, Senator SPECTER, a number of different Senators have been very strong on this. Senator JEFFORDS has been a very strong leader on this. And we have had to fight every year for this low-income energy assistance. I do not think we should have to fight so hard for it because it is really just a basic lifeline program.

My colleague from Arizona, whether he intends to do so or not, is essentially gutting this program, ending it. We cannot do that. We cannot do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the hour of 2:15 having arrived, the Senate will proceed to the consideration of H.R. 2160, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2160) making appropriations for agricultural, rural development, Food and Drug Administration and related agencies, programs for the fiscal year ending September 30, 1998, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Iowa, Mr. HARKIN, is recognized to offer an amendment. There will be 20 minutes of debate equally divided.

AMENDMENT NO. 1057

(Purpose: To provide funding for activities of the Food and Drug Administration relating to the prevention of tobacco use by youth, with an offset)

Mr. HARKIN. I send an amendment to the desk on behalf of myself, Senators CHAFEE, LAUTENBERG, REED, DURBIN, KENNEDY, and WYDEN.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. DURBIN, Mr. KENNEDY, and Mr. WYDEN, proposes an amendment numbered 1057.

Mr. HARKIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

In the matter under the heading "SALARIES AND EXPENSES" under the heading "FOOD AND DRUG ADMINISTRATION" in title VI, add at the end the following:

In addition, the total amount made available under this heading shall be increased so as to make available a total of $34,000,000 for the Food and Drug Administration children's tobacco initiative: *Provided*, That—

(1) the amount that may be expended for equipment of services related to automated data processing, information technologies, or related items (including telecommunications equipment and computer hardware and software) under section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) may not exceed $36,914,000 for fiscal year 1998; and

(2) to the extent that funding becomes available for the Food and Drug Administration children's tobacco initiative as a result of the national tobacco settlement—

(A) any amounts made available under this Act, allocated for the Food and Drug Administration children's tobacco initiative, and not expended on the date that such funding becomes available shall be rescinded; and

(B) the amount specified in paragraph (1) shall be increased by the total of the amounts rescinded under subparagraph (A):

Provided further, That in carrying out their responsibilities under the Food and Drug Administration children's tobacco initiative, States are encouraged to coordinate their enforcement efforts with enforcement of laws that prohibit underage drinking.".

Mr. HARKIN. I understand I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. During previous consideration of the appropriations bill on agriculture I offered an amendment, along with Senator CHAFEE and others to protect America's kids and crack down on illegal tobacco sales. We would do it by providing full funding for the FDA's youth tobacco use prevention initiative.

That amendment was debated and received a strong bipartisan vote of 48 Senators, but some of my colleagues expressed concerns about certain aspects of the amendment. Those concerns seemed to focus primarily on the nature of the offset and on whether the FDA initiative should be funded before the outcome of the pending tobacco settlement is known. I have, in good faith, modified my amendment in two important respects that I believe fully address both concerns.

First, this amendment contains an entirely different offset. It would reduce spending by the USDA Commodity Credit Corporation on automated data processing and information technology equipment during fiscal year 1998 by $29.1 million, just enough to allow full funding for the FDA initiative.

Second, to clear up any uncertainty about the relationship of the FDA initiative to the pending tobacco settlement, this amendment contains a sunset provision that would become effective if funding for FDA youth tobacco use prevention activities becomes available as a result of the tobacco settlement.

I want to make it clear there is nothing in my amendment having to do with tobacco marketing assessments or tobacco farmers or anything that could remotely be called a revenue measure that could conceivably interest the Ways and Means Committee of the House.

I also add the amendment includes language suggested by Senator BYRD that would have the FDA encourage States to coordinate their enforcement either under the youth tobacco use prevention initiative with enforcement of laws against underage drinking. I want to commend and thank Senator BYRD for that addition. As I said in the debate earlier, the two go hand in glove. You find kids using illegal tobacco, you find them illegally buying alcohol at the same time more often than not.

With that background, Mr. President, I hope we can zero in on what this is all about. Plain and simple—this amendment is about protecting America's kids from killer tobacco. With a death toll of more than 400,000 a year, smoking kills more Americans than AIDS, alcohol, motor vehicles, fires, homicides, illicit drugs, and suicide combined.

This is an epidemic, and we know where it starts. It starts with kids. It starts with illegal underage smoking. Almost 90 percent of adult smokers began at or before age 18.

Put this in perspective: The Senate last took up this debate 40 days ago with my previous amendment. Since that time, another 120,000 young Americans got hooked on tobacco and began smoking; 40,000 of those will die because of it. That is the toll just in the past 7 weeks. At current rates, 5 million American kids under age 18 who are alive today will be killed by smoking-related disease. And teenage smoking rates are still climbing.

Smoking among high school seniors is at a 17-year high. The statistics on smoking among young women and girls is just shocking. Smoking among 8th grade girls jumped over 60 percent from 1991 to 1996, with rates of smoking now higher for 8th and 10th grade girls than for boys.

Now, briefly reviewing what this amendment will fund at FDA. FDA needs $34 million to carry out enforcement of rules setting a minimum age of 18 for tobacco purchases and requiring photo ID checks. In its initiative, FDA is signing contracts with State and local jurisdictions for cooperation in carrying out enforcement of these rules.

The FDA initiative also includes funding to provide information to retailers and the public about the rules to help retailers comply with the rules and not sell tobacco to kids. This excerpt from an FDA brochure shows why it is necessary to have a photo ID check.

FDA has $4.9 million in fiscal year 1997 that it is using to fund contracts with 10 States. The $34 million will allow FDA to provide money to all 50 States to help them prevent youth tobacco use. This is not some big new bureaucratic program. The bulk of the money goes to the States and local jurisdictions.

Of the $34 million, $24 million will go to enforcement and evaluation, and $10 million will be used to educate retailers and the public about the rules so retailers can comply. The point of the rules is not to punish anyone, it is to protect kids. I add that these photo ID check and minimum age rules were fully upheld by the Federal district court in Greensboro, NC.

This funding request is part of the President's budget request for the Food and Drug Administration. I have a letter from Vice President GORE expressing the administration's strong support for my amendment. I ask unanimous consent the letter, dated August 28, 1997, from the Office of the Vice President, be printed at this point in the RECORD.

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

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

THE VICE PRESIDENT,
Washington, DC, August 28, 1997.

Hon. TOM HARKIN,
U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: I am writing to inform you of the Administration's strong support for your amendment to fully fund the anti-youth access to tobacco initiative in fiscal year 1998. As you know, every year, there are more than $1 billion in illegal sales of tobacco products to children and adolescents in the United States. With approximately 500,000 retailers in the country who sell tobacco, it is critical that the Food and Drug Administration's request for $34 million in funding be granted in order to stop these illegal sales to our children.

The requested funding is intended to enforce the age and photo ID provisions of the FDA rule, upheld by the Federal District Court in Greensboro, North Carolina. The bulk of the $34 million will be spent on contracts with states that want to join the FDA in ensuring retailer compliance with these provisions. While the FDA is in the process of providing initial funding for 10 states to begin conducting compliance checks, the $34 million is needed to allow state officials in all interested states to undertake compliance checks in fiscal year 1998.

The remaining funds are intended to educate retailers and the public about the new rules. We believe that the vast majority of retailers in this country will comply with the age and photo ID requirements if they understand their responsibilities and recognize the important role they can play in protecting children from tobacco and its consequences.

Funding the FDA initiative is vital if we are to have a credible national youth tobacco program in the upcoming fiscal year; the $4.9 million provided thus far by the Senate will not enable us to do so. This amendment would add the needed $29 million to the initiative, offset by reducing the Department of Agriculture automated data processing funds available through the Commodity Credit Corporation. The Administration has determined that this modest limitation will not impair the ability of USDA to carry out its programs and provide services to the public.

Once again, let me assure you that the President and I remain strongly committed to protecting young people from tobacco and its consequences. Your amendment would allow the government to have a meaningful enforcement and outreach program that will ensure the safety of our children.

Sincerely,

AL GORE.

Mr. HARKIN. I have a letter from 33 attorneys general involved in the tobacco settlement negotiations calling for full funding of the FDA initiative. I ask unanimous consent a letter from the attorneys general be printed in the RECORD.

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

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

ATTORNEY GENERAL OF WASHINGTON,
Olympia, WA, June 20, 1997.

Hon. TED STEVENS,
Chair, Senate Appropriations Committee, Hart Senate Office Building, Washington, DC.

Hon. ROBERT BYRD,
Ranking Member, Senate Appropriations Committee, Hart Senate Office Building, Washington, DC.

Hon. THAD COCHRAN,
Chair, Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Russell Senate Office Building, Washington, DC.

Hon. DALE BUMPERS,
Ranking Member, Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR STEVENS: We are writing as the attorneys general for our respective states in support of the Food and Drug Administration's (FDA) request for $34 million to implement the tobacco initiative in the Agriculture Appropriations bill. This funding is critical to our efforts to protect kids from tobacco sales.

There is no reason not to fully fund the FDA tobacco regulations. A Federal District Court recently upheld FDA's general jurisdiction over the sale of tobacco products to minors, and the American public overwhelmingly supports this initiative. The tobacco industry failed in its legal effort to derail FDA's important protections for kids. Now, local, state and federal officials must move forward and work together to implement FDA's regulations.

In 1994, attorneys general from around the country issued a report illustrating the need for comprehensive new policies to protect kids from tobacco. In the past three years, 40 attorneys general have filed suit against the tobacco industry to recover damages caused by their behavior. To stop the marketing of tobacco products to kids is a primary goal of these lawsuits, against the tobacco industry.

We are prepared to work hand-in-hand with FDA to ensure that the provisions of its tobacco initiative are fully enforced. Towards this end, FDA has allocated a significant portion of the $34 million to go directly to the states to help with enforcement. This money is critical to ensuring our country's success in reducing tobacco use by youth.

We need to act without delay: cigarette smoking among high school seniors is at a 17 year high and smoking among 8th and 10th graders has increased by more than 50 percent since 1991. Tobacco use is clearly a problem that starts with children: almost 90 percent of adult smokers started using tobacco at or before age 18, and the average youth smoker begins at age 13 and becomes a daily smoker by age 14½.

While some provisions of FDA's initiative are on hold pending appeal, the court fully upheld FDA's funding that cigarettes and smokeless tobacco products are both drugs and drug delivery devices. In addition, the court provided FDA with full authority to continue implementing provisions requiring retailers to check photo identification of consumers seeking to purchase tobacco who appear to be younger than 27 years of age. Strong enforcement of this provision is key to reducing youth access to tobacco products. The $34 million requested by FDA will provide much needed funding for enforcement by state and local officials.

Currently, it is far too easy for kids to buy cigarettes and chewing tobacco through vending machines and at retail outlets. A review of thirteen studies of over-the-counter sales found that, on average, children and adolescents were able to successfully buy tobacco products 67 percent of the time. We can substantially improve on this record by providing funding for the FDA regulations.

The tobacco industry's record of targeting our kids is clear. Now is the time to stand up for America's kids and protect them from cigarettes and chewing tobacco. FDA's jurisdiction over sales to minors has been upheld in court and enjoys strong support among the people of our states. We hope you will vote for full-funding of this critical initiative.

Sincerely,

Christine O. Gregoire, Attorney General of Washington; Bruce Ml. Botelho, Attorney General of Alaska; Grant Woods, Attorney General of Arizona; Gale A. Norton, Attorney General of Colorado; Richard Blumenthal, Attorney General of Connecticut.

A. Jane Brady, Attorney General of Delaware; Robert A. Butterworth, Attorney General of Florida; Alan G. Lance, Attorney General of Idaho; Jim Ryan, Attorney General of Illinois; Tom Miller, Attorney General of Iowa.

Carla J. Stovall, Attorney General of Kansas; Richard P. Ieyoub, Attorney General of Louisiana; Andrew Ketterer, Attorney General of Maine; A. Joseph Curran, Jr., Attorney General of Maryland; Scott Harshbarger, Attorney General of Massachusetts.

Hubert H. Humphrey III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; Jeremiah W. Nixon, Attorney General of Missouri; Joseph P. Mazurek, Attorney General of Montana; Frankie Sue Del Papa, Attorney General of Nevada.

Philip McLaughlin, Attorney General of New Hampshire; Peter Verniero, Attorney General of New Jersey; Dennis C.

Vacco, Attorney General of New York; Heidi Heitkamp, Attorney General of North Dakota; Betty D. Montgomery, Attorney General of Ohio; A. A. Drew Edmondson, Attorney General of Oklahoma.

Hardy Myers, Attorney General of Oregon; D. Michael Fisher, Attorney General of Pennsylvania; Jeffrey B. Pine, Attorney General of Rhode Island; Jan Graham, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Darrell V. McGraw, Jr., Attorney General of West Virginia; James E. Doyle, Attorney General of Wisconsin.

Mr. HARKIN. Keep in mind the $34 million FDA needs is just a drop in the bucket compared to the $50 billion in annual smoking-related medical costs in our Nation.

As I close, I want to bring the discussion back to the central issue. That is, whether we will stand up to big tobacco and stand up for America's kids. If we cannot even take this modest step, $29.1 million, what kind of message does that send?

We talk a lot around here about protecting kids. Well, it is time to quit talking and do something about it. Let's do what is right for our kids, right for law enforcement, right for the future. Let's pass this amendment and give our kids what they deserve—better health and a brighter future.

Again, I point out that this amendment is in full compliance with the rules. This Senator is offering the amendment parliamentarily to the House-passed bill as it came over here under the unanimous-consent agreement reached with the majority leader prior to the Senate going out in early August.

How much time is remaining?

The PRESIDING OFFICER. The Senator has 2 minutes and 53 seconds remaining.

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi

Mr. COCHRAN. I yield myself such time as I may consume.

Mr. President, let me say at the outset, when we started the consideration of appropriations bills this year it became important that we work out an arrangement whereby we proceed to consider bills even though they may not have passed by the House. And as all Senators know, it is the past custom, and the practice has been that appropriations bills originate in the House, they come to the Senate, and they are amended, and then they go to conference to work out the differences.

Because of the crush of the time and the negotiations on a budget resolution and for a number of other reasons, it was considered appropriate for the Senate committee to proceed to consider original legislation on appropriations here in the Senate, for the subcommittees to mark up bills and the full committee to report out bills, whether or not the House had passed the bill or even met in the Committee on Appropriations to act on legislation.

Consistent with that procedure, it was assumed that it would be appropriate at the conclusion of the Senate's action on an appropriations bill to obtain unanimous consent to hold the bill here, and that upon receipt of the bill as passed by the House, the Senate's action on the bill would be substituted for the House-passed bill. That it would then be considered as passed, conference would be invited, and we would proceed to work out our differences in conference.

The Senate has passed 10 appropriations bills, all but two were Senate-originated bills; the House has passed only 7 appropriations bills. The process was working just fine, and with the cooperation of all Senators, until the agriculture appropriations bill was considered and action on the bill was nearly completed. Our leadership sought to get unanimous consent to substitute the Senate-passed bill, to insert it as an amendment to the House-passed bill when that bill was received. We could not get unanimous consent because the distinguished Senator from Iowa had offered an amendment, as other Senators had, during the course of consideration of the bill. The amendment had been disposed of, but he wanted to offer it again in a different form. So to do that, he objected.

It was discovered that unanimous consent had to be obtained under the procedure we were using. So if he objected, he could hold up passage of the House bill, offer his amendment again, reconfigure it, and have the Senate vote on it again. That is what has happened.

I think the Senate should reject the amendment on the grounds that the procedure is one where we will have to either stop considering Senate appropriations bills until the House has acted, or at the beginning of the consideration of an appropriations bill either get unanimous consent in advance to taking up amendments, or take some other action that would keep from happening what the Senator from Iowa is trying to make happen now. That is, on the whim or on the action of any individual Senator, to force this Senate to vote on all the amendments again or versions of the amendments that were defeated when we were considering the Senate bill. This becomes a terribly unwieldy and impossible procedure to follow.

We have certain understandings all the time about how things will be done here in the Senate. There are certain procedures and rules that are institutionalized. After third reading, you cannot offer any more amendments, for example. I don't know of anybody that has tried to overturn or undo that rule. There are other procedures that have become a part of the practice of the Senate in doing business. The reason for the rule on third reading is that at some point there has to be an end to the offering of amendments. No one objected to the procedure we were following on the other appropriations bills; there was no alternative proposed; everybody agreed it was fair; it was serving the purpose of expediting action on appropriations bills; it was not a problem with the House; no one objected and said they were not going to permit the Senate to act on appropriations bills until the House has completed its action. We heard nothing like that from the House leadership.

So what I am suggesting, Mr. President, as respectfully as I can, is that this is an unfortunate effort to go around the practices and the procedures that have been established for this purpose, to facilitate the orderly consideration of appropriations bills, and the Senate ought to reject this effort. The Senate ought to vote down this amendment. Tomorrow morning, after all time has been used under the unanimous-consent request, I will move to table the Harkin amendment. I urge the Senate to vote to table the Harkin amendment.

It is the same amendment, in effect, that was offered and argued before the Senate on July 23. A motion to table that amendment was made and agreed to by the Senate on a record vote. Then, after amendments had been considered, a unanimous-consent request was made by our leadership, jointly supported, to limit the remaining amendments to a stated number. This was after the Harkin amendment had been defeated on a motion to table. The Senator should have asked, if he wanted to offer another amendment on this subject, that he be permitted to do so under that unanimous-consent request. And there was no request that he be permitted to do so. There were a few amendments left to be considered at that time, and so the Senate heard that request. There was no objection, and so it was ordered that the remaining amendments on the bill be limited to those stated in that order. The Harkin amendment was not one of them. No amendment to be offered by Senator HARKIN was one of them.

He or any Senator under that situation should be estopped from urging a right to offer another amendment then after that order was entered. After the order was entered, then we voted on the bill, as amended, and it passed 99 to 0 on a rollcall vote. Now, after that has happened, the Senate is obliged to consider this amendment in order to get unanimous consent to receive the House-passed bill, which was adopted on the same day the Senate adopted its bill. We have to consider this amendment before the Senate again and have the Senate act on it in exchange for a unanimous-consent agreement that we can then substitute the Senate-passed bill, as amended, for the provisions of the House bill and go to conference.

I hope the Senate will not encourage this kind of activity in the future and make it impossible for us to proceed as we have been proceeding by acting favorably on the Harkin amendment. The Senate has to vote down the Harkin amendment or vote for a motion to table, which will be made tomorrow.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first of all, I appreciate the arguments made by my friend, the chairman of the Senate Agriculture Appropriations Committee. However, let me point out that, first of all, no point of order lies against my amendment. Therefore, it is in full compliance with the rules of the Senate. I know of no one who would say that something ought to be defeated because it is in compliance with the rules.

I, through my staff, consulted the Parliamentarian's office about researching any precedents for the procedural situation of my amendment on the bill. My staff was told it would be virtually impossible to research precedence because offering an amendment in this posture is clearly within the rules and would not be identified as having set a precedent. By the same token, I believe that adopting my amendment would not set any precedent whatsoever. We are simply using the rules.

Now, the fact is that, as the chairman said, most of the time bills are passed in the House and they come over and we substitute, in the beginning, before the process, the House-passed bill, and therefore we work on one bill, and when third reading is made, that is the end of it. But in this case, we passed the bill prior to the House passing it. The rules clearly allow that any bill that comes over from the House taken up by the Senate is amendable. That is all this Senator is doing. It sets no precedent whatsoever.

Second, I point out that I did not need a unanimous-consent agreement to offer my amendment. I could have done it without any unanimous consent agreement whatsoever. The only reason the unanimous consent was entered into is I was accommodating to the majority leader that night, who wanted to get the bill done. I want to make it clear that I didn't need unanimous consent to offer this amendment.

Third, there was a lot of confusion at the time that I offered this amendment that, by offering it, it would go to the House, it would be blue-slipped by the House, would go to the House Ways and Means Committee, all of which I thought at the time was spurious. But I think some Members were swayed by that. Even in light of that, this amendment got 48 votes. I now point out that no such argument can be held on this, because this will not go back to the House. It will go right to conference. Therefore, it cannot be blue-slipped. It will not go to the Ways and Means Committee in the House. So, therefore, there was some confusion about that at the time.

Next, there was a feeling by some that the offsets I had were not appropriate. So we changed the offsets, as I said in my initial opening comments, to accommodate certain Senators who didn't feel I had the right offsets.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator from Iowa has expired.

Mr. DOMENICI. Mr. President, Mr. HARKIN's amendment uses a budgetary gimmick to offset increased spending in 1998.

The amendment merely delays $29 million in mandatory Commodity Credit Corporation [CCC] spending for USDA computers and related items until 1999 to offset increased spending in 1998.

The 1996 farm bill included $275 million for computer and related expenses over the 1997 through 2002 fiscal years. Based upon the language in the farm bill CBO had to estimate the flow of funds over the 6-year period.

The CBO estimated that approximately $66 million will be spent on computers and related expenses in 1998. The Harkin amendment merely delays the expenditure of $29 million into 1999 thus increasing spending in 1999.

Under our scoring rules if the appropriations bill changes a mandatory program the Appropriations Committee will get scored with the change. If this amendment becomes law, the discretionary spending caps will be adjusted downward in 1999.

This amendment will therefore make it more difficult for Congress to fund agriculture research and extension, education, and environment programs in next year's appropriation bills as less money is available to spend.

Mr. COCHRAN. Mr. President, I presume all time has now expired.

The PRESIDING OFFICER. The Senator has 1 minute 15 seconds.

Mr. COCHRAN. I hope everybody will read Senator DOMENICI's remarks in the RECORD tonight. They refer to the fact that the offset this amendment proposes really isn't anything more than a temporary, 1-year offset. In order to achieve the savings that are purported to be added to the FDA account by this amendment being offered by the distinguished Senator from Iowa, a limitation on the use of Commodity Credit Corporation funds is imposed. But that is only for 1 year. In other words, that deserves some consideration, as Senator DOMENICI indicates. I agree with him.

In addition, if $47 million in Commodity Credit Corporation funds is really needed for the Department of Agriculture to operate and maintain its computer systems in fiscal year 1998, as the Department indicates, those funds will have to be reprogrammed from other accounts, putting pressure on possibly the Farm Service Agency or other USDA agencies.

I am focusing on and I hope the Senate will focus on why we are going to have to reject this effort to undermine the procedure we have, or either change the procedure. We had a procedure that seemed to satisfy everybody. And now there is an effort to undermine it completely. It ought to be rejected.

The PRESIDING OFFICER. All time has expired.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes on the Harkin amendment.

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

Mr. BINGAMAN. Mr. President, I am a cosponsor of the amendment that the Senator from Iowa has offered on increasing the funding for the FDA youth tobacco initiative. This amendment will restore full funding for the Food and Drug Administration's tobacco initiative in order to prevent tobacco use by teenagers and adolescents. The goal of the amendment is to prevent illegal sales of tobacco products to children.

In the bill presently before us, the Senate has allocated $4.9 million for the implementation of the FDA regulations that restrict the sale and distribution of tobacco products to young people.

This is not adequate funding. The FDA will not be able to enforce the restrictions on the sale of tobacco to children unless the additional funds proposed by the Harkin amendment are agreed to. Some have said that the amendment is premature and the tobacco settlement is still being reviewed. Here in the Congress we will provide the money that the FDA needs in order to go ahead with the enforcement called for in the current regulations.

First, I point out that it is not that clear that Congress will go ahead and approve a settlement similar to that proposed by the attorneys general and the tobacco industry. Even if we are able to agree upon legislation to implement such an agreement, money for FDA enforcement through that settlement is not likely to be provided before fiscal year 1999, and the FDA enforcement and outreach efforts are very important and should not be delayed until that time.

It should also be noted that the amendment has a sunset provision. The Harkin amendment has a sunset provision, and if funding for the FDA tobacco initiative is provided for fiscal year 1998 through any tobacco settlement legislation, then the extra funds covered by that offset would be rescinded under the amendment. The amendment would raise the level to $34 million in fiscal year 1998 so that the FDA, working with the States, can carry out rules to prevent kids from smoking.

Clearly, the need to give more attention and more effort and more resources to the effort to prevent young people from smoking is clear: 4.5 million young people, ages 12 through 17, are smokers today. High school seniors are smoking at the highest rates they have in 17 years. Nearly 90 percent of adult smokers began at or before the age of 18 and began with that habit. Today, just like every other day of the year, another 3,000 young people will become regular smokers. If current rates continue, more than 5 million children under age 18 who are alive today will wind up being killed by smoking-related diseases.

A root cause of youth smoking is the easy access that kids have to tobacco. A survey by the Centers for Disease Control shows that children and adolescents were able to buy tobacco products 67 percent of the time that they tried. The CDC found that most young smokers usually buy cigarettes without questions being asked and without any identification being requested. The American people support the effort that the FDA is making to reduce smoking among young people. Their strong support is shown in recent polls among the public with the use-access provisions of the FDA rule in the enforcement of those provisions. Eighty-seven percent of the public agreed with the FDA policy setting a national minimum age of 18 for the purchase of tobacco products. It is estimated that there are more than $1 million in illegal sales of tobacco products to children and adolescents in the United States every year.

Mr. President, let me just conclude by saying that this amendment, which Senator HARKIN has offered and I have cosponsored with him, will allow us to enforce the law that is in effect in all 50 States—the law against the sale of tobacco products to minors. It simply restores full funding to the FDA's tobacco initiative to prevent teenage tobacco use.

I urge all of my colleagues in the Senate to support the amendment.

I yield the floor.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. The clerk will report S. 1061.

The legislative clerk read as follows:

A bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

The Senate continued with the consideration of the bill.

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

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

Mr. SPECTER. Mr. President, earlier this morning, when the majority leader and I were on the floor, with Senator HARKIN, the ranking member of the subcommittee, we discussed the sequence of the bill which is currently pending, and it was our plan, our expectation, to conclude action on this bill by tomorrow evening. We have only had one amendment laid down so far. The distinguished Senator from Arizona [Mr. KYL] has laid down an amendment with respect to LIHEAP, but no other amendment has been forthcoming.

Now is obviously a good time to offer amendments since the floor is clear, with ample time for consideration. We hope that anybody who has an amendment to offer would advise the managers of the bill, myself in my capacity as chairman of the subcommittee, and Senator HARKIN, the ranking member of the subcommittee, and that we would have notification by the end of business today as to all amendments Members tend to offer. At the very latest we hope those amendments would be filed by noon tomorrow. We have a vote scheduled for 9:30, and Senators to some extent may be arriving back at this time. Certainly as an indicator from past practice Senators will be here tomorrow morning to vote at 9:30, so we hope that Senators would let us have those amendments so that we could plan the conclusion of the bill, sequence the amendments and try to conclude this bill by the end of business tomorrow, Wednesday night.

I thank the Chair, and in the absence of any other Senator seeking recognition, 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. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

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

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

DR. LARRY A. DONOSO

Mr. HATCH. Mr. President, I rise today to congratulate Dr. Larry A. Donoso, M.D., Ph.D., director of research at Wills Eye Hospital, in Philadelphia, PA. Dr. Donoso is a world renowned ophthalmologist, a native son of the State of Utah, and a proud graduate of the University of Utah School of Medicine.

Recently, Dr. Donoso was honored by the Queens Medical Center at the University of Nottingham, one of the United Kingdom's most prestigious academic medical centers. There they established the Larry A. Donoso Eye Research Laboratory in recognition of his long collaboration in the establishment of the new laboratory, and his efforts to advance eye treatment for patients around the world. He is the first American to be so honored by the Queens Medical Center. Both the city of Philadelphia and the Senate of the State of Pennsylvania have acknowledged the significance of this award, and the breadth of his contributions to the field of ophthalmology.

Dr. Donoso is being lauded for his vast contributions as a premier research scientist, compassionate medical doctor, and extraordinary teacher. Having graduated from East High School in Salt Lake City, Dr. Donoso received his bachelors degree from the University of Utah in 1965. The School of Medicine conferred his Ph.D. in 1971 and his medical degree in 1973. He also went on to complete his clinical residency training in ophthalmology at Utah before joining the faculty of the Wills Eye Hospital in Pennsylvania.

Dr. Larry Donoso, or "LD" as his friends affectionately call him, is an extraordinary eye researcher who has worked tirelessly over the last 30 years to advance the reputation of Wills Eye Hospital among the international medical community. His career accomplishments have been honored by the city of Philadelphia, the Senate of the State of Pennsylvania, and the Queens Medical Center at the University of Nottingham in England. I wanted my colleagues to be aware of these outstanding achievements, which, I hope, will serve as inspiration to us all.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, August 29, 1997, the Federal debt stood at $5,404,420,294,885.51. (Five trillion, four hundred four billion, four hundred twenty million, two hundred ninety-four thousand, eight hundred eighty-five dollars, and fifty-one cents).

One year ago, August 29, 1996, the Federal debt stood at $5,213,489,000,000 (Five trillion, two hundred thirteen billion, four hundred eighty-nine million dollars).

Twenty-five years ago, August 29, 1972, the Federal debt stood at $436,812,000,000 (Four hundred thirty-six billion, eight hundred twelve million dollars) which reflects a debt increase of nearly $5 trillion—$4,967,608,294,885.51 (Four trillion, nine hundred sixty-seven billion, six hundred eight million, two hundred ninety-four thousand, eight hundred eighty-five dollars and fifty-one cents) during the past 25 years.

IN RECOGNITION OF CHERYL HUFF'S 25 YEARS OF SERVICE TO THE STATE OF MISSOURI

Mr. ASHCROFT. Mr. President, it is an honor to serve the people of Missouri and this great country. One of the privileges I have as a Missouri Senator is to recognize those who have gone above and beyond the call of duty in service to the State of Missouri. For 25 years, Cheryl Huff, of Mexico, MO, has served faithfully the people of Missouri through the Division of Youth Services.

Within the Missouri Department of Social Services, the Division of Youth Services is the State agency responsible for the care and treatment of youth, committed to its custody by one of Missouri's 45 juvenile courts. This State agency operates treatment programs ranging from nonresidential day treatment centers to secure residential institutions.

The 1889 establishment of the Training School for Boys in Boonville and the Training School for Girls in Chillicothe marked the foundation of the division of youth services. It was at the Training School for Boys in Boonville, a quarter of a century ago, that Cheryl began her service. She is widely respected by peers for her sound judgement and personal integrity. During her tenure, Cheryl has distinguished herself among her colleagues as an efficient and effective caretaker of Missouri's most precious resource—its children.

The recognition of Cheryl for her commitment to Missouri's children simply mirrors her dedication to her own family. While the accomplishments of a successful career are important to her, those who know Cheryl would be the first to point out that her career is secondary to her love of family. The lasting legacy of Cheryl's life is apparent in the time, energy, and resources she has invested in her children. She exemplifies the highest commitment to relentless dedication and sacrifice.

Cheryl, the grateful State of Missouri offers you these simple words of appreciation: Thank you.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO TAX BENEFITS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 60

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on August 11, 1997, received a message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to Public Law 93–344 as amended, to the Committee on the Budget and to the Committee on Finance.

THE WHITE HOUSE,
Washington, August 11, 1997.

Hon. ALBERT GORE, Jr.
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel two limited tax benefits, as specified in the attached reports, contained in the "Taxpayer Relief Act of 1997" (Public Law 105–34; H.R. 2014). I have determined that each of these cancellations will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachments, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

REPORT RELATIVE TO DIRECT SPENDING—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 61

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on August 11, 1997, received a message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to Public Law 93–344 as amended, to the Committee on the Budget and to the Committee on Finance.

THE WHITE HOUSE,
Washington, August 11, 1997.

Hon. ALBERT GORE, Jr.
President of the Senate,
Washington, DC

DEAR MR. PRESIDENT: In accordance with the Line Item Veto Act, I hereby cancel one item of new direct spending, as specified in the attached report, contained in the "Balanced Budget Act of 1997" (Public Law 105–33; H.R. 2015). I have determined that this cancellation will reduce the Federal budget deficit, will not impair any essential Government functions, and will not harm the national interest. This letter, together with its attachment, constitutes a special message under section 1022 of the Congressional Budget and Impoundment Control Act of 1974, as amended.

Sincerely,

WILLIAM J. CLINTON.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on August 1, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution:

S. Con. Res. 43. Concurrent resolution urging the United States Trade Representative immediately to take all the appropriate action with regards to Mexico's imposition of antidumping duties on United States high fructose corn syrup.

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 408. An act to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes.

H.R. 584. An act for the relief of John Wesley Davis.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.

H.R. 1585. An act to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps, and for other purposes.

H.R. An act to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon.

H.R. 2014. A act to provide for reconciliation pursuant to subsections (b)(2) and (d) of section 105 of the concurrent resolution on the budget for fiscal year 1998

H.R. 2015. A act to provide for reconciliation pursuant to subsections (b)(1) and (c) of section 105 of the current resolution on the budget for fiscal year 1998.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on August 1, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

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–2699. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, a report relative to an outsourcing study; to the Committee on Armed Services.

EC–2700. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment date July 31, 1997; to the Committee on the Budget.

EC–2701. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment date July 23, 1997; to the Committee on the Budget.

EC–2702. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Privacy Program" received on July 30, 1997; to the Committee on Governmental Affairs.

EC–2703. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the report of a Federal pension plan for calendar year 1996; to the Committee on Governmental Affairs.

EC–2704. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–2705. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–2706. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a notice of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC–2707. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2708. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of U.S. contributions to international organizations for fiscal year 1996; to the Committee on Foreign Relations.

EC–2709. A communication from the Assistant Attorney General (Office of Policy Development), transmitting, pursuant to law, the report of two rules including a rule entitled "Final Guidelines for Megan's Law" (RIN1105–AA50) received on July 28, 1997; to the Committee on the Judiciary.

EC–2710. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the report of the proceedings of the Judicial Conference of the U.S.; to the Committee on the Judiciary.

EC–2711. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "The WIPO Copyright and Performances and Phonograms Treaty Implementation Act of 1997"; to the Committee on the Judiciary.

EC–2712. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a notice on leasing systems; to the Committee on Energy and Natural Resources.

EC–2713. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, two rules including a rule entitled "Missouri Regulatory Program" [MO032FOR, UT035FOR) received on July 30, 1997; to the Committee on Energy and Natural Resources.

EC–2714. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the annual energy review for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–2715. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of safeguards information for the period April 1 through June 30, 1997; to the Committee on Environment and Public Works.

EC–2716. A communication from the Director of the Office of Congressional Affairs, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a rule received on July 30, 1997; to the Committee on Environment and Public Works.

EC–2717. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule entitled "Buprofezin" (FRL5732–1) received on July 29, 1997; to the Committee on Environment and Public Works.

EC–2718. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, the report of three rules received on July 25, 1997; to the Committee on Environment and Public Works.

EC–2719. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Endangered and Threatened Wildlife and Plants" (RIN1018–AD39) received on July 25, 1997; to the Committee on Environment and Public Works.

EC–2720. A communication from the Chief Counsel of the Office of Foreign Assets Control, Deparment of the Treasury, transmitting, pursuant to law, a rule entitled "Iranian Transactions Regulations" received on July 30, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2721. A communication from the Chief Counsel of the Office of Foreign Assets Control, Deparment of the Treasury, transmitting, pursuant to law, a rule entitled "Blocked Persons" received on July 30, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2722. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual report on enforcement actions and initiatives for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2723. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, a rule governing credit unions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2724. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC–2725. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of two rules including a rule entitled "The Homeownership of Single Family Homes Program" (FR3857, 3820) received on July 24, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2726. A communication from the Deputy Secretary of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, a rule (RIN3235–AG61) received on August 1, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2727. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, four rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2728. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Handling Payments from the Farm Service Agency" (RIN0560–AE93) received on August 1, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2729. A communication from the Under Secretary of the Agriculture for Rural Development, transmitting, pursuant to law, a rule entitled "Rural Cooperative Development Grants" (RIN0570–AA20) received on August 1, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2730. A communication from the Under Secretary of the Agriculture for Rural Development, transmitting, pursuant to law, a rule entitled "Accounting Requirements for RUS Electric Borrowers" received on August 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2731. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–44 received on August 5, 1997; to the Committee on Finance.

EC–2732. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Notice 97–45 received on August 4, 1997; to the Committee on Finance.

EC–2733. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–38 received on August 1, 1997; to the Committee on Finance.

EC–2734. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–40 received on July 31, 1997; to the Committee on Finance.

EC–2735. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–32 received on August 4, 1997; to the Committee on Finance.

EC–2736. A communication from the Chief of the Regulations Unit, Internal Revenue

Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on August 1, 1997; to the Committee on Finance.

EC–2737. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule received on July 29, 1997; to the Committee on Finance.

EC–2738. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, twelve rules received on August 4, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2739. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, three rules received on August 4, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2740. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, two rules received on August 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2741. A communication from the Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, ten rules received on July 31, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2742. A communication from the Acting Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period April 1 through June 30, 1996; to the Committee on Armed Services.

EC–2743. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Schedule of Fees for Consular Services" received on July 30, 1997; to the Committee on Foreign Relations.

EC–2744. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, transmitting, pursuant to law, a rule entitled "Revision of Patent and Trademark Fees for Fiscal Year 1998" (RIN0651–AA92) received on July 24, 1997; to the Committee on the Judiciary.

EC–2745. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the report under the Inspector General Act for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2746. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report on governmentwide efforts to reform financial management; to the Committee on Governmental Affairs.

EC–2747. A communication from the Director of Benefits, Farm Credit Bank of Texas, transmitting, pursuant to law, the report for the Thrift Plus Plan for calendar year 1996; to the Committee on Governmental Affairs.

EC–2748. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, four rules; to the Committee on Labor and Human Resources.

EC–2749. A communication from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets in Single-Employer Plans" received on August 11, 1997; to the Committee on Labor and Human Resources.

EC–2750. A communication from the Assistant Secretary of Labor for Pension and Welfare Benefits, transmitting, pursuant to law, a rule relative to the adjustment of civil monetary penalties; to the Committee on Labor and Human Resources.

EC–2751. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report on the effectiveness and costs of the Civilian Separation Incentive Program for fiscal year 1996; to the Committee on Armed Services.

EC–2752. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on commercial pricing policy; to the Committee on Armed Services.

EC–2753. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Department of Defense Instruction 5120.4" (RIN0790–AG37) received on August 8, 1997; to the Committee on Armed Services.

EC–2754. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–2755. A communication from the Acting Assistant Secretary of Commerce for Export Administration, transmitting, pursuant to law, a rule entitled "Liberalization of Export Controls for Oscilloscopes" (RIN0694–AB61) received on July 30, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2756. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2757. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, a rule entitled "Amendment of Affordable Housing Program Regulation" (RIN3069–AA28) received on August 4, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2758. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Designation of Payor Recordkeeping" (RIN1010–AC38) received on July 31, 1997; to the Committee on Energy and Natural Resources.

EC–2759. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Safety and Pollution Prevention Equipment Quality Assurance Requirements" (RIN1010–AC12); to the Committee on Energy and Natural Resources.

EC–2760. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Delegation of Royalty Management Functions to States" (RIN1010–AC25) received on August 6, 1997; to the Committee on Energy and Natural Resources.

EC–2761. A communication from the Acting Deputy Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "St. Croix National Scenic Riverway, Boating Operations" (RIN1024–AC46) received on August 11, 1997; to the Committee on Energy and Natural Resources.

EC–2762. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, a rule entitled "Federal Agricultural Mortgage Corporation" (RIN3052–AB72) received on August 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2763. A communication from the General Sales Manager, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "CCC Facility Guarantee Program" (RIN0551–AA35) received on August 7, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2764. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Upland Cotton Marketing Year Transition Procedure for Import Quotas" received on August 8, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2765. A communication from the Acting Executive Director of the U.S. Commodity Futures Trading Commission, transmitting, pursuant to law, a rule entitled "Securities Representing Investment of Customer Funds" received on August 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2766. A communication from the Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting, pursuant to law, three rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2767. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, a rule received on August 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2768. A communication from the Secretary of Federal Trade Commission, transmitting, pursuant to law, a report of sales and advertising expenditures data; to the Committee on Commerce, Science, and Transportation.

EC–2769. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Importing Noncomplying Motor Vehicles"; to the Committee on Commerce, Science, and Transportation.

EC–2770. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the convention on Antarctic Living Marine Resources; to the Committee on Commerce, Science, and Transportation.

EC–2771. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule entitled "Western Pacific Crustacean Fisheries" received on August 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2772. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries off West Coast States and in the Western Pacific" received on August 6, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2773. A communication from the National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations" received on August 6, 1997; to

the Committee on Commerce, Science, and Transportation.

EC–2774. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, thirteen rules; to the Committee on Commerce, Science, and Transportation.

EC–2775. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Use of Containers Designated As Instruments of International Traffic In Point-to-Point Local Traffic" (RIN1515–AB79) received on August 1, 1997; to the Committee on Finance.

EC–2776. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to trade readjustment allowances; to the Committee on Finance.

EC–2777. A communication from the Secretary of Defense, transmitting, pursuant to law, a report concerning restoration of federal income tax deductions for unreimbursed employee business expenses incurred in performing reserve military duty; to the Committee on Finance.

EC–2778. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure (RP–111544–97) received on August 11, 1997; to the Committee on Finance.

EC–2779. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds" received on August 11, 1995; to the Committee on Finance.

EC–2780. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Procedure 97–41 on August 11, 1997; to the Committee on Finance.

EC–2781. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Hospice Wage Index" (RIN0938–AG93) received on August 11, 1997; to the Committee on Finance.

EC–2782. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule entitled "Temporary Conditional Approval of Tungsten-Iron Shot as Nontoxic for the 1997–98 Waterfowl Hunting Season" (RIN1018–AE09) received on August 8, 1997; to the Committee on Environment and Public Works.

EC–2783. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Determination of Endangered Status for Three Plants from the Channel Islands of Southern California" (RIN1018–AD37) received on August 11, 1997; to the Committee on Environment and Public Works.

EC–2784. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (RIN2125–AD97) received on August 11, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2785. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on August 7, 1997; to the Committee on Environment and Public Works.

EC–2786. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on August 8, 1997; to the Committee on Environment and Public Works.

EC–2787. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, twenty-six rules received on August 6, 1997; to the Committee on Environment and Public Works.

EC–2788. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, three rules including one relative to quarantined areas received on August 13, 1997; to the Committee on Agriculture, Nutrition and Forestry.

EC–2789. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to grade standards received on August 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2790. A communication from the Assistant Secretary of the Navy (Installation and Environment), Department of Defense, transmitting, pursuant to law, a outsourcing study relative to the Naval Air Warfare Center Weapons Division, China Lake, CA; to the Committee on Armed Services.

EC–2791. A communication from the Assistant Secretary of Defense (Force Management Policy), transmitting, pursuant to law, the Accountability Report and the Accountability Profiles for 1995–96; to the Committee on Armed Services.

EC–2792. A communication from the President of the United States, transmitting, pursuant to law, the report concerning the national emergency with respect to specific narcotics traffickers centered in Columbia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2793. A communication from the President of the United States, transmitting, pursuant to law, the report on the continuation of the national emergency regarding export controls regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–2794. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to Oman; to the Committee on Banking, Housing, and Urban Affairs.

EC–2795. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within seven days of enactment date August 8, 1997; to the Committee on the Budget.

EC–2796. A communication from the AMD-Performance Evaluation and Records Management, Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, a rule relative to permit use frequencies; to the Committee on Commerce, Science, and Transportation.

EC–2797. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to the Atlantic Sea Fishery Management Plan (RIN0648–AJ62) received on August 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2798. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to the Pacific Halibut Fisheries received on August 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2799. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to commercial fishery for king mackerel received on August 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2800. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to salmon fisheries received on August 13, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2801. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, two rules including one rule relative to Airworthiness Directives (RIN2120–AA64) received on August 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2802. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, ninety-six rules received on August 14, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2803. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule entitled "Outer Continental Shelf Civil Penalties" (RIN1010–AC11) received on August 5, 1997; to the Committee on Energy and Natural Resources.

EC–2804. A communication from the Secretary of Energy, transmitting, a notice to delay the submission of the biennial report entitled "National Energy Policy Plan"; to the Committee on Energy and Natural Resources.

EC–2805. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report entitled "Electricity Prices in a Competitive Environment: Marginal Cost Pricing of Generation Services and Financial Status of Electric Utilities"; to the Committee on Energy and Natural Resources.

EC–2806. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on August 12, 1997; to the Committee on Environment and Public Works.

EC–2807. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, five rules received on August 13, 1997; to the Committee on Environment and Public Works.

EC–2808. A communication from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, the report under

the Superfund Amendments Act for fiscal year 1993; to the Committee on Environment and Public Works.

EC–2809. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Low-Income Home Energy Assistance Program (LIHEAP) for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–2810. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Orphan Products Board for calendar year 1996; to the Committee on Labor and Human Resources.

EC–2811. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1996 through March 31, 1997; to the Committee on Governmental Affairs.

EC–2812. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Office of Personnel Management" received on August 13, 1997; to the Committee on Governmental Affairs.

EC–2813. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–2814. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a rule relative to the remedial amendment period received on August 13, 1997; to the Committee on Finance.

EC–2815. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals dated March 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Energy and Natural Resources, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, and to the Committee on the Judiciary.

EC–2816. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for the period from October 1, 1996 through March 31, 1997; referred jointly, pursuant to Section 1208 of Public Law 103–160, to the Committee on Appropriations, to the Committee on Armed Services, and to the Committee on Foreign Relations.

EC–2817. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a report under the Chemical and Biological Weapons Control and Warfare Elimination Act; to the Committee on Foreign Relations.

EC–2818. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a rule entitled "Adult Education Program" (RIN1076–AA15) received on August 11, 1997; to the Committee on Indian Affairs.

EC–2819. A communication from the Secretary-Designate of Veterans' Affairs, transmitting, a draft of proposed legislation to authorize provision of care to veterans treated with nasopharyngeal radium irradiation; to the Committee on Veterans' Affairs.

EC–2820. A communication from the Acting Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to amend title 38; to the Committee on Veterans' Affairs.

EC–2821. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within seven days of enactment dated August 20, 1997; to the Committee on the Budget.

EC–2822. A communication from the President of the United States, transmitting, pursuant to law, a report on the implementation of a comprehensive program to monitor the end-use of defense articles and services; to the Committee on Foreign Relations.

EC–2823. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, a rule entitled "Religious Beliefs and Practices" (RIN1120–AA17) received on August 20, 1997; to the Committee on the Judiciary.

EC–2824. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a rule entitled "Nonimmigrant Classes" (RIN1115–AC51) received on August 20, 1997; to the Committee on the Judiciary.

EC–2825. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Incorporation, Organization, and Conversion of Federal Mutual Associations" (RIN1550–AB06) received on August 22, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–2826. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Morocco; to the Committee on Banking, Housing, and Urban Affairs.

EC–2827. A communication from the President of the United States, transmitting, pursuant to law, the report of an executive order prohibiting certain transactions with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC–2828. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notice of a cost comparison at Wright-Patterson Air Force Base (AFB), Ohio; to the Committee on Armed Services.

EC–2829. A communication from the Chief, Programs and Legislation Division, Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notice of a multi-function cost comparison at Wright-Patterson Air Force Base (AFB), Ohio; to the Committee on Armed Services.

EC–2830. A communication from the Director of the Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, two rules entitled "Defense Federal Acquisition Regulation Supplement" received on August 19, 1997; to the Committee on Armed Services.

EC–2831. A communication from the Secretary of Defense, transmitting, notices of retirements; to the Committee on Armed Services.

EC–2832. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, two rules received on August 19, 1997; to the Committee on Governmental Affairs.

EC–2833. A communication from the Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, transmitting, pursuant to law, a rule relative to additions to the procurement list, received on August 19, 1997; to the Committee on Governmental Affairs.

EC–2834. A communication from the Deputy Independent Counsel, transmitting, pursuant to law, the annual report on the system of internal accounting and financial controls for the period March 31, 1996 through September 30, 1996; to the Committee on Governmental Affairs.

EC–2835. A communication from the Director of the Bureau of the Census, Department of Commerce, transmitting, pursuant to law, a rule entitled "Census Designated Place Program for Census 2000" received on August 18, 1997; to the Committee on Governmental Affairs.

EC–2836. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–2837. A communication from the Deputy Associate Administrator for Acquisition Policy, Office of Governmentwide Policy, U.S. General Services Administration, transmitting, pursuant to law, a rule entitled "General Services Administration Acquisition Regulation" (RIN3090–AF86) received on August 19, 1997; to the Committee on Governmental Affairs.

EC–2838. A communication from the Secretary of Agriculture, transmitting, a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the seller of livestock until the seller receives payment in full for the livestock; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2839. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, two rules received on August 20, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2840. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, two rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2841. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, six rules; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2842. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Pipeline Right-of-Way Applications and Assignment Fees" (RIN1010–04) received on August 14, 1997; to the Committee on Energy and Natural Resources.

EC–2843. A communication from the Director of the Reclamation and Enforcement, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, a rule entitled "The North Dakota Regulatory Program" (ND–036–FOR) received on August 19, 1997; to the Committee on Energy and Natural Resources.

EC–2844. A communication from the Acting Chair of the Federal Subsistence Board, transmitting, pursuant to law, a rule entitled "Subsistence Management Regulations for Public Lands in Alaska" received on August 22, 1997; to the Committee on Energy and Natural Resources.

EC–2845. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the summary of expenditures of rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for calendar year 1996; to the Committee on Energy and Natural Resources.

EC–2846. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a rule entitled "Logical Mining Units" (RIN1004–AD12) received on August 14, 1997; to the Committee on Energy and Natural Resources.

EC–2847. A communication from the Director of the Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, three rules; to the Committee on Labor and Human Resources.

EC–2848. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Foundation for Progress: Strengthening the Infrastructure"; to the Committee on Labor and Human Resources.

EC–2849. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Institutes of Health Loan Repayment Program for Research Generally for calendar year 1996; to the Committee on Labor and Human Resources.

EC–2850. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on occupational safety and health for fiscal year 1995; to the Committee on Labor and Human Resources.

EC–2851. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the National Institutes of Health AIDS Research Loan Repayment Program for calendar year 1996; to the Committee on Labor and Human Resources.

EC–2852. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Human Tissue Intended for Transplantation" (RIN0910–AA40) received on August 15, 1997; to the Committee on Labor and Human Resources.

EC–2853. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule received on August 25, 1997; to the Committee on Finance.

EC–2854. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Country of Origin Marking" (RIN1515–AB82) received on August 14, 1997; to the Committee on Finance.

EC–2855. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a Treasury Regulation; to the Committee on Finance.

EC–2856. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–79 received on August 18, 1997; to the Committee on Finance.

EC–2857. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Announcement 97–89 received on August 25, 1997; to the Committee on Finance.

EC–2858. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–34 received on August 25, 1997; to the Committee on Finance.

EC–2859. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of Revenue Ruling 97–36; to the Committee on Finance.

EC–2860. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a rule entitled "Financial Assistance for the Pribilof Environmental Restoration Program" received on August 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2861. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Buy America" (RIN2132–AA59) received on August 21, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2862. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, five rules; to the Committee on Commerce, Science, and Transportation.

EC–2863. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, seventeen rules; to the Committee on Commerce, Science, and Transportation.

EC–2864. A communication from Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, six rules; to the Committee on Commerce, Science, and Transportation.

EC–2865. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Clifton, Arizona local flood protection project; to the Committee on Environment and Public Works.

EC–2866. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Federal navigation project at Santa Barbara Harbor, California; to the Committee on Environment and Public Works.

EC–2867. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule received on August 22, 1997; to the Committee on Environment and Public Works.

EC–2868. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule received on August 14, 1997; to the Committee on Environment and Public Works.

EC–2869. A communication from the Acting Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a rule received on August 14, 1997; to the Committee on Environment and Public Works.

EC–2870. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules received on August 14, 1997; to the Committee on Environment and Public Works.

EC–2871. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on August 19, 1997; to the Committee on Environment and Public Works.

EC–2872. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, two rules received on August 20, 1997; to the Committee on Environment and Public Works.

EC–2873. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, six rules received on August 22, 1997; to the Committee on Environment and Public Works.

EC–2874. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules received on August 22, 1997; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–192. A resolution adopted by Town Board of Babylon, New York relative to the Mid-Atlantic Coastal Partnership; to the Committee on Appropriations.

POM–193. A resolution adopted by the Greater Knoxville Chamber of Commerce relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–194. A resolution adopted by the City Council of Harriman, Tennessee relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–195. A resolution adopted by the Roane County Industrial Development Board (Tennessee) relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–196. A resolution adopted by Supervisors of Lyon County, Iowa relative to the English language; to the Committee on Governmental Affairs.

POM–197. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION NO. 202

Whereas, compliance with international disarmament treaties to curtail the proliferation of nuclear arms and defuse weapons of mass destruction has created new challenges for the United States related to the dismantling and cleanup of nuclear missiles; and

Whereas, the development, production, and disassembling of nuclear weapons produce transuranic waste, a highly radioactive conglomeration of contaminated laboratory gloves, tools, dried sludge, and other substances from testing and production facilities; and

Whereas, to create a safe and environmentally responsible method for permanently disposing of transuranic waste, the United States Department of Energy (DOE) has designed the Waste Isolation Pilot Plant

(WIPP) in southern New Mexico that will set the standard for deep geologic disposal of defense-related radioactive waste; and

Whereas, the transuranic waste to be deposited at the WIPP facility will be shipped by truck from all across the country, travelling through many states, including Texas, which is a major thoroughfare for radioactive materials coming from South Carolina, Tennessee, Illinois, and Ohio; and

Whereas, while a majority of the proposed route through Texas is on Interstate 20, a segment runs along U.S. Highway 285; this portion of the route, which begins in Pecos, Texas, and continues into New Mexico, is a treacherous and narrow two-lane road; and

Whereas, the State of New Mexico, in a prudent move to protect the public safety of its citizens, has dedicated part of the impact funds received from the DOE for housing the WIPP to widen its section of U.S. 285; this highway is a dangerous and inadequate road that has already been the scene of one accident involving an empty WIPP transport truck; and

Whereas, there are currently no federal funds allocated for the State of Texas to take the same necessary safety precautions by widening the section of U.S. 285 running through our state; the health and safety of United States citizens residing in the Lone Star State is no less important than that of our neighbors to the northwest; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully request the Congress of the United States to allocate funds for road expansion in Texas along the designated route for transporting hazardous waste to the WIPP project; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM-198. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

SENATE JOINT RESOLUTION NO. 16

Whereas, the population of Clark County, Nevada, has increased dramatically in recent years to an estimated population of more than 1.1 million; and

Whereas, because of the increased growth in the population of Clark County, several areas in the county used as shooting ranges have been closed because they were public health hazards; and

Whereas, because of the closure of those areas, many residents of Clark County do not have a legal shooting range upon which to use their firearms; and

Whereas, persons from the Division of Wildlife of the State Department of Conservation and Natural Resources, the Bureau of Land Management in Clark County, the Clark County Department of Parks and Recreation and several private organizations have determined a need for the establishment of a safe and properly supervised shooting range and recreational facility for use by the residents of Clark County; and

Whereas, the commitment of a significant amount of land and financial resources in one or more locations in Clark County will be necessary to address this demonstrated need effectively and safely: Now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, Jointly, That the Legislature of the State of Nevada hereby expresses its support for the establishment and operation of one or more public shooting ranges and recreational facilities in Clark County; and be it further

Resolved, That the Legislature of the State of Nevada hereby urges the public and private entities interested in establishing and operating public shooting ranges and recreational facilities in Clark County to work cooperatively to achieve this objective; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the District Manager of the Bureau of Land Management in Clark County, the State Director of the Bureau of Land Management, the Director of the Clark County Department of Parks and Recreation and the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources; and be it further

Resolved, That the Legislature of the State of Nevada hereby urges the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources to provide copies of this resolution to private organizations interested in establishing and operating public shooting ranges and recreational facilities in Clark County; and be it further

Resolved, That this resolution becomes effective upon passage and approval.

POM-199. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, in 1972, the federal Clean Water Act allowed a broad expansion of federal jurisdiction over wetlands by modifying the definition of navigable waters to include all waters of the United States; and

Whereas, in 1975, the United States Army Corps of Engineers expanded wetlands regulations to include restricted discharge of dredged and fill material into wetlands; and

Whereas, in 1997, the United States Army Corps of Engineers has proposed to phase out its Nationwide Permit 26 (NWP 26) that allows developers to fill wetlands from one to 10 acres without gaining individual permit approval; and

Whereas this particular action may put a financial and logistical constraint on thousands of homeowners, businesses, and communities; and

Whereas Alaska contains more wetlands than all other states combined; and

Whereas approximately 99.5 percent of Alaska's original wetlands acreage remains today; and

Whereas most Alaska communities, including some 200 rural villages, are located in areas where wetlands are the dominant feature of the landscape; and

Whereas 88 percent of Alaska's wetlands are publicly owned; and

Whereas more than 60,000,000 acres of Alaska's wetlands are known to be conserved in some form of land designation, including federally designated wilderness land, federal park and refuge land, and state park and refuge land, that restricts use or degradation of wetlands; be it

Resolved, That the Alaska State Legislature respectfully requests the United States Congress to amend the Federal Clean Water Act to modify the wetlands regulatory program to

(1) continue existing activities related to airport safety, logging, mining, ice pads, roads, and snow removal without the existing requirement that the activity be determined not to add to the "cumulative" loss of wetlands nationally;

(2) provide flexibility in Alaska wetlands permitting commensurate with the large amount of wetlands set aside in Alaska and the low historic rate of wetlands loss in Alaska;

(3) eliminate existing requirements in states with substantial conserved wetlands to mitigate unavoidable impacts or to prove no alternative sites are available; and

(4) require the United States Army Corps of Engineers to customize a permitting process for all lands in Alaska that does not include burdensome mitigation, avoidance, and other requirements applying nationally; and be it further,

Resolved, That the Alaska State Legislature respectfully requests the United States Congress to recognize the unique contribution the citizens of Alaska have made to wetlands conservation and Alaska's outstanding record of wetlands conservation.

POM-200. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 211

Whereas, private activity tax-exempt bonds finance many worthy projects with a public benefit such as environmental infrastructure projects, including sewage facilities, solid waste disposal facilities, and hazardous waste disposal facilities, industrial development projects, student loans, and low-income housing projects; and

Whereas, in 1986 the United States Congress imposed a state-by-state volume cap on the issuance of private activity tax-exempt bonds, with a cap of $75 per person per year for Texas; and

Whereas, in 1988 the cap was lowered to $50 per person and has not increased, even with the passage of time and inflation; and

Whereas, many worthy projects with a public benefit, such as environmental infrastructure projects undertaken by private firms, industrial development projects, low-income housing projects, and others, are not going forward due to the lack of available financing; and

Whereas, while taxable financing may be available, the cost of such financing can make a project uneconomic because most of these projects do not provide a positive rate of return; and

Whereas, the allocation of these bonds in Texas has been oversubscribed each year since 1988, and last year applications exceeded allocations by 211 percent, with two out of three applicants in the nondedicated category being denied a tax-exempt bond under the lottery system of allocation because of a shortage of funds; and

Whereas, demand for private activity bond cap allocation will certainly continue to increase, given Texas' growing economy, but the $50 per person allocation will decrease in real value over time, increasing demand relative to the available ceiling; and

Whereas, unless congress increases the volume cap and provides an inflation adjustment for the future, there will be fewer and fewer projects that will receive financing; and

Whereas, as entities decide to delay or cancel planned investments, economic growth will necessarily slow, causing ripple effects throughout the economy; and

Whereas, legislation has been introduced in the Congress of the United States that would

increase the volume caps and index them for inflation in the future: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully request the Congress of the United States to pass legislation that would increase the volume caps; and, be it further

Resolved, That the congress be specifically requested to ensure that inflation in the future be addressed in any legislation on this issue; and, be it further

Resolved, That the congress be specifically requested to ensure that funds for this program that are not used by other states be allowed to be allocated to oversubscribed states such as Texas; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM-201. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 168

Whereas, academic health sciences centers and other teaching hospitals play a critical role in educating our nation's health care providers and serving as hospitals of last resort for some of our most vulnerable citizens; and

Whereas, the Office of the Inspector General of the U.S. Department of Health and Human Services is now conducting a national audit of teaching hospitals to determine compliance with standards for billing by teaching physicians for patient care; and

Whereas, during the audit, the Office of the Inspector General is applying retroactively, for the period of 1990–1995, uniform physical presence and documentation requirements on teaching physicians and did not go into effect until July 1, 1996; and

Whereas, in so doing, the Office of the Inspector General is knowingly disregarding uncontroverted evidence of decades of government confusion and misdirection by the Health Care Financing Administration to teaching physicians about appropriate billing and documentation standards; and

Whereas, the Office of the Inspector General is assessing overbilling, even human error, as "fraud," thus ensuring maximum financial penalties, and is not considering or crediting an institution for underbilling according to the same audit formula; and

Whereas, the Office of the Inspector General refuses to provide written audit protocols and standards to an affected institution until that institution has agreed to be bound by them; and

Whereas, the federal government should audit professional fee billing by teaching physicians and should deal with demonstrable violations of clearly articulated rules in an appropriate fashion, but should not do so in a capricious and unfair manner that causes our nation's academic health sciences centers and other teaching hospitals to inappropriately forfeit millions of dollars to the federal government; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby respectfully request the Congress of the United States to conduct thorough oversight hearings of the Office of the Inspector General audit process sufficient to ensure that the rights and protections inherent in the nation's legal code are maintained and upheld in the process; and, be it further

Resolved, That the congress be specifically requested to ensure that physical presence and documentation requirements are not applied retroactively, that overbilling of services is offset against underbilling, and that the Office of the Inspector General fairly and freely disclose all protocols and procedures; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this resolution be officially entered in the CONGRESSIONAL RECORD as a memorial to the Congress of the United States of America.

POM-202. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Labor and Human Resources.

SENATE CONCURRENT RESOLUTION NO. 34

Whereas, improving patient access to quality health care is a paramount national goal; and

Whereas, the key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

Whereas, current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals, and patients and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

Whereas, the current rules and practices governing the review of new drugs, biological products, and a medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas respectfully urge the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness; and, be it further

Resolved, That copies of this resolution be prepared and forwarded by the Texas secretary of state to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and to all members of the Texas delegation to the Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States.

POM-203. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

RESOLUTION

Whereas it is in the national interest for the federal government to live within its means; and

Whereas eliminating the national deficit and controlling national government spending could be accomplished by the passage of a balanced budget amendment by the United States Congress and ratification of the amendment by the states of the Union; be it

Resolved that the Alaska State Legislature urges the United States Congress to pass, and the President to support, a resolution proposing an amendment to the United States Constitution that requires the balancing of the federal budget; and be it further

Resolved that the Alaska State Legislature urges the legislature of each state of the nation to ratify a balanced budget amendment that is passed by the United States Congress.

POM-204. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 41

Whereas, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

Whereas, Tennessee has had a constitutional death penalty statute since 1977; and

Whereas, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

Whereas, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers; and

Whereas, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that raises an issue as to his bias against capital punishment; and

Whereas, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

Whereas, he has also repeatedly reversed the convictions and/or sentences of many capital cases which were tried and adjudicated years ago, making it difficult for such cases to be retried; and

Whereas, the State of Tennessee Attorney General has even filed a petition for writ of mandamus against Judge Nixon to expedite a death penalty matter in a particular case that languished in his court: Now, therefore, be it

Resolved by the Senate of the One-Hundredth General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the House of Representatives and Senate of the U.S. Congress to consider amending the United States Constitution to remove Federal Judges for "dereliction of duty", and not just "high crimes and misdemeanors", in order to ensure that judges act with due dispatch and care in carrying out their duties on appeals of capital cases and other habeas corpus matters, and writs of mandamus; be it further

Resolved, That this General Assembly hereby memorializes the House of Representatives of the United States Congress to thoroughly and timely investigate whether grounds exist to impeach John T. Nixon, Judge for the United States District Court for the Middle District of Tennessee, in accordance with the United States Constitution, and if such grounds exist, then to initiate proceedings to impeach Judge John T.

Nixon in accordance with the United States Constitution, be it further

Resolved, That the Chief Clerk of the Senate is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, the Clerk of the U.S. Supreme Court, and to each member of the Tennessee delegation to the U.S. Congress.

POM–205. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary.

ASSEMBLY JOINT RESOLUTION NO. 24

Whereas, artists, songwriters, producers, engineers, educators, executives, and other professionals in the music industry provide inspiration and leadership through the creation of music, disseminate of educational information, and financial contributions to charitable and community-based organizations; and

Whereas, African-American genres of music such as gospel, blues, jazz, rhythm and blues, rap, and hip-hop are indigenous to the United States, and have their roots in the African-American experience; and

Whereas, black music, including African-American music, has a pervasive influence on dance, fashion, language, art, literature, cinema, media, advertising, and other aspects of our culture; and

Whereas, the prominence of African-American and other black music in the 20th century has renewed interest in the legacy and heritage of this art form; and

Whereas, black music embodies the strong presence of, and significant contributions made by, African-Americans in the music industry and society as a whole; and

Whereas, black music has generated a multibillion dollar industry that contributes greatly to the domestic and worldwide economy; and

Whereas, in 1979, a meeting between then-President Jimmy Carter, Kenneth Gamble, the president of Philadelphia International Records and cofounder of the Black Music Association, and a delegation of 77 black music professionals, resulted in President Carter's designation of June as Black Music Month; and

Whereas, black music has a broad appeal to diverse groups, both nationally and internationally: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature recognizes the significance of African-American and other black music to global culture, and the positive impact of this art form on global commerce; and be it further

Resolved, That the Legislature hereby designates the month of June as Black Music Month throughout the State of California, and calls upon the people of the state to study, reflect on, and celebrate the majesty, vitality, and importance of African-American and other black music; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies to this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–206. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 32

Whereas, on February 26, 1869, the Fortieth Congress of the United States of America, at its third session, by a two-thirds (⅔) majority of both Houses, submitted to the legislatures of the several states for ratification a proposal to amend the Constitution of the United States of America in the following words, to wit:

"AMENDMENT 15

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"Section 2. The Congress shall have power to enforce this article by appropriate legislation."; and

Whereas, by proclamation of Federal Secretary of State Hamilton Fish, dated March 30, 1870 (16 Stat. 1131–2), this proposed amendment to the United States Constitution was officially declared to have been duly ratified by the legislatures of the constitutionally-required margin of at least three-fourths (¾) of the several states, there being at the time 37 states in the Union; and

Whereas, after Amendment 15 had made its way into our Nation's highest law in early 1870, the legislatures of five other states which had been in the Union prior to its adoption—but which, like Tennessee, had not approved the amendment—post-ratified it, many years after 1870, as follows:

Delaware in 1901 (Senate Joint Resolution No. 13);

Oregon in 1959 (Senate Joint Resolution No. 7);

California in 1962 (Senate Joint Resolution No. 9);

Maryland in 1973 (Senate Joint Resolution No. 56);

Kentucky in 1976 (House [Joint] Resolution No. 75); and

Whereas, for the past 21 years, Tennessee has stood alone as the only State in the Union, both well before Amendment 15 was proposed and long after it was adopted, whose legislature has never placed its own unique imprimatur upon these fundamental two sentences of the United States Constitution; Now, therefore, be it

Resolved by the House of Representatives of the One Hundredth General Assembly of the State of Tennessee, the Senate concurring, That Amendment 15 to the United States Constitution, quoted above, is hereby post-ratified by the Tennessee General Assembly, be it further

Resolved, That House Joint Resolution No. 98 (Act "Number LXXX") of the Thirty-Sixth General Assembly of the State of Tennessee, in which Amendment 15 was rejected by the Tennessee House of Representatives and by the Tennessee Senate, be hereby revoked, repealed, and utterly rescinded, be it further

Resolved, That a properly inscribed copy of this Resolution be transmitted by the Secretary of State of Tennessee to the Archivist of the United States, Washington, D.C., in compliance with Pub. L. 98–497, be it further

Resolved, That properly inscribed copies of this Resolution be individually transmitted by the Secretary of State of Tennessee to each of the following persons in Washington, D.C. with the respectful request that this Resolution be published in the Congressional Record: the Vice-President of the United States, as presiding officer of the United States Senate; the Parliamentarian of the United States Senate; the Speaker of the United States House of Representatives; and the Parliamentarian of the United States House of Representatives.

POM–207. A resolution adopted by the Oak Ridge Chamber of Commerce (Tennessee) relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–208. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 19

Whereas, the military and the defense industry provide California with highly skilled professionals working in the leading edge of technology, and generate jobs that complement and support the state's industrial and commercial leadership in aerospace, advanced computing, and telecommunications technology; and

Whereas, since the inception of the Base Realignment and Closure Commission in 1988, 29 military installations have been closed or severely realigned in the State of California, resulting in the loss of half a million direct and indirect defense jobs; and

Whereas, there is strong indication that another base realignment and closure is in the offing and without strong vigilance to retain the remaining installations, California could experience additional closures and realignments; and

Whereas, during the 1995 Base Realignment and Closure, the Joint Cross Service Groups on Laboratories and Test and Evaluation, both under the sponsorship of the Office of the Secretary of Defense, recommended that military services consider consolidating a major portion of aircraft and air-launched weapons research, development, testing, evaluation, and training installations in the southwest United States; and

Whereas, the Southwest Defense Complex has a network of existing military installations that are already electronically linked and cooperatively managed; and

Whereas, the Southwest Defense Complex would consist of facilities in California, New Mexico, Nevada, Arizona, and Utah; and

Whereas, the Southwest Defense Complex is the only area in the United States where research, development, testing, evaluation, and training using advanced technology can be conducted in a realistic, high fidelity environment with minimal impact upon the general public; and

Whereas, this unique southwestern area, with ideal weather for testing and training operations, consists of mostly Department of Defense and government lands that are largely free of commercial airline routes, electromagnetic interference, and high population density; and

Whereas, this complex of nearly contiguous facilities has the technical assets—scientific and engineering work force, laboratories, test facilities, ranges, land and airspace—plus the track record of cooperation to allow it to assume the principal Department of Defense role in developing and testing complex air warfare systems; and

Whereas, the Southwest Defense Alliance, consisting of a group of local elected officials, representatives from private industry, chambers of commerce, economic development associations, base retention groups, and community leaders, is dedicated to supporting and enhancing the Southwest Defense Complex; and

Whereas, the California Legislature unanimously expressed support in 1994 for the Southwest Defense Complex, by enacting a joint resolution; and

Whereas, it would be desirable to reaffirm the California Legislature's support for the Southwest Defense Complex, to reduce the chances of additional base closures in California: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully

memorializes the President and the Congress of the United States to endorse and support the Southwest Defense Complex, and the efforts of the Southwest Defense Alliance in furtherance of the Southwest Defense Complex; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–209. A joint resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 5

Whereas, the state of New Hampshire has continued to decrease air pollution emissions in accordance with the federal Clean Air Act Amendments of 1990; and

Whereas, the United States Environmental Protection Agency (EPA) has continued to fund scientific air pollution research which has shown that some of the scientific assumptions behind the federal Clean Air Act Amendments of 1990 are invalid; and

Whereas, certain regions of the country, including the state of New Hampshire, are required to make considerable additional expenditures on scientifically obsolete or ineffective air pollution controls mandated by the federal Clean Air Act; and

Whereas, the federal Clean Air Act does not allow the EPA to authorize states to substitute more cost effective air pollution control strategies for scientifically obsolete or ineffective air pollution control strategies, thereby stifling innovation; and

Whereas, certain regions of the country, including the state of New Hampshire, are currently victims of air pollution emitted upwind from the region, but are being held responsible for that pollution by the federal Clean Air Act; and

Whereas, the federal Clean Air Act requires the EPA to adopt standards which protect public health with an adequate margin of safety, despite recent scientific research which indicates that no safe level exists, providing opponents of air pollution control expenditures with unnecessary opportunities to question the implementation of the Clean Air Act; and

Whereas, the EPA is in the process of mandating low-emission vehicle requirements for new automobiles which needlessly mix cost-effective stricter nitrogen oxide emission standards with scientifically obsolete requirements for stricter hydrocarbon emission standards; and

Whereas, the EPA in its procedures for assessing state implementation plans for air pollution control gives little or no credit for voluntary pollution reductions already in place that are not mandated by law, and gives excessive credit for promises of future mandatory control measures; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the federal Clean Air Act should be amended to require the EPA to permit states to substitute more effective air pollution control strategies for less effective strategies mandated by the federal Clean Air Act, so that states will be allowed to devise cost-effective strategies that will produce more air pollution improvement for less cost; and

That the federal Clean Air Act should be amended so that regions which are victims of windborne air pollution are not held responsible, and if polluted air gets cleaner as it passes over a region of a non-attainment area, that region should not be required to observe the additional air pollution control requirements for non-attainment areas, and the EPA should instead look to upwind polluters to apply additional controls; and

That the federal Clean Air Act should be amended to promote reductions in ground level ozone through nitrogen oxide emission reductions from power plants, industrial boilers, new automobiles, and new trucks, rather than further reducing hydrocarbon emissions from existing gasoline vehicles or industrial solvents; and

That the federal Clean Air Act should be amended so that the EPA may more justifiably set air quality standards at a level other than zero, which improve over time at a steady rate, based on scientific analysis of public health damage, ecological damage, and cost of control; and

That the EPA should revise its policies regarding motor vehicle emissions, including low-emission vehicle standards, to concentrate on nitrogen oxide emission reductions, not hydrocarbon emission reductions; and

That the EPA should revise its policies regarding state implementation plans for air pollution control so that states shall be given full credit in their state emission inventories for non-mandatory pollution reductions which can reasonably be expected to occur or to remain in place, including low-emission vehicles already registered in the state; and

That the EPA should act on its responsibility to forcefully communicate the results of its ongoing scientific research to the United States Congress and encourage Congress to amend the Clean Air Act so as to bring it in line with current research; and

That the EPA should promptly amend its own policies so as to bring them in line with current research; and

That the copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

POM–210. A resolution adopted by Council of the City of Cincinnati, Ohio relative to workforce development areas; to the Committee on Labor and Human Resources.

POM–211. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

ASSEMBLY JOINT RESOLUTION NO. 12

Whereas, the Bolinas Lagoon, located in Northern California, is one of nature's most magnificent, fragile, wonderlands and includes a tidal embayment; and

Whereas, Bolinas Lagoon provides a unique coastal environment for fish, water birds, and marine mammals that is unparalleled along the Northern California Coast, and is one of the finest examples of marine wildlife areas on the earth; and

Whereas, Bolinas Lagoon is a state and national treasure that has existed for more than 8,000 years; and

Whereas, Bolinas Lagoon is unique in that it adjoins or is part of the Point Reyes National Seashore, the Gulf of the Farallones National Marine Sanctuary, Audubon Canyon Ranch, Tamalpais State Park, and the Golden Gate National Recreation Area and is located in an area where there are several essentially intact ecosystems that include both land and water, side-by-side within already protected areas; and

Whereas, few other places can offer such a unique opportunity for so many species and habitat types to live and coexist in a natural lagoon; and

Whereas, the 1,000 acre Bolinas Lagoon preserve of the Audubon Canyon Ranch, which maintains a nesting colony of great and snowy egrets and great blue herons, fronts the Bolinas Lagoon and is dependent on the viability of the lagoon; and

Whereas, more than 20,000 visitors a year observe the egrets and herons feed their young and observe the young birds taking their first flights from the canyon side high above the lagoon; and

Whereas, the Bolinas Lagoon is also home to brown pelicans, harbor seals and their pups, and is nationally important wintering area for water birds of the Pacific Flyway; and

Whereas, Stinson Beach abuts the lagoon to the delight and educational benefit of nearly 1,000,000 visitors a year; and

Whereas, the economic value of the lagoon as a continuing, viable ecological system is estimated to be in the hundreds of millions of dollars; and

Whereas, the Bolinas Lagoon is home to the magnificent Audubon Canyon Ranch that has been designated by the United States Department of the Interior as a National Natural Landmark; and

Whereas, the California Legislature is proud to recognize Bolinas Lagoon as a state and national treasure of extraordinary and irreplaceable beauty, economic value, and environmental diversity: now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California urges the President and Congress of the United States to appropriate federal funds to be used to preserve and protect the Bolinas Lagoon; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–212. A joint resolution adopted by the Legislature of the State of California; to the Committee on Armed Services.

ASSEMBLY JOINT RESOLUTION NO. 22

Whereas, San Diego has a lengthy history associated with the United States Navy and Naval Air Forces, and San Diego was shaped by the birth of aviation technology and is proudly and inextricably linked to the military's presence; and

Whereas, the acquisition of the aircraft carrier Midway would preserve a vital part of the United States military history and its establishment as a museum would be a fitting memorial to San Diego's contributions to victory in World War II; and

Whereas, the carrier museum would add excitement to the maritime ambience of the cruise ship center, Mission Bay, Seaport Village, the shipyards, and harbor islands; and

Whereas, the carrier museum would be an attraction to both domestic and foreign tourists, thereby enhancing the global competitive position of the nearby convention center; and

Whereas, the added attraction of a carrier museum would result in longer tourist stays,

with consequent increases in retail sales, hotel and motel occupancy, and restaurant patronage, resulting in higher sales and transient occupancy tax revenues; and

Whereas, the projected number of annual visitors to the carrier museum would exceed 700,000, bringing at least fifty million dollars ($50,000,000) in additional revenues into the regional economy; and

Whereas, carrier museum could be used as an ongoing exposition to showcase San Diego's leadership in aerospace and defense technology, to develop educational programs for schoolage children, and to provide entertainment attractions based on naval aviation history; and

Whereas, the presence of a military museum in San Diego would promote positive community relations between the citizens and the military; and

Whereas, the aircraft carrier Midway has been recently decommissioned and is in good structural condition, and will soon be coming up for sale as military surplus; and

Whereas, a group of like-minded San Diego citizens have established a nonprofit corporation and a committee to pursue the acquisition of the aircraft carrier Midway; Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That in order to enhance the public's awareness of the contributions of the citizens of the State of California and the County of San Diego to military preparedness and, in particular, naval aviation history, and to enhance the region's economy by increasing tourism and creating new employment opportunities, the Legislature of the State of California endorses the efforts to acquire the aircraft carrier Midway as a permanent museum, educational, and entertainment complex to be located in San Diego Bay; and be it further

Resolved, That the Legislature of the State of California respectfully requests the President and Congress of the United States, and the Joint Chiefs of Staff of the Department of Defense, to support the efforts of the citizens of the State of California and the County of San Diego to acquire the aircraft carrier Midway; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM-213. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 21

Whereas, the United States Department of Energy has planned five shipments of spent nuclear fuel rods from seven Asian nations through the San Francisco Bay to the Concord Naval Weapons Station over the next 13 years, with the first shipment scheduled for early 1998, and

Whereas, from the Concord Naval Weapons Station, the spent nuclear fuel rods will be transported by rail or truck through northern California, including Sacramento, and through Nevada and Utah before arriving at the United States Department of Energy's National Engineering and Environmental Laboratory in Idaho; and

Whereas, the proposed rail route from California to Idaho will involve the shipments passing through the Feather River Canyon where trains have derailed 28 times in 16 years; and

Whereas, the combined shipments of spent nuclear fuel rods will involve approximately one-half ton of uranium and small amounts of plutonium; and

Whereas, the planned shipments of spent nuclear fuel rods will be made by private foreign flag ships; and

Whereas, the United States Department of Energy intends to ship the spent nuclear fuel rods to the Concord Naval Weapons Station in a total of 38 20-ton steel casks purportedly able to withstand airdrops from 200 feet and immersion in water depths of 650 feet; and

Whereas, the policy of bringing spent fuel from foreign countries to the United States was adopted as a part of the Atoms for Peace program enacted 50 years ago, when 41 countries agreed not to make nuclear weapons in exchange for enriched uranium to use in research reactors; and

Whereas, under the Atoms for Peace program, the United States agreed to take the used fuel to relieve foreign countries of problems with disposal and ease fears about terrorists abroad using the fuel to make bombs; and

Whereas, shipments of similar nuclear fuel rods began on the east coast of the United States with no public notice as early as 1958, with a total of 150 shipments through the Charleston Naval Weapons Station in South Carolina; and

Whereas, the Concord Naval Weapons Station has been the secret west coast shipping point for nuclear bombs and missiles since the beginning of the Cold War; and

Whereas, the proposed route for the shipments to the Concord Naval Weapons Station runs through the San Francisco Bay area, placing over 6.5 million residents of California's second largest metropolis in harm's way; and

Whereas, portions of the San Francisco Bay area are subject to intense shaking amplification and are still recovering from major damage caused by the 1989 Lorna Prieta earthquake; and

Whereas, the planned shipments will result in unreimbursed local government expenditures for enhanced emergency and hazardous materials response systems; and

Whereas, the United States Department of Energy has inadequately addressed potential environmental and safety impacts in the Final Environmental Impact Statement for the shipment project, failed to fully inform local communities in California of the catastrophic impacts of a potential shipment accident, and failed to adequately document the necessity of using the Concord station rather than alternative shipping points, such as the naval base at Bremerton, Washington; and

Whereas, if the steel casks containing the spent nuclear fuel rods are breached, there is no assurance that persons, land, and waters will not be exposed to dangerous radioactive materials; and

Whereas, this state is committed foremost to protecting the health and safety of its people and environment; and

Whereas, on behalf of, and in addition to, local government officials in the nine-county San Francisco Bay area, including those with the City and County of San Francisco, the County of Contra Costa, the City of Concord, the San Francisco Bay Conservation and Development Commission, and the Association of Bay Area Governments, 11 Members of the Assembly have requested that the state Attorney General sue the United States Department of Energy for a federal court injunction to halt the shipments through the San Francisco Bay region to Concord: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and Congress of the United States to call upon the Department of Energy to halt indefinitely the five planned shipments of spent nuclear fuel rods through the San Francisco Bay to the Concord Naval Weapons Station for land transport to Idaho; and be it further

Resolved, That the Department of Energy is further memorialized to prevent any planned shipments of spent nuclear fuel rods until appropriate public notice has been provided and the safety and environmental impacts are fully addressed, including how the full catastrophic impacts of a potential shipment accident would be addressed by federal, state, and local governments; and be it further

Resolved, That the Department of Energy is further memorialized to prevent any planned shipments of spent nuclear fuel rods until there is a legally binding agreement that the federal government will fully compensate local governments, the state, individuals, and businesses that might be impacted by the shipments, including compensation for any accidents or security costs associated with the shipments; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to each Senator and Representative from California in the Congress of the United States, and the Secretary of the Department of Energy.

POM-214. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources.

ASSEMBLY JOINT RESOLUTION NO. 7

Whereas, on the evening of January 2, 1997, inflows at Millerton Lake, behind Friant Dam, surged from 22,441 cubic feet per second to 95,040 cubic feet per second in seven hours; and

Whereas, Millerton Lake storage peaked at a record 530,452 acre-feet, nearly 10,000 acre-feet above capacity, on January 3, 1997; and

Whereas, widespread flooding followed along the San Joaquin River below Friant Dam; and

Whereas, the resultant flooding partially washed out bridges linking the Counties of Fresno and Madera as well as homes and the Friant Fish Hatchery; and

Whereas, downstream levee breaks flooded thousands of acres of farmland; and

Whereas, the yield of the San Joaquin River system is currently overcommitted with respect to meeting obligations to contractors, fisheries, and the water quality concerns of downstream water users; and

Whereas, the waters of the San Joaquin River, as impounded by the Friant Dam, are currently put to beneficial use serving some of the most productive small family farms in the nation in the water-short Friant Division of the federal Central Valley Project; and

Whereas, diversions from the San Joaquin River have resulted in diminished water quality for downstream users, particularly those on the lower San Joaquin River; and

Whereas, California's population is projected to increase by 20 million residents in the next 25 years, particularly in the Central Valley region of the state, thereby placing further demands on the state's ability to provide flood protection as well as an adequate water supply; and

Whereas, the increasing difficulty of meeting these various, sometimes competing,

needs gives cause to review the feasibility of raising Friant Dam to help meet those needs by building on the existing investment on the San Joaquin River; and

Whereas, the United States Bureau of Reclamation reconnaissance studies conducted in 1952, 1975, and 1982 attest to the physical, but not the economic, feasibility of raising Friant Dam; Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to authorize and fund a prompt evaluation of the physical potential for, and economic feasibility of, raising Friant Dam and making use of the increased capacity to help meet flood protection and water supply needs for citizens of this state, without impairing the existing rights of, and benefits to, and without altering the costs to, the current users of the waters of the San Joaquin River; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Secretary of the Interior, the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States.

POM-215. A joint resolution adopted by the General Assembly of the State of Tennessee; to the Committee on Environmental and Public Works.

HOUSE JOINT RESOLUTION NO. 77

Whereas, the authorization of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which has appropriated over $150 billion for our nation's highway, transit, motor carrier, safety and research programs during the past six (6) years, is due to expire on September 30, 1997; and

Whereas, as Congressional reauthorization of ISTEA fast approaches, it is imperative for all viable alternatives that provide more equitable transportation funding support for the states to be carefully considered; and

Whereas, the Streamlined Transportation Efficiency Program for the 21st Century (STEP 21) is a large, multi-state coalition of State Departments of Transportation that has developed a proposal to reorient the nation's surface transportation program toward the 21st Century; and

Whereas, STEP 21 limits its proposal to the highway mode and focuses on a few critical issues in the federal highway plan—flexibility, equity, streamlining and funding distribution; and

Whereas, in fact, STEP 21 builds on traditional ISTEA partnerships, while modernizing federal aid formulas that are inadequate to meet the mobility and economic development needs of the next century; and

Whereas, STEP 21's evolutionary approach provides the following benefits:

(1) Appropriately funds the National Highway System as the key federal responsibility in surface transportation. This program will benefit the entire nation by providing consistent mobility, connectivity, and economic benefit for all states;

(2) Recognizes states' diversity and provides the flexibility to tailor transportation solutions to their particular circumstances by reaffirming ISTEA planning processes, returning decision-making to the state and local levels, and eliminating federal mandates;

* * * * *

Resolved, That this General Assembly urges Congress to continue, as an integral component of STEP 21, the local Metropolitan Planning Organizations that have assured local governments a meaningful role in setting transportation priorities and policies, be it further

Resolved, That this General Assembly memorializes each member of the U.S. Congress from Tennessee to utilize the full measure of his or her influence to effect the enactment of "The ISTEA Integrity Restoration Act" or STEP 21 legislation, and especially the provision guaranteeing all states a ninety-five percent (95%) return on their total contributions to the Federal Highway Trust Fund, be it further

Resolved, That this General Assembly recognizes the important role that counties perform in maintaining rural bridges and roads across the State of Tennessee and therefore pledges, that in the event Congress enacts STEP 21 legislation, resulting in an increase in federal highway funding for the State of Tennessee, the State should share a portion of such increased funding with the local governments who perform this vital task, be it further

Resolved, That the Chief Clerk of the House of Representatives is directed to transmit a certified copy of this resolution to the Honorable Bill Clinton, President of the United States; the President and the Secertary of the U.S. Senate; the Speaker and the Clerk of the U.S. House of Representatives; and to each member of the Tennessee delegation to the U.S. Congress.

POM-216. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs.

ASSEMBLY JOINT RESOLUTION NO. 25

Whereas, breast cancer is the most common malignancy found in women and the most common cause of cancer-related death in women 15 to 54 years of age; and

Whereas, breast cancer is the second leading cause of cancer-related deaths among women, with one in every eight women likely to develop breast cancer in her lifetime, and 183,400 new diagnoses of breast cancer each year; and

Whereas, it is estimated that 46,240 women died from breast cancer in 1996, with five new diagnoses and one death occurring every 15 minutes in the United States, and worldwide, every 30 seconds a new diagnosis of breast cancer and a death as a result of breast cancer; and

Whereas, the cause or causes of breast cancer have not been identified and no cure is available at this time, which demonstrates that more intense research is needed to improve care and treatment and to find a cure for this dreadful disease; and

Whereas, the Congress has introduced bills in the United States Senate and the House of Representatives, S.R. 1937 and H.R. 3401 and most recently H.R. 407 (January 9, 1997), which would create a new first-class postage stamp at a rate of one cent ($0.01) above the first-class postage rate charged which would be offered to postal patrons on a voluntary basis as an alternative to the rate that would otherwise apply; and

Whereas, the amounts attributable to the one cent ($0.01) differential established under the Breast-Cancer Research Stamp Act of 1997 would be paid by the United States Postal Service to the National Institutes of Health under arrangements by which these agencies mutually agree to carry out the purposes of the act; and

Whereas, the Cure Breast Cancer postage stamp has received strong support and endorsements from Members of Congress, breast cancer research organizations, corporations, medical associations, voluntary organizations, and state-elected officials, leading to the introduction of the Breast-Cancer Research Stamp Act of 1997 to create the Cure Breast Cancer postal stamp donation program; Now, therefore be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature urges the Congress and the President to enact H.R. 407 (January 9, 1997), the Breast-Cancer Research Stamp Act of 1997, to create the Cure Breast Cancer Research Postage Stamp and memorialize the Board of Governors of the United States Postal Service to implement this voluntary program to supplement the funds available for breast cancer research; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Board of Governors of the United States Postal Service, and to each Senator and Representatives from California in the Congress of the United States.

POM-217. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs.

ASSEMBLY JOINT RESOLUTION NO. 28

Whereas, during World War II, the military forces of the Commonwealth of the Philippines were drafted to serve in the United States armed forces by Executive Order of President Franklin Delano Roosevelt of July 26, 1941; and

Whereas, Filipino soldiers defended the American flag in the battles of Bataan and Corregidor; and

Whereas, thousands of Filipino prisoners of war died during the 65-mile Bataan Death March, and those who survive were imprisoned under inhumane conditions, suffered numerous casualties, and endured four long years of occupation; and

Whereas, the soldiers who escaped capture, together with Filipino civilians, valiantly fought against the occupation forces, their guerrilla attacks foiling the plans of the Japanese for a quick takeover of the region, and allowing the United States the time needed to prepare forces to defeat Japan; and

Whereas, despite the vital participation of the Filipino soldiers in the outcome of the war, the 79th United States Congress voted after the war ended to deny benefits and recognition to the Filipino World War II veterans, in what was known as the Rescissions Act of 1946; and

Whereas, on February 26, 1997, House Resolution 836, a bill to provide full benefits from the Department of Veterans Affairs to veterans who served in the Philippine Commonwealth Army, and the Special Philippine Scouts, was introduced in the House of Representatives of the United States Congress by Representative Benjamin Gilman of New York, and Representative Bob Filner of this state; Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California commends the heroic acts of Filipino war veterans, and honors these individuals for their contributions to the United States armed forces; and be it further

Resolved, That the Legislature of the State of California respectfully memorializes and urges the President and Congress of the United States to enact House Resolution 836; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to

the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of July 31, 1997, the following reports of committees were submitted on August 19, 1997:

By Mr. BOND, from the Committee on Small Business, without amendment:

S. 1139: An original bill to reauthorize the programs of the Small Business Administration, and for other purposes (Rept. No. 105–62).

By Mr. BOND, from the Committee on Small Business:

Special Report entitled "Legislative Oversight Activities During the 104th Congress" (Rept. No. 105–63).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 308. A bill to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges (Rept. No. 105–64).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 542. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel FAR HORIZONS (Rept. No. 105–65).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 662. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE (Rept. No. 105–66).

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV (Rept. No. 105–67).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 931. A bill to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center (Rept. No. 105–68).

S. 965. A bill to amend title II of the Hydrogen Future Act of 1996 to extend an authorization contained therein, and for other purposes (Rept. No. 105–69).

H.R. 63. A bill to designate the reservoir created by Trinity Dam in the Central Valley project, California, as "Trinity Lake" (Rept. No. 105–70).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources:

Report to accompany the bill (S. 871) to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes (Rept. 105–71).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations: Treaty Doc. 105–3 U.S.-Hong Kong Extradition Treaty (Executive Rept. 105–2).

TEXT OF COMMITTEE RECOMMENDED RESOLUTION OF RATIFICATION

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the Government of the United States of America and the Government of Hong Kong for the Surrender of Fugitive Offenders signed at Hong Kong on December 20, 1996 (Treaty Doc. 105–3), subject to the understandings of subsection (a), the declarations of subsection (b), and the proviso of subsection (c).

(a) UNDERSTANDINGS.—The Senate's advice and consent is subject to the following two understandings, which shall be included in the instrument of ratification, and shall be binding on the President:

(1) THIRD PARTY TRANSFERS.—The United States understands that Article 16(2) permits the transfer of persons surrendered to Hong Kong under this Agreement beyond the jurisdiction of Hong Kong when the United States so consents, but that the United States will not apply Article 16(2) of the Agreement to permit the transfer of persons surrendered to the Government of Hong Kong to any other jurisdiction in the People's Republic of China, unless the person being surrendered consents to the transfer.

(2) HONG KONG COURTS' POWER OF FINAL ADJUDICATION.—The United States understands that Hong Kong's courts have the power of final adjudication over all matters within Hong Kong's autonomy as guaranteed in the 1984 Sino-British Joint Declaration on the Question of Hong Kong, signed on December 19, 1984, and ratified on May 27, 1985. The United States expects that any exceptions to the jurisdiction of the Hong Kong courts for acts of state shall be construed narrowly. The United States understands that the exemption for acts of state does not diminish the responsibilities of the Hong Kong authorities with respect to extradition or the rights of an individual to a fair trial in Hong Kong courts. Any attempt by the Government of Hong Kong or the Government of the People's Republic of China to curtail the jurisdiction and power of final adjudication of the Hong Kong courts may be considered grounds for withdrawal from the Agreement.

(b) DECLARATIONS.—The Senate's advice and consent is subject to the following two declarations, which shall be binding on the President:

(1) REPORT ON THE HONG KONG JUDICIAL SYSTEM.—One year after entry into force, the Secretary of State, in coordination with the Attorney General shall prepare and submit a report to the Committee on Foreign Relations that addresses the following issues during the period after entry into force of the Agreement:

(i) an assessment of the independence of the Hong Kong judicial system from the Government of the People's Republic of China, including a summary of any instances in which the Government of the People's Republic of China has infringed upon the independence of the Hong Kong judiciary;

(ii) an assessment of the due process accorded all persons under the jurisdiction of the Government of Hong Kong;

(iii) an assessment of the due process accorded persons extradited to Hong Kong by the United States;

(iv) an accounting of the citizenship and number of persons extradited to Hong Kong from the United States, and the citizenship and number of persons extradited to the United States from Hong Kong;

(v) an accounting of the destination of third party transfer of persons who were originally extradited from the United States, and the citizenship of those persons;

(vi) a summary of the types of crimes for which persons have been extradited between the United States and Hong Kong;

(2) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty.

(c) PROVISO.—The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

(1) SUPREMACY OF THE CONSTITUTION.—Nothing in the Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.

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. D'AMATO:

S. 1140. A bill to prohibit reactivation of the High Flux Beam Reactor at Brookhaven National Laboratory; to the Committee on Energy and Natural Resources.

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

S. 1141. A bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. WELLSTONE):

S. Res. 117. A resolution congratulating the Federal Mediation and Conciliation Service on the occasion of its fiftieth anniversary and commending the many men and women of the Federal Mediation and Conciliation Service who have served the Nation's labor-management community and the American people; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1140. A bill to prohibit reactivation of the High Flux Beam Reactor at Brookhaven National Laboratory; to the Committee on Energy and National Resources.

THE LONG ISLAND DRINKING WATER PROTECTION ACT

Mr. D'AMATO. Mr. President, I ask unanimous consent that the bill, S. 1140, regarding Long Island drinking water protection be printed in the RECORD.

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

S. 1140

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 Long Island Drinking Water Protection Act.

SECTION 2. PROHIBITION OF REACTIVATION OF THE HIGH FLUX BEAM REACTOR.

The Secretary of Energy shall ensure that the High Flux Beam Reactor at Brookhaven National Laboratory is not reactivated.

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

S. 1141. A bill to amend the Energy Policy Act of 1992 to take into account newly developed renewable energy-based fuels and to equalize alternative fuel vehicle acquisition incentives to increase the flexibility of controlled fleet owners and operators, and for other purposes; to the Committee on Energy and Natural Resources.

THE BIODIESEL ENERGY DEVELOPMENT ACT OF 1997

Mr. CRAIG. Mr. President, today I am pleased to introduce, along with Senators JOHNSON, WELLSTONE, and GRASSLEY, the Biodiesel Energy Development Act of 1997. This legislation is an important step in helping achieve a very important goal of this Nation—that of shifting the focus of national energy demand away from imported oil toward renewable or domestically produced energy sources, as stated in the Energy Policy Act of 1992, also known as EPACT.

To reach its goal, which is to replace 10 percent of petroleum by the year 2000 and 30 percent by the year 2010 with alternative fuels, EPACT requires Federal and State government fleets, and a limited number of private fleets, to purchase alternative-fueled vehicles [AFV's].

Dedicated AFV's are vehicles that can only run on alternative fuels. Natural gas vehicles and electric vehicles are two of the most common AFV's. Flexible fueled vehicles [FFV's] are those vehicles which can run on alternative fuels, such as methanol and ethanol, petroleum fuels, or a combination of the two.

Current EPACT mandates, incentives, and grants exclude biodiesel fuel blends from being designated as an alternative fuel or from it being an option for controlled fleet owners and operators. EPACT offers little incentive for the use of heavier duty FFV's where biodiesel would be most appropriate, as fleets may obtain credit for heavier duty FFV's only after they have fulfilled their light duty AFV purchase requirements. In addition, EPACT does not allow the conversion and warranty of existing vehicles to FFV standards when they are overhauled or rebuilt. Mr. President, the exclusion of biodiesel as an alternative fuel only impedes the ability of the fleets to meet EPACT mandates.

Let me spell out some of the benefits that biodiesel provides. Biodiesel is a cleaner burning fuel that is made from natural, renewable sources such as vegetable oils, and is domestically produced. From these facts alone it is evident that the use of biodiesel can reduce the United States' dependence upon imported oil.

Biodiesel also helps achieve a stated goal of this administration, which is to protect the environment by reducing emissions that may damage the ozone layer and contribute to the greenhouse effect. Biodiesel does just that. When used in a 20-percent blend with petroleum diesel, biodiesel results in a significant reduction in visible smoke and odor and reduces particulate matter by as much as 14 percent. When used in combination with an oxidation catalyst, biodiesel reduces particulate matter by 45 percent, carbon monoxide emissions by 41 percent, and total hydrocarbons by 65 percent.

Mr. President, biodiesel does all of this without forcing expensive engine modifications, reducing the payload capacity of vehicles, or reducing the range of vehicles. Biodiesel performs similarly to petroleum diesel in terms of torque, horsepower, and miles per gallon. In short, biodiesel performs just as well as petroleum diesel, and yet provides users with all of the benefits of alternative fuels.

In addition, once the biodiesel market takes off, it is estimated that it could add more than $11 billion to the States that grow oilseed crops. Biodiesel is also biodegradable and nontoxic, resulting in little to no environmental threat.

The Biodiesel Energy Development Act would solve many of the problems in EPACT, and help fleets reach EPACT's goals. This legislation would designate a biodiesel-petroleum diesel blend as an alternative fuel; equalize incentives between AFV's and alternative fuels; equalize incentives between different types of AFV's; increase the flexibility of EPACT fleet owners and operators in meeting existing mandated AFV purchase requirements; and provide an incentive-based solution regarding flexible-fuel use in AFV's.

Mr. President, it is time we enabled the fleets that are mandated by EPACT to purchase AFV's with the option of using biodiesel fuel. I urge my colleagues to support this important legislation.

ADDITIONAL COSPONSORS

S. 67

At the request of Ms. SNOWE, the name of the Senator from Maine [Ms. COLLINS] was added as a cosponsor of S. 67, a bill to amend the Public Health Service Act to extend the program of research on breast cancer.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Maine [Ms. COLLINS] 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. 230

At the request of Mr. THURMOND, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 492

At the request of Mr. SARBANES, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 524

At the request of Mr. DASCHLE, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 524, a bill to amend title XVIII of the Social Security Act to remove the requirement of an X-ray as a condition of coverage of chiropractic services under the medicare program.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Minnesota [Mr. WELLSTONE] and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 778

At the request of Mr. LUGAR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 778, a bill to authorize a new trade and investment policy for sub-Saharan African.

S. 781

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. SMITH] 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. 1024

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1024, a bill to make chapter 12 of title 11 of the United States Code permanent, and for other purposes.

S. 1062

At the request of Mr. D'AMATO, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Hawaii [Mr. INOUYE], the Senator from Nevada [Mr. BRYAN], the Senator from Iowa [Mr. HARKIN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Michigan [Mr. ABRAHAM], the Senator from Massachusetts [Mr. KENNEDY], the Senator from South Dakota [Mr. DASCHLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Kentucky [Mr. FORD], the Senator from Texas [Mrs. HUTCHISON], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mrs. BOXER], the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BAUCUS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Ms. SNOWE], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1062, a bill to authorize the President to award a gold medal on behalf of the Congress to Ecumenical Patriarch Bartholomew in recognition of his outstanding and enduring contributions toward religious understanding and peace, and for other purposes.

S. 1073

At the request of Mr. MACK, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 1073, a bill to withhold United States assistance for programs for projects of the International Atomic Energy Agency in Cuba, and for other purposes.

SENATE CONCURRENT RESOLUTION 30

At the request of Mr. HELMS, the names of the Senator from Arizona [Mr. KYL], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from South Dakota [Mr. JOHNSON] 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.

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and, fortitude.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ROTH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of Senate Concurrent Resolution 38, a concurrent resolution to state the sense of the Congress regarding the obligations of the People's Republic of China under the Joint Declaration and the Basic Law to ensure that Hong Kong remains autonomous, the human rights of the people of Hong Kong remain protected, and the government of the Hong Kong SAR is elected democratically.

SENATE CONCURRENT RESOLUTION 42

At the request of Mr. D'AMATO, the names of the Senator from Indiana [Mr. LUGAR], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. BUMPERS], the Senator from California [Mrs. BOXER], the Senator from Florida [Mr. GRAHAM], the Senator from Montana [Mr. BAUCUS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Maine [Ms. SNOWE], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of Senate Concurrent Resolution 42, a concurrent resolution to authorize the use of the rotunda of the Capitol for a congressional ceremony honoring Ecumenical Patriarch Bartholomew.

SENATE RESOLUTION 106

At the request of Mr. ROBB, the names of the Senator from Florida [Mr. MACK] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Resolution 106, a resolution to commemorate the 20th anniversary of the Presidential Management Intern Program.

SENATE RESOLUTION 111

At the request of Mr. THURMOND, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. DODD], the Senator from New York [Mr. D'AMATO], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Resolution 111, a resolution designating the week beginning September 14, 1997, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 115

At the request of Mrs. BOXER, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of Senate Resolution 115, a resolution expressing support for a National Day of Unity in response to the President's call for a national dialog on race.

SENATE RESOLUTION 117—CONGRATULATING THE FEDERAL MEDIATION AND CONCILIATION SERVICES

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. DEWINE, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 117

Whereas the Federal Mediation and Conciliation Service (referred to in this resolution as the "FMCS") was created as an independent agency of the United States by the Labor-Management Relations Act of 1947;

Whereas for 50 years, the FMCS has been instrumental in promoting the United States policy that "sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interest of employers and employees can most satisfactorily be secured through the settlement of issues between employers and employees through the processes of collective bargaining between employers and representatives of their employees";

Whereas the FMCS has provided mediation services to labor and management by assisting them to settle disputes and reach agreement in collective bargaining negotiations, thereby helping to prevent or minimize work stoppages that disrupt the free flow of commerce and to promote sound and stable labor-management relations;

Whereas the FMCS has provided arbitration services by administering a roster of qualified, private arbitrators to resolve disputes arising under collective bargaining agreements, thereby minimizing disruptions to commerce and preserving labor-management peace;

Whereas the FMCS has encouraged joint initiatives designed to assist employers and the representatives of their employees explore better ways to manage differences and to work together for mutual benefit and has awarded grants to promote labor-management cooperation and to encourage innovative workplace practices, thereby improving economic performance and enhancing economic development, employment security, and organizational effectiveness;

Whereas the FMCS has provided dispute resolution services to government agencies as an alternative to costly litigation or formal rulemaking, thereby enabling less adversarial and more participative approaches to governing;

Whereas the FMCS has helped management, labor, and government leaders from many nations throughout the world to establish sound industrial relations and conflict resolution systems and practices, thereby promoting sound economic development and democratic principles; and

Whereas the FMCS has developed the art, science, and practice of conflict resolution as a means to improve the lives of the working men and women of this Nation and the relationships between labor and management and between others in our society, to sustain democratic institutions, and to strengthen the American economy, thereby making an important contribution to our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Federal Mediation and Conciliation Service for 50 years of dedicated and important service to the Nation; and

(2) congratulates the FMCS as it commemorates its fiftieth anniversary.

AMENDMENTS SUBMITTED

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

KYL AMENDMENT NO. 1056

Mr. KYL proposed an amendment to the bill (S. 1061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1998, and for other purposes; as follows:

On page 41, between lines 17 and 18, insert the following:

Of the funds made available under this heading in Public Law 104–208, to be available for obligation in the period October 1, 1997 through September 30, 1998, $527,666,000 are rescinded.

On page 56, line 21, strike "$8,557,741,000" and insert "$9,085,407,000"'.

On page 56, line 22, before the period insert ": *Provided*, That $7,438,000,000 shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a)".

THE AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

HARKIN (AND OTHERS) AMENDMENT NO. 1057

Mr. HARKIN (for himself, Mr. CHAFEE, Mr. LAUTENBERG, Mr. REED, Mr. DURBIN, Mr. KENNEDY, Mr. WYDEN, and Mr. BINGAMAN) proposed an amendment to the bill (H.R. 2160) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes; as follows:

In the matter under the heading "SALARIES AND EXPENSES" under the heading "FOOD AND DRUG ADMINISTRATION" in title VI, add at the end the following:

In addition, the total amount made available under this heading shall be increased so as to make available a total of $34,000,000 for the Food and Drug Administration children's tobacco initiative: *Provided*, That—

(1) the amount that may be expended for equipment or services related to automated data processing, information technologies, or related items (including telecommunications equipment and computer hardware and software) under section 4(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(g)) may not exceed $36,914,000 for fiscal year 1998; and

(2) to the extent that funding becomes available for the Food and Drug Administration children's tobacco initiative as a result of the national tobacco settlement—

(A) any amounts made available under this Act, allocated for the Food and Drug Administration children's tobacco initiative, and not expended on the date that such funding becomes available shall be rescinded; and

(B) the amount specified in paragraph (1) shall be increased by the total of the amounts rescinded under subparagraph (A):

Provided further, That in carrying out their responsibilities under the Food and Drug Administration children's tobacco initiative, States are encouraged to coordinate their enforcement efforts with enforcement of laws that prohibit underage drinking.".

THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1998

FORD AMENDMENT NO. 1058

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 1061, supra as follows:

At the appropriate place, insert the following:

SEC. . No funds made available under this Act may be used to enforce section 304(a) of the Clean Air Act Amendments of 1990 (29 U.S.C. 655 note; Public Law 101–549) with respect to distilled spirits (as defined in section 5002(a) of Internal Revenue Code of 1986 or section 117(a) of the Federal Alcohol Administration Act (27 U.S.C. 211(a))).".

FAIRCLOTH AMENDMENT NO. 1059

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by the bill, S. 1061, supra, as follows:

On page 61, after line 25, add the following:

SEC. . The Secretary of Education shall annually provide to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate and the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives a certification that not less than 95 percent of the amount appropriated for a fiscal year for the activities of the Department of Education is being used directly for teachers and students. If the Secretary determines that less than 95 percent of such amount appropriated for a fiscal year is being used directly for teachers and students, the Secretary shall certify the percentage of such amount that is being directly used for teachers and students.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, September 11, 1997, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on S. 660, a bill to provide for the continuation of higher education through the conveyance of certain lands in the State of Alaska to the University of Alaska, and for other purposes and S. 1092, a bill to provide for a transfer of land interests in order to facilitate surface transportation between the cities of Cold Bay, AK, and King Cove, AK, and for other purposes.

Those who wish to testify or to submit written testimony should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Presentation of oral testimony is by committee invitation only. For further information, please contact Jo Meuse or Brian Malnak at (202) 224–6730.

ADDITIONAL STATEMENTS

SMITHVILLE FIDDLERS' JAMBOREE

• Mr. THOMPSON. Mr. President, I rise today to acknowledge and honor an event that has long been a source of great civic pride for many of us in Tennessee: the Smithville Fiddlers' Jamboree and Crafts Festival.

A spectacular 2-day event held annually over the Fourth of July holiday, the Smithville Fiddlers' Jamboree is dedicated to the furtherance and preservation of old-time Appalachian country music, dance, and authentic Appalachian art and culture. The jamboree and I go a long way back, and yet I never cease to be amazed by the hospitality, the fellowship, the crafts, and, of course, the outstanding music.

This past Fourth of July weekend marked the 26th anniversary of the jamboree. It all began back on July 1, 1972, when musicians from 16 states delighted an audience of 8,000 people. While that in itself was quite an accomplishment, the event's founders were not content to stop there. By comparison, this year's event drew a record crowd of 125,000 and featured more than 600 contestants from 42 States and 4 foreign countries. More than 300 artisans and craftsmen were on hand to sell and display authentic pioneer and contemporary Appalachian crafts.

These days, the Smithville Fiddlers' Jamboree is broadcast on television worldwide and has been featured in National Geographic Traveler, Southern Living, and several other national publications. The Jamboree has been named one of the top 100 tourist events in North America, according to a list compiled by the American Bus Association. The event was selected as a "Top 20 Tourist Favorite" by the Southeast Tourism Society, which includes the States of Tennessee, North Carolina, South Carolina, Georgia, Florida, Mississippi, Louisiana, Alabama, and Virginia. Earlier this year, the Tennessee General Assembly passed a resolution designating the Smithville Fiddlers' Jamboree and Crafts Festival as the official jamboree and crafts festival of the State of Tennessee.

Without a doubt, knowledge of the Smithville Jamboree's accomplished

musicians, inspiring music, skilled artisans, and authentic crafts has now reached the four corners of the globe, and I applaud the organizers, committees, volunteers, and the people of Smithville and DeKalb County, TN, for their unique and substantial contribution to the rich tradition of Appalachian art and culture.●

TRIBUTE TO DR. ROBERT W. DAY

● Mrs. MURRAY. Mr. President, the Fred Hutchinson Cancer Research Center recently marked the end of an era with the retirement of its visionary president and director, Dr. Robert W. Day.

In 1981, Dr. Day took over leadership of the center from its founding director, Dr. Bill Hutchinson. It was a time of painful transition for the young research facility. In Dr. Day, the center had a new leader who possessed the administrative skills, broad scientific perspective, ambitious vision and fiery passion needed to guide the center through this critical period. During Dr. Day's 16 year tenure, the center transformed from a local medical facility to one of the world's most respected cancer research facilities.

There are many legacies of Dr. Day's remarkable leadership. Perhaps the most visible is the magnificent South Lake Union research facility. Other prominent reminders are the many biotechnology firms that have been spawned by research conducted at the Hutchinson Center.

Among Dr. Day's most important legacies are his contributions to cancer policy. He is credited with pioneering the integration of public health and cancer research, which had primarily focused on basic and clinical research. He played a key role in launching and expanding the preventive program at the Centers for Disease Control. He is largely responsible for the Hutchinson Center being awarded the Nation's first cancer prevention research unit. Public education was also an important priority for Dr. Day, and he undertook the strengthening of the Cancer Information Service.

Because of his tremendous experience, Dr. Day has been widely sought out to fill advisory roles. In addition to his duties at Fred Hutchinson, Dr. Day has served on a number of influential national boards, including the National Cancer Advisory Board, the President's Cancer Advisory Council and countless peer-review committees. He is also a past president of the national Coalition for Cancer Research and of the American Association of Cancer Institutes.

Dr. Day has become a much respected figure on Capitol Hill. I appreciate the insight he has given me on legislative matters and his role in educating Members of this body on the issues surrounding cancer research. His influence and respect in the business community has helped to make the business community an important partner in cancer research efforts.

Dr. Day is regarded as not only an outstanding administrator and scientist, but as an outstanding human being. There can be no doubt that his passion for fighting cancer comes from the fact that he is a man who genuinely cares about people.

Dr. Day's well-deserved retirement will leave him time to devote to other personal interests. However, even in retirement he will continue to lend his considerable talent as a senior adviser to the center.

While the war against cancer has yet to be won, thanks to Dr. Day's remarkable efforts, much progress has been made. He has my lasting appreciation for his passionate leadership and his unending faith that one day we will win the battle against this terrible disease. He will continue to be an inspiration to those who seek to make his vision a reality.●

BRAVERY IN YACOLT, WA

● Mr. GORTON. Mr. President, I want to recognize an Explorer Scout whose bravery and quick thinking saved the life of his friend. On July 3, 1997, a group of friends went swimming near Sunset Falls in Yacolt, WA. Recent flooding had altered the depth of the water where the friends chose to go diving. Not recognizing the change in depth, Kade Vance dove from a rock into the natural pool below. Moments later, he surfaced in a dead man's float, bleeding from his head. Robby Loomis, a trained Explorer Scout, immediately swam to his friend's aid and turned him on his back to allow him to breathe. Robby conversed with Kade, making sure he remained conscious. Kade indicated he could not feel his legs and that his strength was quickly deteriorating.

For more than 40 minutes, Robby kept Kade afloat in water that was only 60 degrees. Despite his dropping temperature and diminishing strength, Robby helped move Kade closer to shore where the emergency medical team could reach them. Robby used his own body as a shield to protect his injured friend from further damage by rocks near the shoreline. As a result of Robby Loomis' courageous efforts, and due to his Explorer Scout training, Kade Vance's life was saved. I would like to recognize the bravery and heroism displayed by Robby Loomis and congratulate him on his valiant efforts.●

CLARE JARECKI

● Mr. LEVIN. Mr. President, I rise today to recognize the achievements of a remarkable person from my home State of Michigan, Mr. Clare Jarecki. Clare will be receiving the 1997 Reflection Award, which is given each year by Aquinas College to an individual who reflects the values Aquinas College seeks to impart to its students—commitment, vision, service, loyalty, integrity, and trust.

Clare has been a business and community leader in Grand Rapids, MI, for more than 50 years. He served as president and chairman of the board of Jarecki Corp., which was formed by the merger of Jarecki Products, Inc., and Nichols & Cox Lumber Co. Jarecki Corp. grew to be extremely successful, and was once the largest independent tool and die manufacturer in the world.

The Grand Rapids area contributed greatly to Clare Jarecki's success, and he chose to become involved with a number of organizations dedicated to improving the welfare of the people of Grand Rapids. He has served on the boards of directors of organizations like the YMCA, the Community Chest, the Rehabilitation League and the Greater Grand Rapids Chamber of Commerce, as well as a trustee of Blodgett Memorial Hospital. He was instrumental in the creation of U.S. 131, the north-south expressway, which contributed greatly to the growth and development of Grand Rapids and the surrounding area. Clare has been honored and recognized by both Ferris State University and Michigan State University as a distinguished alumnus.

Throughout his life, Clare Jarecki has endeavored to make his community a better place. In doing so, he embodies the values for which the Reflection Award is conferred. Mr. President, I ask that you, along with my colleagues, join with me in sending congratulations and best wishes to Clare Jarecki on this important occasion.●

EARTHQUAKE HAZARDS ACT AMENDMENTS

The text of S. 910, the bill to authorize appropriations for carrying out the Earthquake Hazards Reduction Act of 1977 for fiscal years 1998 and 1999, and for other purposes, as passed by the Senate on July 31, 1997, is as follows:

S. 910

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7)—

(A) by striking "and" after "1995,"; and

(B) by inserting before the period at the end the following: ", $20,900,000 for the fiscal year ending September 30, 1998, and $21,500,000 for the fiscal year ending September 30, 1999";

(2) in subsection (b)—

(A) by striking "and" after "September 30, 1995;";

(B) by inserting before the period at the end the following: "; $52,565,000 for the fiscal year ending September 30, 1998, of which

$3,800,000 shall be used for the Global Seismic Network operated by the Agency; and $54,052,000 for the fiscal year ending September 30, 1999, of which $3,800,000 shall be used for the Global Seismic Network operated by the Agency"; and

(C) by adding at the end the following: "Of the amounts authorized to be appropriated under this subsection, at least—

"(1) $8,000,000 of the amount authorized to be appropriated for the fiscal year ending September 30, 1998; and

"(2) $8,250,000 of the amount authorized for the fiscal year ending September 30, 1999,

shall be used for carrying out a competitive, peer-reviewed program under which the Director, in close coordination with and as a complement to related activities of the United States Geological Survey, awards grants to, or enters into cooperative agreements with, State and local governments and persons or entities from the academic community and the private sector.";

(3) in subsection (c)—

(A) by striking "and" after "September 30, 1995,"; and

(B) by inserting before the period at the end the following: ", (3) $18,450,000 for engineering research and $11,920,000 for geosciences research for the fiscal year ending September 30, 1998, and (4) $19,000,000 for engineering research and $12,280,000 for geosciences research for the fiscal year ending September 30, 1999"; and

(4) in the last sentence of subsection (d)—

(A) by striking "and" after "September 30, 1995,"; and

(B) by inserting before the period at the end the following: ", $2,000,000 for the fiscal year ending September 30, 1998, and $2,060,000 for the fiscal year ending September 30, 1999".

SEC. 2. AUTHORIZATION OF REAL-TIME SEISMIC HAZARD WARNING SYSTEM DEVELOPMENT, AND OTHER ACTIVITIES.

(a) AUTOMATIC SEISMIC WARNING SYSTEM DEVELOPMENT.—

(1) DEFINITIONS.—In this section:

(A) DIRECTOR.—The term "Director" means the Director of the United States Geological Survey.

(B) HIGH-RISK ACTIVITY.—The term "high-risk activity" means an activity that may be adversely affected by a moderate to severe seismic event (as determined by the Director). The term includes high-speed rail transportation.

(C) REAL-TIME SEISMIC WARNING SYSTEM.—The term "real-time seismic warning system" means a system that issues warnings in real-time from a network of seismic sensors to a set of analysis processors, directly to receivers related to high-risk activities.

(2) IN GENERAL.—The Director shall conduct a program to develop a prototype real-time seismic warning system. The Director may enter into such agreements or contracts as may be necessary to carry out the program.

(3) UPGRADE OF SEISMIC SENSORS.—In carrying out a program under paragraph (2), in order to increase the accuracy and speed of seismic event analysis to provide for timely warning signals, the Director shall provide for the upgrading of the network of seismic sensors participating in the prototype to increase the capability of the sensors—

(A) to measure accurately large magnitude seismic events (as determined by the Director); and

(B) to acquire additional parametric data.

(4) DEVELOPMENT OF COMMUNICATIONS AND COMPUTATION INFRASTRUCTURE.—In carrying out a program under paragraph (2), the Director shall develop a communications and computation infrastructure that is necessary—

(A) to process the data obtained from the upgraded seismic sensor network referred to in paragraph (3); and

(B) to provide for, and carry out, such communications engineering and development as is necessary to facilitate—

(i) the timely flow of data within a real-time seismic hazard warning system; and

(ii) the issuance of warnings to receivers related to high-risk activities.

(5) PROCUREMENT OF COMPUTER HARDWARE AND COMPUTER SOFTWARE.—In carrying out a program under paragraph (2), the Director shall procure such computer hardware and computer software as may be necessary to carry out the program.

(6) REPORTS ON PROGRESS.—

(A) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that contains a plan for implementing a real-time seismic hazard warning system.

(B) ADDITIONAL REPORTS.—Not later than 1 year after the date on which the Director submits the report under subparagraph (A), and annually thereafter, the Director shall prepare and submit to Congress a report that summarizes the progress of the Director in implementing the plan referred to in subparagraph (A).

(7) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts made available to the Director under section 12(b) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(b)), there are authorized to be appropriated to the Department of the Interior, to be used by the Director to carry out paragraph (2), $3,000,000 for each of fiscal years 1998 and 1999.

(b) SEISMIC MONITORING NETWORKS ASSESSMENT.—

(1) IN GENERAL.—The Director shall provide for an assessment of regional seismic monitoring networks in the United States. The assessment shall address—

(A) the need to update the infrastructure used for collecting seismological data for research and monitoring of seismic events in the United States;

(B) the need for expanding the capability to record strong ground motions, especially for urban area engineering purposes;

(C) the need to measure accurately large magnitude seismic events (as determined by the Director);

(D) the need to acquire additional parametric data; and

(E) projected costs for meeting the needs described in subparagraphs (A) through (D).

(2) RESULTS.—The Director shall transmit the results of the assessment conducted under this subsection to Congress not later than 1 year after the date of enactment of this Act.

(c) EARTH SCIENCE TEACHING MATERIALS.—

(1) DEFINITIONS.—In this subsection:

(A) LOCAL EDUCATIONAL AGENCY.—The term "local educational agency" has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(B) SCHOOL.—The term "school" means a nonprofit institutional day or residential school that provides education for any of the grades kindergarten through grade 12.

(2) TEACHING MATERIALS.—In a manner consistent with the requirement under section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) and subject to a merit based competitive process, the Director of the National Science Foundation may use funds made available to him or her under section 12(c) of such Act (42 U.S.C. 7706(c)) to develop, and make available to schools and local educational agencies for use by schools, at a minimal cost, earth science teaching materials that are designed to meet the needs of elementary and secondary school teachers and students.

(d) IMPROVED SEISMIC HAZARD ASSESSMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Director shall conduct a project to improve the seismic hazard assessment of seismic zones.

(2) REPORTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually during the period of the project, the Director shall prepare, and submit to Congress, a report on the findings of the project.

(B) FINAL REPORT.—Not later than 60 days after the date of termination of the project conducted under this subsection, the Director shall prepare and submit to Congress a report concerning the findings of the project.

(e) STUDY OF NATIONAL EARTHQUAKE EMERGENCY TRAINING CAPABILITIES.—

(1) IN GENERAL.—The Director of the Federal Emergency Management Agency shall conduct an assessment of the need for additional Federal disaster-response training capabilities that are applicable to earthquake response.

(2) CONTENTS OF ASSESSMENT.—The assessment conducted under this subsection shall include—

(A) a review of the disaster training programs offered by the Federal Emergency Management Agency at the time of the assessment;

(B) an estimate of the number and types of emergency response personnel that have, during the period beginning on January 1, 1990 and ending on July 1, 1997, sought the training referred to in subparagraph (A), but have been unable to receive that training as a result of the oversubscription of the training capabilities of the Federal Emergency Management Agency; and

(C) a recommendation on the need to provide additional Federal disaster-response training centers.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall prepare and submit to Congress a report that addresses the results of the assessment conducted under this subsection.

SEC. 3. COMPREHENSIVE ENGINEERING RESEARCH PLAN.

(a) NATIONAL SCIENCE FOUNDATION.—Section 5(b)(4) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) develop, in conjunction with the Federal Emergency Management Agency, the National Institute of Standards and Technology, and the United States Geological Survey, a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(b) FEDERAL EMERGENCY MANAGEMENT AGENCY.—Section 5(b)(1) of the Earthquake

Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) work with the National Science Foundation, the National Institute of Standards and Technology, and the United States Geological Survey, to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (existing at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(c) UNITED STATES GEOLOGICAL SURVEY.—Section 5(b)(3) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following:

"(H) work with the National Science Foundation, the Federal Emergency Management Agency, and the National Institute of Standards and Technology to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

(d) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Section 5(b)(5) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7704(b)(5)) is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting "; and"; and

(3) by adding at the end the following:

"(D) work with the National Science Foundation, the Federal Emergency Management Agency, and the United States Geological Survey to develop a comprehensive plan for earthquake engineering research to effectively use existing testing facilities and laboratories (in existence at the time of the development of the plan), upgrade facilities and equipment as needed, and integrate new, innovative testing approaches to the research infrastructure in a systematic manner.".

SEC. 4. REPEALS.

Sections 6 and 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7705 and 7705a) are repealed.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators to the Commission on Security and Cooperation in Europe: The Senator from Montana [Mr. BURNS], the Senator from Colorado [Mr. CAMPBELL], the Senator from Maine [Ms. SNOWE], and the Senator from Michigan [Mr. ABRAHAM].

THE 50TH ANNIVERSARY OF THE MEDIATION AND CONCILIATION SERVICE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 117, submitted earlier today by Senator JEFFORDS.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 117) congratulating the Federal Mediation and Conciliation Service on the occasion of its 50th anniversary.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JEFFORDS. Mr. President, today I am submitting, along with Senators KENNEDY, DEWINE, and WELLSTONE, a Senate resolution to congratulate the Federal Mediation and Conciliation Service on its 50th anniversary.

The Federal Mediation and Conciliation Service [FMCS] was created in 1947, as an independent agency, by the Labor-Management Relations Act [Taft-Hartley]. FMCS was established by Congress to resolve collective bargaining disputes which threaten the free flow of commerce and to promote the development of sound and stable labor-management relations.

The primary focus of the agency's work is on labor-management relations, mediating contract negotiation disputes between companies and the unions representing their employees, and providing training in cooperative processes to help build better labor-management relations. FMCS also was authorized under the Dispute Resolution Act of 1990 to share its expertise in all aspects of mediation, facilitation, and conflict resolution with Federal, State, and local governmental bodies and agencies. In addition to dispute mediation services, FMCS provides preventive mediation services, administers a grants program which provides funding for the creation and operation of joint labor-management committees, and also provides an arbitration service, when disputes arise between the parties over the interpretation of their collective bargaining agreement.

For 50 years, the men and women of the FMCS have worked tirelessly, and successfully, to accomplish the mission of the Agency, the promotion of "sound and stable industrial peace and the advancement of the general welfare, health and safety of the Nation.* * *" Our resolution recognizes, and commends, the Federal Mediation and Conciliation Service for its 50 years of dedicated service to the Nation.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

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

The resolution (S. Res. 117) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 117

Whereas the Federal Mediation and Conciliation Service (referred to in this resolution as the "FMCS") was created as an independent agency of the United States by the Labor-Management Relations Act of 1947;

Whereas for 50 years, the FMCS has been instrumental in promoting the United States policy that "sound and stable industrial peace and the advancement of the general welfare, health, and safety of the Nation and of the best interest of employers and employees can most satisfactorily be secured through settlement of issues between employers and employees through the processes of collective bargaining between employers and representatives of their employees";

Whereas the FMCS has provided mediation services to labor and management by assisting them to settle disputes and reach agreement in collective bargaining negotiations, thereby helping to prevent or minimize work stoppages that disrupt the free flow of commerce and to promote sound and stable labor-management relations;

Whereas the FMCS has provided arbitration services by administering a roster of qualified, private arbitrators to resolve disputes arising under collective bargaining agreements, thereby minimizing disruptions to commerce and preserving labor-management peace;

Whereas the FMCS has encouraged joint initiatives designed to assist employers and the representatives of their employees explore better ways to manage differences and to work together for mutual benefit and has awarded grants to promote labor-management cooperation and to encourage innovative workplace practices, thereby improving economic performance and enhancing economic development, employment security, and organizational effectiveness;

Whereas the FMCS has provided dispute resolution services to government agencies as an alternative to costly litigation or formal rulemaking, thereby enabling less adversarial and more participative approaches to governing;

Whereas the FMCS has helped management, labor, and government leaders from many nations throughout the world to establish sound industrial relations and conflict resolution systems and practices, thereby promoting sound economic development and democratic principles; and

Whereas the FMCS has developed the art, science, and practice of conflict resolution as a means to improve the lives of the working men and women of this Nation and the relationships between labor and management and between others in our society, to sustain democratic institutions, and to strengthen the American economy, thereby making an important contribution to our Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Federal Mediation and Conciliation Service for 50 years of dedicated and important service to the Nation; and

(2) congratulates the FMCS as it commemorates its fiftieth anniversary.

CONDITIONAL SEQUENTIAL REFERRAL—H.R. 1658

Mr. NICKLES. Mr. President, I ask unanimous consent that if and when the Senate Committee on Commerce reports H.R. 1658, a bill to reauthorize and amend the Atlantic Striped Bass Conservation Act, it be referred to the Senate Committee on Environment and Public Works for a period not to exceed 20 session days of the Senate; and that if the bill has not been reported by the Committee on Environment and Public Works by that time, it be automatically discharged and placed on the Senate Calendar.

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

PASSAGE VITIATED AND MEASURE INDEFINITELY POSTPONED—S. 39

Mr. NICKLES. Mr. President, I ask unanimous consent that the passage S. 39 be vitiated and the bill be indefinitely postponed.

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

ORDERS FOR WEDNESDAY, SEPTEMBER 3, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, September 3. I further ask that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately resume consideration of amendment No. 1057, the Harkin amendment, to the Agricultural appropriations bill.

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

Mr. NICKLES. I also ask unanimous consent that from 12:30 to 2:15 p.m. the Senate stand in recess in order to meet for the weekly policy meetings.

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

PROGRAM

Mr. NICKLES. For the information of all Members, tomorrow the Senate will immediately resume consideration of the Harkin amendment to the Agriculture appropriations bill. Under the previous order, there will be 20 minutes for debate on the amendment equally divided between Senator COCHRAN and Senator HARKIN. Following the use or yielding back of time, a vote will occur on or in relation to the Harkin amendment at approximately 9:50 tomorrow morning. Following disposition of the Harkin amendment, the Senate will resume consideration of Senate bill 1061, the Labor-HHS appropriations bill.

Members can expect additional amendments to the Labor-HHS appropriations bill to be debated and voted on throughout Wednesday's session of the Senate. It is hoped that action on the Labor-HHS appropriations bill will be completed during Wednesday's session of the Senate.

As always, Members will be notified as to when additional rollcall votes can be expected.

In addition, the Senate will recess from 12:30 to 2:15 for the weekly policy luncheons.

As indicated earlier, it is hoped that the Senate will complete action on both the Labor-HHS and the Interior appropriations bill, and hopefully consider the FDA reform legislation this week.

Therefore, Members can anticipate votes during each day of the session this week, including Friday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:16 p.m., adjourned until Wednesday, September 3, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 2, 1997:

DEPARTMENT OF AGRICULTURE

SALLY THOMPSON, OF KANSAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF AGRICULTURE, VICE ANTHONY A. WILLIAMS.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RICHARD F. KEEVEY, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE JOHN A. KNUBEL.

EVA M. PLAZA, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ELIZABETH K. JULIAN.

DEPARTMENT OF COMMERCE

F. AMANDA DEBUSK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JOHN DESPRES, RESIGNED.

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN ARTHUR HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2000. (REAPPOINTMENT)

DEPARTMENT OF TRANSPORTATION

WILLIAM CLYBURN, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2000, VICE J.J. SIMMONS III, TERM EXPIRED.

CORPORATON FOR PUBLIC BROADCASTING

KATHERINE MILNER ANDERSON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2000, VICE SHEILA TATE, TERM EXPIRED.

DEPARTMENT OF ENERGY

MICHAEL TELSON, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF ENERGY, VICE JOSEPH F. VIVONA.

DAN REICHER, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY, EFFICIENCY, AND RENEWABLE ENERGY), VICE CHRISTINE ERVIN, RESIGNED.

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (POLICY, PLANNING, AND PROGRAM EVALUATION), VICE SUSAN FALLOWS TIERNEY, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

CARDELL COOPER, OF NEW JERSEY, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE ELLIOTT PEARSON LAWS, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MARGARET ANN HAMBURG, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE PETER BENJAMIN EDELMAN, RESIGNED.

DEPARTMENT OF THE TREASURY

CHARLES ROSSOTTI, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER OF INTERNAL REVENUE, VICE MARGARET MILNER RICHARDSON, RESIGNED.

FEDERAL ELECTION COMMISSION

SCOTT E. THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2003. (REAPPOINTMENT)

FEDERAL LABOR RELATIONS AUTHORITY

DALE CABANISS, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL LABOR RELATIONS AUTHORITY FOR A TERM EXPIRING JULY 29, 2002, VICE TONY ARMENDARIZ, TERM EXPIRED.

U.S. INFORMATION AGENCY

CHERYL F. HALPERN, OF NEW JERSEY, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 1999. (REAPPOINTMENT)

DEPARTMENT OF STATE

BARBARA K. BODINE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF YEMEN.

CAROLYN CURIEL, OF INDIANA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELIZE.

U.S. ADVISORY COMMISSION OF PUBLIC DIPLOMACY

PAULA DOBRIANSKY, OF MARYLAND, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION OF PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 1998, VICE PAMELA J. TURNER, TERM EXPIRED.

DEPARTMENT OF STATE

THOMAS J. DODD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

NANCY H. RUBIN, OF NEW YORK, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE HUMAN RIGHTS COMMISSION OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

LANGE SCHERMERHORN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

BRENDA SCHOONOVER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TOGO.

JOHNNY YOUNG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF BAHRAIN.

VICTOR MARRERO, OF NEW YORK, TO BE THE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR, VICE HARRIET C. BABBITT.

DEPARTMENT OF JUSTICE

G. DOUGLAS JONES, OF ALABAMA, TO BE U.S. ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF 4 YEARS VICE CLAUDE HARRIS, JR., DECEASED.

EXECUTIVE OFFICE OF THE PRESIDENT

THOMAS J. UMBERG, OF CALIFORNIA, TO BE DEPUTY DIRECTOR FOR SUPPLY REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE JOHN P. WALTERS, RESIGNED.

DEPARTMENT OF JUSTICE

CHARLES VINCENT SERIO, OF LOUISIANA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF 4 YEARS VICE JAMES V. SERIO, JR.

KENNETH RAY MCFERRAN, OF ARKANSAS, TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF 4 YEARS VICE HUGH DINSMORE BLACK, JR.

HIRAM ARTHUR CONTRERAS, OF TEXAS, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF TEXAS FOR THE TERM OF 4 YEARS VICE BASIL S. BAKER.

CENTRAL INTELLIGENCE

LIEUTENANT GENERAL JOHN A. GORDON, U.S. AIR FORCE, TO BE DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE, VICE GEORGE J. TENET.

DEPARTMENT OF LABOR

ESPIRIDION A. BORREGO, OF TEXAS, TO BE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT

AND TRAINING, VICE PRESTON M. TAYLOR, JR., RESIGNED.

LEGAL SERVICES CORPORATION

DOUGLAS S. EAKELEY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1999. (REAPPOINTMENT)

DEPARTMENT OF LABOR

PATRICIA WATKINS LATTIMORE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE CYNTHIA A. METZLER.

CHARLES N. JEFFRESS, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOSEPH A. DEAR, RESIGNED.

DEPARTMENT OF DEFENSE

JACQUES GANSLER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE PAUL G. KAMINSKI, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. RENDELL F. CLARK, JR., X...
BRIG. GEN. WILFRED HESSERT, X...
BRIG. GEN. THEODORE F. MALLORY, X...
BRIG. GEN. LORAN C. SCHNAIDT, X...
BRIG. GEN. JAMES E. WHINNERY, X...

To be brigadier general

COL. GARRY S. BAHLING, X...
COL. DAVID A. BEASLEY, X...
COL. JACKSON L. DAVIS, III, X...
COL. DAVID R. HUDLET, X...
COL. KARL W. KRISTOFF, X...
COL. JOHN A. LOVE, X...
COL. CLARK W. MARTIN, X...
COL. ROBERT P. MEYER, JR., X...
COL. JOHN H. OLDFIELD, JR., X...
COL. EUGENE A. SCHMITZ, X...
COL. JOSEPH K. SIMEONE, X...
COL. DALE K. SNIDER, JR., X...
COL. EMMETT R. TITSHAW, X...
COL. EDWARD W. TONINI, X...
COL. RONALD A. TURNER, X...
COL. GILES E. VANDERHOOF, X...

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

MAJ. GEN. ROBERT G. CLAYPOOL, X...

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. EARL L. ADAMS, X...
BRIG. GEN. JOHN E. BLAIR, X...
BRIG. GEN. JAMES G. BLANEY, X...
BRIG. GEN. DON C. MORROW, X...
BRIG. GEN. THOMAS E. WHITECOTTON, III, X...
BRIG. GEN. JACKIE D. WOOD, X...

To be brigadier general

COL. STEPHEN E. AREY, X...
COL. GEORGE A. BUSKIRK, JR., X...
COL. WILLIAM A. CUGNO, X...
COL. JOSEPH A. GOODE, JR., X...
COL. STANLEY J. GORDON, X...
COL. LARRY W. HALTOM, X...
COL. DANIEL E. LONG, JR., X...
COL. GERALD P. MINETTI, X...
COL. RONALD G. YOUNG, X...

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

LT. GEN. GEORGE A. FISHER, X...

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS DEPUTY JUDGE ADVOCATE GENERAL OF THE U.S. NAVY IN THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5149:

To be rear admiral

CAPT. DONALD J. GUTER, X...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant commander

RICHARD P. WATSON, X...

DEPARTMENT OF STATE

THOMAS S. FOLEY, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

SOCIAL SECURITY ADMINISTRATION

JANE G. GOULD, OF NEW YORK, TO BE DEPUTY COMMISSIONER OF SOCIAL SECURITY FOR THE TERM EXPIRING JANUARY 19, 2001. (NEW POSITION)

DEPARTMENT OF VETERANS AFFAIRS

RICHARD J. GRIFFIN, OF ILLINOIS, TO BE INSPECTOR GENERAL, DEPARTMENT OF VETERANS AFFAIRS, VICE STEPHEN ANTHONY TRODDEN, RESIGNED.

DEPARTMENT OF INTERIOR

TADD JOHNSON, OF MINNESOTA, TO BE CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION FOR THE TERM OF 3 YEARS, VICE HAROLD A. MONTEAU, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GAIL W. LASTER, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE NELSON A. DIAZ, RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JEANETTE C. TAKAMURA, OF HAWAII, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE FERNANDO M. TORRES-GIL, RESIGNED.

DEPARTMENT OF STATE

JULIA TAFT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE, VICE PHILLIS H. OAKLEY.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

KIRK K. ROBERTSON, OF VIRGINIA, TO BE EXECUTIVE VICE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE CHRISTOPHER FINN, RESIGNED.

THE JUDICIARY

JOHN M. CAMPBELL, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE JOHN H. SUDA.

ANITA M. JOSEY, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF 15 YEARS, VICE COLLEEN KOLLAR-KOTELLY.